

244 CMR 10.00: DEFINITIONS AND SEVERABILITY

Section

10.01: Definitions

10.02: Severability

10.01: Definitions

The following definitions apply to all of 244 CMR, unless otherwise specified.

Abandon. To intentionally terminate any nurse/patient relationship without reasonable notice to the patient, the patient's representative or responsible person(s), the nursing supervisor or a person with authority over the delivery of nursing care services for the patient, thereby disrupting the patient's continuity of care.

Abuse. The Board adopts the definition of abuse set forth at 105 CMR 155.003: *Definitions*.

Accreditation:

Parent Institution Accreditation means the formal recognition or acceptance of the parent institution by a regional or professional accrediting agency recognized by the United States Department of Education or other Board recognized entity.

Program Accreditation means the formal recognition or acceptance of the nursing education program by a Board Recognized Accrediting Agency in Nursing.

Program Accreditation Candidacy means the formal recognition or acceptance of the nursing education program's potential to achieve program accreditation by a Board Recognized Accrediting Agency in Nursing.

Address of Record. The mailing address of a nurse licensed by the Board as provided by the nurse and maintained by the Board on its license database.

Adjudicatory Hearing. An administrative hearing held by the Board to determine the truth and validity of the allegations contained in a complaint filed against a nurse licensed by the Board. The hearing is held in accordance with M.G.L. c. 30A, and 801 CMR 1.01: *Formal Rules*.

Administration of Medications, as applied in 244 CMR 3.00: *Registered Nurse and Licensed Practical Nurse*, means removal of a dose from a properly labeled container, verifying the label information as current and consistent with the prescriber's order, giving the prescribed dose to the intended patient at the appropriate time by the correct route and, promptly recording pertinent data as appropriate.

Administrator. The Registered Nurse recognized by the Board as having administrative authority and responsibility for the nursing education program.

Advanced Practice Registered Nurse (APRN). A Registered Nurse (RN) who has current authorization by the Board to engage in advanced practice nursing activities.

Applicant. An individual who seeks initial licensure or the renewal of licensure from the Board, as a Registered Nurse or as a Licensed Practical Nurse, or who seeks initial APRN authorization or renewal of APRN authorization.

Approval Status. The Board's recognition of a parent institution or nursing education program, or both, relative to its existing or expected compliance with 244 CMR 6.04: *Standards for Nursing Education Program Approval*.

Prerequisite Approval Status. The parent institution has provided satisfactory evidence of its ability to establish a nursing education program complying with 244 CMR 6.04: *Standards for Nursing Education Program Approval*.

Initial Approval Status. The parent institution has provided satisfactory evidence of the nursing education program's ability to comply with 244 CMR 6.04: *Standards for Nursing Education Program Approval*. Initial Approval Status is the prerequisite for the admission of students.

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Full Approval Status. The nursing education program has provided satisfactory evidence of its continuous compliance with 244 CMR 6.04: *Standards for Nursing Education Program Approval*, including but not limited to proof of accreditation as may be required by 244 CMR 6.04(1)(b).

Approval with Warning Status. The nursing education program, which previously achieved Full Approval Status, has not demonstrated continuous compliance with 244 CMR 6.04: *Standards for Nursing Education Program Approval*.

Approved Nursing Education Program. A nursing education program for Registered Nurses or Practical Nurses, as applicable, located in Massachusetts and approved by the Board pursuant to 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof*, or a nursing education program located outside Massachusetts which, in the opinion of the Board, maintains standards substantially the same as those required for approval of a nursing education program in Massachusetts and which program is approved by the nursing board or corresponding body in the jurisdiction where the program is located.

APRN Authorization. The written authorization granted by the Board to a Registered Nurse in accordance with 244 CMR 4.00: *Advanced Practice Registered Nursing* to engage in advanced practice nursing.

APRN Practice. Professional nursing activities including, but not limited to: advanced assessment, diagnosis, treatment, referrals, consultations, and other modalities for individuals, groups or communities across the life span for health promotion or health maintenance and for those who are experiencing acute or chronic disease, illness, trauma or other life-altering event in which rehabilitative, and/or palliative interventions are necessary, to the extent that those activities lie within the APRN's authorized clinical category, scope of practice competencies, and accepted standards of Advanced Nursing practice.

Authorized Prescriber. A person who holds current and valid controlled substances registrations issued by the United States Drug Enforcement Administration and the Drug Control Program of the Massachusetts Department of Public Health.

