

# MA Board of Registration in Nursing

## *Advisory Ruling on Nursing Practice*

**Title:** Licensure Required to Practice Nursing

**Advisory Ruling Number:** 1801

**Authority:** The MA Board of Registration in Nursing (Board) is created and authorized by MA General Laws (M.G.L.) c. 13, §§ 13, 14, 14A, 15 and 15D, and G.L. c. 112, §§ 74 through 81C to protect the health, safety, and welfare of the citizens of the Commonwealth through the regulation of nursing practice and education. In addition, M.G.L. c.30A, § 8 authorizes the Board to make advisory rulings with respect to the applicability to any person, property or state of facts of any statute or regulation enforced or administered by the Board. Each nurse is required to practice in accordance with accepted standards of practice and is responsible and accountable for his or her nursing judgments, actions, and competency. The Board's regulation at 244 CMR 9.03(6) requires all nurses to comply with any other law and regulation related to licensure and practice.

**Date Issued:** February 14, 2018

**Date Revised:** April 14, 2021

**Scope of Practice:** Licensed Practical Nurses (LPN), Registered Nurses (RN), Advance Practice Registered Nurses (APRN)

**Purpose:** To clarify that an individual may not accept a paid or voluntary nursing position in Massachusetts (MA) that requires the performance of nursing activities prior to obtaining a current MA license [Ref: MGL c.112 §§ 65A, 80, 80A]

**Advisory:**

Pursuant to MGL c. 112 § 80B, nursing practice involves clinical decision making leading to the development and implementation of a strategy of care to accomplish defined goals, the administration of medication, therapeutics and treatment as prescribed by duly authorized prescribers<sup>1</sup>, including the evaluation of responses to care and treatment. It includes, but is not limited to the performance of services which promote and support optimal functioning across the life span; collaboration with other members of the health team to achieve defined goals; health counseling and teaching; provision of comfort measures; teaching and supervising others; and participation in research that contributes to the expansion of nursing knowledge.

Nursing activities include, but are not limited to:

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<sup>1</sup> nurses in advanced roles, dentists, physicians, and physician assistants

- (a) Nursing activities requiring nursing assessment and judgment during implementation;
- (b) Physical, psychological, and social assessment requiring nursing judgment, intervention, referral or follow-up;
- (c) Formulation of the plan of nursing care and evaluation of the patient's/client's response to the care provided;
- (d) Administration of medications except as permitted by M.G.L. c. 94C. [Ref: 244 CMR 3.05]

Administrative supervision of clinical components of nursing care requires a current MA license, regardless of setting. [244 CMR 9.03(46)] It is imperative that a nurse verify their MA license on the Board's website as "current" prior to accepting a nursing position in MA.

Unless an individual possesses a current MA nursing license, that individual cannot hold a position:

1. that requires a LPN or RN license, or APRN authorization to perform any nursing activity that cannot be delegated, such as:
  - (a) Nursing activities which require nursing assessment and judgment during implementation;
  - (b) Physical, psychological, and social assessment which requires nursing judgment, intervention, referral or follow-up;
  - (c) Formulation of the plan of nursing care and evaluation of the patient's/client's response to the care provided;
  - (d) Administration of medications except as permitted by M.G.L. c. 94C.
2. in a pre-licensure nursing program in any school with a parent institution in MA that faculty teaches theoretical or clinical nursing via any delivery method; requiring a RN license, or APRN authorization.
3. in a post-licensure nursing program in any school with a parent institution in MA where the faculty physically enter MA to teach theoretical or clinical nursing via any delivery method; requiring a RN licensure, or APRN authorization.
4. in any school with a parent institution outside of MA where the faculty physically enter MA to teach theoretical or clinical nursing via any delivery method; requiring a RN licensure, or APRN authorization.
5. in any MA facility as nursing administrator supervising clinical components of nursing care requiring a LPN or RN license, or APRN authorization.
6. as an advanced practice nursing student participating in the advanced clinical components of coursework when the activities take place within MA settings.

In addition, after receiving Board authorization for APRN practice, APRNs must maintain current national certification from a Board approved certifying organization in order to practice in the advanced role.

A nurse in a management role is responsible to develop and implement the necessary measures to promote and manage the delivery of safe nursing care in accordance with accepted standards of nursing practice, including ensuring all individuals hired into a nursing position have a current MA license.