244 CMR 8.00: LICENSURE REQUIREMENTS

Section

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8.01: Definition of Terms

Definitions for terms used in 244 CMR 8.00 and throughout 244 CMR are set forth in 244 CMR 10.00: *Definitions and Severability*.

8.02: Initial Licensure as a Registered Nurse by Examination

(1) An applicant for initial licensure as a Registered Nurse by examination shall submit to the Board the following documentation to establish the applicant's eligibility to write the NCLEX-RN:

(a) proof satisfactory to the Board of good moral character as required by M.G.L. c. 112, § 74 and as established by Board policy;

(b) proof satisfactory to the Board of the applicant's graduation from an approved nursing education program for Registered Nurses:

1. if such program is located in the United States, the District of Columbia, or a U.S. Territory, the applicant shall arrange for the following items to be sent directly to the Board from the program:

a. certification of graduation by the program administrator or the program administrator's designee; and

b. an original transcript from the Registered Nurse education program from which the applicant graduated verifying date of graduation and the credential conferred;

2. if such program is not located in the United States, the District of Columbia, a U.S. Territory, or Canada, the applicant's graduate status shall be certified by the Board or its designee by the applicant's receipt of a CGFNS Certificate, a CGFNS credentials review, or other Board-designated credentials review;

3. if such program is located in Canada and the applicant is not eligible for licensure by reciprocity under 244 CMR 8.04(3), the applicant's graduate status shall be certified by the Board or its designee;

(c) proof satisfactory to the Board that the applicant has achieved a minimum score as specified by the Board on a Board-designated test of English proficiency where the applicant graduated from a nursing education program whose language of instruction or textbooks, or both, was not English;

(d) payment of all required fees, unless waived in accordance with M.G.L. c. 112, § 1B; and

(e) after meeting the eligibility criteria in 244 CMR 8.02(1)(a) through (d), proof satisfactory to the Board that the candidate has passed the NCLEX-RN during the NCLEX eligibility period.

(2) A candidate who fails the NCLEX-RN may write the NCLEX-RN again as permitted by the Board's NCLEX Retake Policy.

8.03: Initial Licensure as a Practical Nurse by Examination

(1) An applicant for initial licensure as a Practical Nurse by examination shall submit to the Board the following documentation to establish the applicant's eligibility to write the NCLEX-PN:

(a) proof satisfactory to the Board of good moral character as required by M.G.L. c. 112, § 74A and as established by Board policy;

(b) proof satisfactory to the Board of the applicant's graduation from an approved nursing education program for Practical Nurses or Registered Nurses:

8.03: continued

1. if such program is located in the United States, the District of Columbia, or a U.S. Territory, the applicant shall arrange for the following items to be sent directly to the Board from the program:
   a. certification of graduation by the program administrator or the program administrator's designee; and
   b. an original transcript from the Practical Nurse education program from which the applicant graduated verifying date of graduation and the credential conferred;
2. if such program is not located in the United States, the District of Columbia, a U.S. Territory, or Canada, the applicant's graduate status shall be certified by the Board or its designee by the applicant's receipt of a CGFNS Certificate, a CGFNS credentials review, or other Board-designated credentials review;
3. if such program is located in Canada, the applicant's graduate status shall be certified by the Board or its designee;
4. if the applicant was a former student in good standing at an approved nursing education program for Registered Nurses, withdrew from such program in good standing and, as of the applicant's withdrawal date, had completed a program of study, theory, and clinical practice equivalent to that required for graduation from an approved nursing education program for Practical Nurses, the applicant shall arrange for the following items to be sent directly to the Board from the program as proof satisfactory to the Board of completion of such equivalent program:
   a. certification by the program administrator or the program administrator's designee of completion of a program of study, theory, and clinical practice equivalent to that required for graduation from an approved nursing education program for Practical Nurses; and
   b. an original transcript from the Registered Nurse education program from which the applicant withdrew verifying date of withdrawal;

(c) proof satisfactory to the Board that the applicant has achieved a minimum score as specified by the Board on a Board-designated test of English proficiency where the applicant graduated from a nursing education program whose language of instruction or textbooks, or both, was not English;

(d) payment of all required fees, unless waived in accordance with M.G.L. c. 112, § 1B; and

(e) after meeting the eligibility criteria in 244 CMR 8.03(1)(a) through (d), proof satisfactory to the Board that the candidate has passed the NCLEX-PN during the NCLEX eligibility period.

(2) A candidate who fails the NCLEX-PN may write the NCLEX-PN again as permitted by the Board's NCLEX Retake Policy.

8.04: Initial Licensure as a Registered Nurse or Practical Nurse by Reciprocity

The Board may license by reciprocity (without examination) an applicant who is, or has been, licensed as a Registered Nurse or Practical Nurse in another state, the District of Columbia, a U.S. Territory, or Canada under laws which, in the opinion of the Board, maintain standards substantially the same as those required for licensure as a Registered Nurse or Practical Nurse in Massachusetts, as applicable.