Board. The Massachusetts Board of Registration in Nursing.

Board Guidelines. The written procedural guidelines for complying with a specific Board regulation published by the Board.

Board-recognized APRN Certifying Organization. A certifying organization for APRN practice which employs the following characteristics and criteria:

- (a) is national in the scope of its credentialing;
- (b) establishes and maintains conditions for writing the certification examination consistent with acceptable national standards;
- (c) establishes and maintains educational requirements consistent with the requirements of the APRN clinical category of practice;
- (d) establishes and maintains standard methodologies national in scope such as incumbent job analysis studies;
- (e) designs and administers a certification examination that represents entry-level practice in the APRN clinical category and represents the knowledge, skills and abilities essential for the delivery of safe and effective advanced practice nursing care;
- (f) uses and periodically reviews examination items for content validity, cultural bias and correct scoring using an established mechanism;
- (g) is psychometrically sound, legally defensible, and which meets nationally recognized accreditation standards for certification programs;
- (h) specifies certification maintenance requirements (*e.g.*, continuing education, practice, examination), which ensure continued competency measures; and
- (i) establishes and follows conflict resolution principles and rules.

Board-recognized Accrediting Agency in Nursing. An accreditation entity that appraises nursing education programs using criteria the Board deems consistent with 244 CMR 6.04: *Standards for Nursing Education Program Approval* and which is recognized by the United States Department of Education or other Board-recognized entity.

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Candidate. An individual who has been determined eligible by the Board to write the NCLEX.

CGFNS. The Commission on Graduates of Foreign Nursing Schools.

Change in Governance. The transfer of a Board-approved nursing education program from one parent institution to another.

Chief Executive Officer. The individual with administrative authority and responsibility for the parent institution.

Clinical Practice, as applied in 244 CMR 5.00: *Continuing Education*, means the faculty directed activities in which students engage in the practice of nursing while enrolled in a course in a Board approved nursing education program.

Clinical Relationship. A professional collaboration between a certified nurse midwife (CNM) and an obstetrician-gynecologist licensed by the Commonwealth that, within the healthcare system and as indicated by the health status of the patient, effectively provides for consultation, collaborative management or referral. Pursuant to St. 2012, c. 224, neither a supervising physician nor written guidelines for prescriptive practice are required. While the clinical relationship must include an obstetrician-gynecologist, it does not preclude the CNM from collaboration with other physician specialties.

CMR. The Code of Massachusetts Regulations.

Competence. The knowledge, and the use of affective, cognitive, and psychomotor skills, required for the delivery of safe nursing care in accordance with accepted standards of nursing practice.

Conditions for Renewal. A licensed nurse who has attested under penalty of perjury to completion of 15 contact hours of continuing education for the current registration period.

Consent Agreement. A legally binding written document setting forth the agreement, including specified terms and conditions, entered into by a licensed nurse and the Board.

Contact Hour. The unit of measurement of organized learning experience lasting 50 consecutive minutes.

Continuing Education in Nursing. Consists of planned, organized learning experiences designed to augment the knowledge, skills, attitudes for the enhancement of nursing practice, to the end of improving health care to the public.

Continuing Education Program. Multiple offerings based on an organized effort directed toward accomplishing major objectives. A program includes several segments which are described as offerings or courses.

Continuing Education Provider. Those individuals, organizations, institutions of higher education, health care facilities, and schools of nursing offering continuing education.

Controlled Substance. A drug, substance, or immediate precursor in any schedule or class referred to in M.G.L. c. 94C. Any drug or medication requiring a prescription in Massachusetts is a controlled substance.

Cooperating Agency, as applied in 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof*, means an agency or facility providing services or clinical resources, which contribute to the achievement of the clinical objectives of the nursing education program.

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Curriculum, as applied in 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof*, means a planned sequence of course offerings and learning experiences comprising the nursing education program.

Delegation. The authorization by a licensed nurse to an unlicensed person to provide selected nursing activities.

Distance Education, as applied in 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof*, means instruction offered by any means where the student and faculty are in separate locations. Teaching may be synchronous or asynchronous and shall facilitate and evaluate learning in compliance with Board regulations.

Drug. A substance recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and all revisions and supplements thereto.

Eligibility, as applied in 244 CMR 8.00: *Licensure Requirements*, means the Board's determination of an applicant's ability to write the NCLEX based on criteria specified in M.G.L. c. 112, §§ 74 and 74A.