For the purposes of 244 CMR 8.04, the Board may find an applicant for licensure by reciprocity has met "standards substantially the same" as those required for licensure as a Registered Nurse or Practical Nurse in Massachusetts if the applicant meets all the requirements set forth under 244 CMR 8.04(1), (2), or (3), as applicable.

(1) Registered Nurse Licensed in Another State, the District of Columbia, or a U.S. Territory. The Board may license as a Registered Nurse by reciprocity an applicant who is, or has been, licensed as a Registered Nurse in another state, the District of Columbia, or a U.S. Territory after receipt, review, and approval by the Board or its designee of the following documentation:

(a) proof satisfactory to the Board of the applicant's good moral character as required by M.G.L. c. 112, § 74, and as established by Board policy;

(b) proof satisfactory to the Board of the applicant's graduation from an approved nursing education program for Registered Nurses:

8.04: continued

1. if the nursing education program is located in United States, the District of Columbia, a U.S. Territory, or Canada, an official transcript from the Registered Nurse education program from which the applicant graduated verifying date of graduation and credential conferred; or

2. if the nursing education program is not located in United States, the District of Columbia, a U.S. Territory, or Canada, a CGFNS Certificate, a CGFNS credentials review, or other Board-designated credentials review;

(c) proof satisfactory to the Board that the applicant has achieved a minimum score as specified by the Board on a Board-designated test of English proficiency where the applicant graduated from a nursing education program whose language of instruction or textbooks, or both, was not English;

(d) proof satisfactory to the Board that the applicant has passed the NCLEX-RN or the SBTPE for Registered Nurses as evidenced by the applicant's licensure as a Registered Nurse by examination in another state, the District of Columbia, or a U.S. Territory;

(e) proof satisfactory to the Board that the applicant is, or has been, licensed as a Registered Nurse by examination in another state, the District of Columbia, or a U.S. Territory; and

(f) payment of all required fees, unless waived in accordance with M.G.L. c. 112, § 1B.

(2) Practical Nurse Licensed in the Another State, the District of Columbia, or a U.S. Territory. The Board may license as a Licensed Practical Nurse by reciprocity an applicant who is, or has been, licensed as a Practical Nurse in another state, the District of Columbia, or a U.S. Territory after receipt, review, and approval by the Board or its designee of the following documentation:

(a) proof satisfactory to the Board of the applicant's good moral character as required by M.G.L. c. 112, § 74A, and as established by Board policy;

(b) proof satisfactory to the Board of the applicant's graduation from an approved nursing education program for Registered Nurses:

1. if the nursing education program is located in United States, the District of Columbia, a U.S. Territory, or Canada, an official transcript from the Registered Nurse education program from which the applicant graduated verifying date of graduation and credential conferred; or

2. if the nursing education program is not located in United States, the District of Columbia, a U.S. Territory, or Canada, a CGFNS Certificate, a CGFNS credentials review, or other Board-designated credentials review;

(c) if the applicant was a former student at an approved nursing education program for Registered Nurses, withdrew from such program in good standing and, as of the applicant's withdrawal date, had completed a program of study, theory, and clinical practice equivalent to that required for graduation from an approved nursing education program for Practical Nurses, the applicant shall provide arrange for the following items to be sent directly to the Board from the program as proof satisfactory to the Board of completion of such equivalent program:

1. certification by the program administrator or the program administrator's designee of completion of a program of study, theory, and clinical practice equivalent to that required for graduation from an approved nursing education program for Practical Nurses; and

2. an original transcript from the Registered Nurse education program from which the applicant withdrew verifying date of withdrawal;

(d) proof satisfactory to the Board that the applicant has achieved a minimum score as specified by the Board on a Board-designated test of English proficiency where the applicant graduated from a nursing education program whose language of instruction or textbooks, or both, was not English;

(e) proof satisfactory to the Board that the applicant has passed the NCLEX-PN or the SBTPE for Practical Nurses as evidenced by the applicant's licensure as a Practical Nurse by examination in another state, the District of Columbia, or a U.S. Territory;

(f) proof satisfactory to the Board of the applicant's licensure as a Practical Nurse in another state, the District of Columbia, or a U.S. Territory; and

(g) payment of all required fees, unless waived in accordance with M.G.L. c. 112, § 1B.