Eligibility Period, as applied in 244 CMR 8.00: *Licensure Requirements*, means the period of time during which a candidate must write the NCLEX. A candidate's eligibility period begins on the date the Authorization to Test Certificate is printed and expires 60 calendar days later, or on the date the candidate writes the NCLEX, whichever comes first. The eligibility period is applicable to both first time and repeat candidates. Candidates who do not write the NCLEX within the eligibility period must again apply to write the NCLEX and again submit all required fees and forms.

Faculty, as applied in 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof* means the group of persons employed within a nursing education program having the responsibility for the development, implementation and evaluation of the program of learning including its services, policies and procedures, student evaluation and curriculum.

Full-time Faculty Member. A person who has full-time employment status as defined by the parent institution and the nursing education program. A full-time faculty member has the full scope of faculty responsibilities including, but not limited to, teaching, advising and committee work.

Part-time Faculty Member. A person whose appointment is less than full-time as defined by the parent institution and the nursing education program. A part-time faculty member may carry any number of titles including, but not limited to, adjunct or clinical instructor.

Final Decision and Order. The written findings of fact, conclusions of law, and order for sanction or other disposition issued by the Board to a licensed nurse following an adjudicatory hearing.

Graduate Degree, as applied in 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof*, means a masters or doctoral degree.

Graduation. The date the applicant graduated from a nursing education program as defined in the policy of the applicant's nursing education program.

Guidelines, as used in 244 CMR 4.00: *Advanced Practice Registered Nursing*, means written instructions and procedures describing the methods that an APRN with prescriptive practice is to follow when managing medications and that specifies those instances in which referral to or consultation with a physician is required for appropriate medication management. When appropriate, guidelines shall also address procedures for the ordering of tests and therapeutics.

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Health Care System. Any corporation, partnership, business trust, association or organized group of persons in the business of health care services including, but not be limited to, physician organizations, physician-hospital organizations, independent practice associations, provider networks, accountable care organizations and any other person or organization that contracts with Carriers or Third-party Administrators for payment for Health Care Services.

Immediate Perioperative Care of a Patient. The period commencing on the day prior to surgery and ending upon discharge of the patient from post-anesthesia care.

Impaired. The inability to practice nursing with reasonable judgment, skill, and safety by reason of alcohol or drug use, or a physical or mental illness or condition, or by any combination of the foregoing.

License in Good Standing. That a license is not expired, surrendered (disciplinary or non-disciplinary), suspended, revoked or on probation (disciplinary).

Licensed Nurse. An individual licensed by the Board to practice as a Registered Nurse or as a Licensed Practical Nurse pursuant to M.G.L. c. 112 §§ 74 and 74A.

Licensed Practical Nurse (LPN). A nurse who meets the criteria for licensure under M.G.L. c. 112, § 74A, and 244 CMR 8.00: *Licensure Requirements*, and who holds a valid license to engage in the practice of nursing as a Licensed Practical Nurse.

M.G.L. The Massachusetts General Laws.

MassHealth. The medical assistance and benefit program administered by the MassHealth agency pursuant to Title XIX of the Social Security Act, c. 118E and other applicable laws and waivers, to provide and pay for medical services to eligible members.

Mentoring, as applied in 244 CMR 6.00: *Approval of Nursing Education Programs and the General Conduct Thereof*, is a broad role encompassing formal or informal supporting, guiding, coaching, teaching, role modeling, counseling, advocating, networking and sharing, relating to the faculty role.

Mistreatment. The Board adopts the definition of mistreatment set forth at 105 CMR 155.003: *Definitions*.

NCLEX®. The National Council Licensure Examination, developed by the National Council of State Boards of Nursing.

NCLEX - PN®. The National Council Licensure Examination for Practical Nurses, developed by the National Council of State Boards of Nursing.

NCLEX - RN®. The National Council Licensure Examination for Registered Nurses, developed by the National Council of State Boards of Nursing.

NCSBN. The National Council of State Boards of Nursing.

Neglect. The Board adopts the definition of neglect set forth at 105 CMR 155.003: *Definitions*.

New Licensee. A nurse granted an initial Massachusetts nursing license in the current registration period.

Nurse Licensed by the Board. A nurse to whom the Board has at any time issued a license to engage in the practice of nursing as a Registered Nurse or Licensed Practical Nurse whether or not such license is expired, surrendered, suspended, or revoked.

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Nursing Activity. A task, function or service which constitutes the practice of nursing and is performed to maintain or improve the patient's health and well-being, or promotes comfort for a dignified death.

Nursing Assessment. A systematic process of determining nursing care needs based upon the collection and interpretation of data relevant to the patient's health.

Nursing Education Program. The unit within the parent institution which is intended, among other outcomes, to prepare and qualify a graduate to write the NCLEX-RN® or NCLEX-PN®.

Nursing Judgment. The intellectual process a nurse exercises in forming an opinion and reaching a clinical decision based upon analysis of the evidence or data derived from the nurse's assessment.

Nursing Plan of Care. A patient-specific, goal-directed plan for the provision of nursing care. The plan is established and modified using data derived from the nurse's assessment and judgment.

Objective. A statement delineating a desired, specific attainable and/or measurable change in learner behavior.

Offering. A single learning experience or a segment of at least one hour of a program directed toward attainment of specific objectives.

Order to Show Cause. A document issued by the Board to a licensed nurse ordering the nurse to appear at an adjudicatory hearing held by the Board to "show cause" why the Board should not take disciplinary action against the nurse's license, or APRN authorization, or both, or the right to renew such license, or APRN authorization, or both, based on specific allegations of the licensed nurse's wrongful conduct. *See* 801 CMR 1.01(6)(a).

Orientation. The processes by which nurses are introduced to the philosophy, goals, policies, basic procedures, role and expectations, physical facilities and special services in a specific work setting. Orientation does not satisfy continuing education requirements at 244 CMR 5.00: *Continuing Education*.

Outcomes. Statements reflecting the achievement of identified goals as established by faculty of a nursing education program.

Nursing Education Outcomes. Statements of aggregate achievement expected of students who complete the program that are consistent with standards of nursing practice.

Program Outcomes. Measurable indicators of program performance and shall include, but not be limited to: program administrator and faculty retention; NCLEX performance; complaints regarding the program; student admission, retention and graduation rates; graduate satisfaction; and employment positions, rates and patterns.

Student Learning Outcomes. Statements of competence to be attained by students at defined points in the program as a result of planned learning experiences. At the curricular level, these outcomes may be stated as objectives.

Parent Institution. The organization with the legal authority to operate a nursing education program.

Patient. A recipient of nursing care in any setting.

Plan for Systematic Evaluation. The written document describing the process of the ongoing comprehensive assessment of all nursing education program components including, but not limited to, program outcomes and which incorporates continuous improvement based on evaluative data.

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Practice of Nursing. The practice of nursing as defined in M.G.L. c. 112, § 80B, and 244 CMR 3.00: *Registered Nurse and Licensed Practical Nurse*. Except for acts specifically excluded in M.G.L. c. 112, § 80B, the practice of nursing includes, but is not limited to, the provision of a nursing service using telecommunications technology by a nurse physically located outside Massachusetts to a person physically located within Massachusetts, seeking or accepting any paid or voluntary position as a Registered Nurse or Licensed Practical Nurse, or any paid or voluntary position requiring the applicant hold a valid license to practice nursing.

Preceptor. The experienced nurse who is not employed as faculty of the nursing education program, and who facilitates and guides students' clinical practice in the preceptor's area of practice expertise.

Prescription Drug. Any and all drugs defined as prescription drugs under M.G.L. c. 94C.

Prescriptive Practice. Issuing written or oral prescriptions or medication orders for controlled substances pursuant to a valid registration from the Massachusetts Department of Public Health under M.G.L. c. 94C and, as appropriate, the U.S. Drug Enforcement Administration.

Prerequisite Approval Status. The parent institution has provided satisfactory evidence of its ability to establish a nursing education program complying with 244 CMR 6.04: *Standards for Nursing Education Program Approval*.

Professional Boundaries. The limits of the professional relationship to ensure a safe and therapeutic interface between the professional and the patient.

Registered Nurse (RN). A nurse who meets the criteria for licensure under M.G.L. c. 112, § 74, and 244 CMR 8.00: *Licensure Requirements* and who holds a valid license to engage in the practice of nursing as a Registered Nurse.

Registration Period:

- (a) In the case of a Registered Nurse, means birthdate to birthdate in the even numbered years.
- (b) In the case of a Licensed Practical Nurse, means birthdate to birthdate in the odd numbered years.

SBTPE. State Board Test Pool Examination.

Stable and Predictable. A situation where the patient's clinical and behavioral state is known, not characterized by rapid changes, and does not require frequent reassessment and evaluation. This includes patients whose deteriorating condition is expected.