(3) Registered Nurse Licensed in Canada. The Board may license as a Registered Nurse by reciprocity an applicant who is, or has been, licensed as a Registered Nurse in Canada after receipt, review, and approval by the Board or its designee of the following documentation:

8.04: continued

(a) proof satisfactory to the Board of the applicant's good moral character as required by M.G.L. c. 112, § 76B, and as established by Board policy;
(b) proof satisfactory to the Board of the applicant's graduation from a nursing education program for Registered Nurses approved by the nursing board or corresponding body in the province of Canada where the applicant was licensed as a Registered Nurse by examination;
(c) proof satisfactory to the Board that the applicant has passed one of the following Canadian licensure examinations:

1. if examined before August 1, 1970, the SBTPE;
2. if examined after August 1, 1970, the Canadian Nurses Association Testing Service (CNATS) Examination with a score greater than 400 in each component of the examination; or
3. if examined in August 1980 or thereafter, the CNATS Comprehensive Examination with a comprehensive score of greater than 400;

(d) if the applicant took the CNATS Examination or the CNATS Comprehensive Examination in French, proof satisfactory to the Board that the applicant has achieved a minimum score of 550 on the Test of English as a Foreign Language (TOEFL) or has achieved a minimum score as specified by the Board on a Board-designated test of English proficiency;
(e) proof satisfactory to the Board of the applicant's licensure as a Registered Nurse in Canada; and
(f) payment of all required fees, unless waived in accordance with M.G.L. c. 112, § 1B.

8.05: License Renewal

(1) A Registered Nurse license must be renewed on or before the licensee's birthday in each even-numbered year.

(2) A Practical Nurse license must be renewed on or before the licensee's birthday in each odd-numbered year.

(3) Pursuant to M.G.L. c. 112, § 1B(c), the license of a registered nurse or a practical nurse who is engaged in active service in the armed forces remains valid until 90 days following release from active duty. The continuing education requirements in 244 CMR 5.00: *Continuing Education* shall not apply to any biennial cycle in which the licensee was in active service within 90 days immediately preceding the applicable renewal deadline.

(4) An individual who holds a registered nurse license or a practical nurse license issued by the Board may renew his or her license in the manner and on such forms as the Board specifies for that purpose, and paying the license renewal fee(s) established by the Executive Office of Administration and Finance.

8.06: License Retirement

(1) A licensee who meets the eligibility requirements in 244 CMR 8.06(2) may submit a petition to the Board to request that his or her license be placed on retired status. A retired status is a non-disciplinary license status. The Board may decline to review any petition for reinstatement or return to current status from any licensee whose status has been changed to retired status.

(2) A licensee is eligible to submit a petition for retired status, if her or she:
(a) has a license that is not surrendered, suspended or revoked at the time of the petition; and
(b) demonstrates, to the board's satisfaction, that he or she intends to permanently retire from active practice in the Commonwealth and in all other jurisdictions.

(3) A licensee with a retired status may not practice.

8.04: continued

(4) Nothing in 244 CMR 8.06 shall prevent the Board from initiating, pursuing or taking a disciplinary action against a licensee whose license is in retired status, including an action that imposes discipline or changes the license status from retired to revoked or suspended, if the Board determines that such action is in the best interests of public health, safety or welfare.

8.07: Domestic Violence and Sexual Violence Training

(1) Pursuant to M.G.L. c. 112, § 264, applicants and licensees shall participate in domestic violence and sexual violence training as a condition for licensure, renewal, revival or reinstatement of licensure.

(2) The Board, in consultation with the Department of Public Health, will identify programs or courses of study that meet the standards required by this provision and provide its licensees with a list of such programs or courses.

(3) An applicant for renewal, revival or reinstatement of licensure who has previously completed a program or course approved by the Board shall not be required to participate in a subsequent program or course of domestic violence and sexual violence training except where the Board, in its discretion, requires completion of such a program or course as a condition of renewal, revival or reinstatement of licensure.

8.08: Applicant and Licensee Responsibilities

(1) Address of Record. A licensee shall maintain, at all times, a valid address of record where the licensee receives mail from the United States Postal Service. The address provided on an application for licensure shall serve as a licensee's address of record until the licensee provides the Board with an updated address of record. A licensee shall provide the Board with an updated address of record within 30 days of an address change. Failure to comply with this requirement shall not excuse the licensee from responding to communications sent by or on behalf of the Board to in a timely manner.

(2) Applicants and licensees shall be responsible for providing accurate and complete information in connection with any application for initial licensure or licensure renewal.

(3) The Board may direct that an applicant or licensee appear in person, or provide additional information or documentation, or both, as necessary for the Board's evaluation of the applicant's qualifications, or good moral character, or both, in connection with any application for initial licensure or licensure renewal.

8.09: Legally Protected Health Care Activity

No person shall be denied initial licensure or denied renewal due to any complaint, criminal charge, conviction, judgment, discipline, or other sanction due to the providing or assisting in providing reproductive health care services or gender-affirming health care services, as defined at M.G.L. c. 12, § 11I½, so long as the services provided would have been lawful in Massachusetts and are consistent with standards for good professional practice in Massachusetts.

REGULATORY AUTHORITY

244 CMR 8.00: M.G.L. c. 13, § 14; M.G.L. c. 112, §§ 74, 74A, 75, 76, 76B, 81B and 81C.

NON-TEXT PAGE