Standards of Nursing Practice. Authoritative statements describing the level of care or performance common to the profession of nursing by which the quality of nursing practice can be judged.

State. A state within the United States.

Substance Use Disorder. A dysfunctional pattern of human response characterized by excessive, inappropriate, or unhealthy use of chemical substances, including alcohol or drugs.

Supervising Physician. A physician holding an unrestricted full license in Massachusetts who:
(a) has completed training in the United States approved by the Accreditation Council for Graduate Medical Education (ACGME) or in Canada approved by the Royal College of Physicians and Surgeons in Canada (RCPSC) in a specialty area appropriately related to the APRN's area of practice, is Board-certified in a specialty area appropriately related to the APRN's area of practice, or has hospital admitting privileges in a specialty area appropriately related to the APRN's area of practice. Notwithstanding the above, a physician who collaborates with a certified Psychiatric Clinical Nurse Specialist must have completed training in psychiatry approved by the ACGME or the RCPSC, or be Board-certified in psychiatry;

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- (b) holds valid registration(s) to issue written or oral prescriptions or medication orders for controlled substances from the Massachusetts Department of Public Health and the U.S. Drug Enforcement Administration;
- (c) provides supervision to a certified nurse practitioner, a certified psychiatric clinical nurse specialist, or certified registered nurse anesthetist, as provided for in the appropriate law or regulations of the Board of Registration in Nursing at 244 CMR 4.07: *APRN Eligible to Engage in Prescriptive Practice* and the regulations of the Board of Registration in Medicine at 243 CMR 2.10: *Advanced Practice Nurse (APN) Eligible to Engage in Prescriptive Practice*;
- (d) signs mutually developed and agreed upon prescriptive practice guidelines with the APRN, and
- (e) reviews the prescriptive practice of a certified nurse practitioner, certified psychiatric clinical nurse specialist or certified registered nurse anesthetist as described in the guidelines.

Supervision, as used in 244 CMR 3.00: *Registered Nurse and Licensed Practical Nurse*, means the provision of guidance by a delegating licensed nurse for the accomplishment of a nursing activity with initial direction of the activity and periodic inspection of the performance of the activity.

Support Personnel. Non-faculty personnel who facilitate achieving the program outcomes including, but not limited to, clerical and other staff.

Survey. A review of a nursing education program by the Board to determine the program's compliance with 244 CMR 6.04: *Standards for Nursing Education Program Approval*.

Telecommunications Technology. Those modalities used in the practice of nursing over distance, whether intrastate or interstate. Such modalities include, but are not limited to: telephones, facsimile, cellular phones, video phones, computers, e-mail, voice mail, CD-ROM, electronic bulletin boards, audio tapes, audio-visual tapes, teleconferencing, video conferencing, on-line services, World Wide Web, Internet, interactive television, real-time camera, and still-imaging.

Type. Kind, sort, nature, description, character of continuing education for nurses. Examples to include lecture, panel discussion, demonstration, academic courses, self-study, workshops, correspondence courses and planned and supervised clinical experiences.

Unlicensed Person. Regardless of title, a qualified, responsible individual who has verifiable, documented, initial and ongoing competencies. An unlicensed person functions in a complementary or assistive role to the licensed nurse in providing direct patient care or carrying out common nursing activities and is employed by an entity other than the patient.

Unlicensed Practice of Nursing. Engaging, or attempting to engage, in the practice of nursing in Massachusetts without holding a valid license. Unlicensed practice of nursing also means using any title or other designation indicating licensure as a Registered Nurse or Licensed Practical Nurse, or authorization to engage in advanced practice registered nursing, without the requisite valid license or APRN authorization.

U.S. Territory. American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the U.S. Virgin Islands, provided the Board or corresponding body within the U.S. Territory is a member of the NCSBN.

Valid License. A current license to practice nursing in Massachusetts properly issued to a nurse by the Board on the basis of truthful information related to the qualifications for licensure as a RN or a LPN and which License is not expired, surrendered, suspended, retired or revoked.

Withdrawal Date. The date an applicant for licensure as a Practical Nurse withdraws, as defined by the policy of the applicable nursing education program, from an approved nursing education program for Registered Nurses.

10.02: Severability

The provisions of 244 CMR 10.00 are severable. If any provision therein is declared unconstitutional or invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected.

REGULATORY AUTHORITY

244 CMR 10.00: M.G.L. c. 112, §§ 74 through 81C.