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Notice

To: Approved Nursing Programs, Licensed Health Care Facilities

From: Heather Cambra, BSN, RN, JD, Executive Director, Board of Registration in Nursing
Stephen Davis, Director, Division of Care Facility Licensure and Certification,
Bureau of Health Care Safety and Quality

Date: June 3, 2024

Title: Guidance for Nursing Practice by Graduates and Students in Their Last Semester of Nursing Education Programs

On April 20, 2024, Governor Maura Healey signed into law the [Fiscal Year 2024 Supplemental Budget Act](#) (Chapter 88 of the Acts of 2024) which states:

An individual who graduated from a registered nursing or practical nursing program approved by the board or who is a senior nursing student attending the last semester of a registered nursing or practical nursing program approved by the board may practice nursing; provided, that: (i) the individual is employed by or providing health care services at the direction of a licensed health care facility or a licensed health care provider; (ii) the individual is directly supervised while providing health care services; and (iii) the employing licensed health care facility or licensed health care provider has verified that the individual is a graduate of a registered nursing or practical nursing program approved by the board or that the individual is a senior nursing student attending the last semester of a registered nursing or practical nursing program approved by the board. The board shall issue guidance to implement this section that shall include guidance regarding the appropriate supervision of nursing students.

Purpose

Chapter 88 of the Acts of 2024 authorizes graduates of an approved nursing program and individuals who are nursing students attending the last semester of an approved nursing program to practice nursing prior to obtaining licensure as a registered nurse or licensed practical nurse. This authorization to practice is intended as an interim plan to allow recent graduates and senior students to work while they prepare for and take the NCLEX examination and apply for licensure.

The Board of Registration in Nursing and Bureau of Health Care Safety and Quality are issuing this guidance as required to implement the legislation and clarify the responsibilities of graduates, students, licensed healthcare facilities,¹ and licensed healthcare providers.

Nothing in this guidance shall supersede specific requirements applicable to health care settings regarding nurse staffing and supervision.

Graduates and Students in their Last Semester

In order to practice under the authorization of Chapter 88 of the Acts of 2024, a graduate or student in their last semester:

1. Must have graduated from a board approved nursing education program within one year of the hire date or be a student currently enrolled in their last semester of a board approved nursing education program.
2. May only provide health care services at the direction of a licensed health care facility or a licensed health care provider.
 - A list of licensed healthcare facilities is located here:
<https://www.mass.gov/orgs/division-of-health-care-facility-licensure-and-certification>
 - Licensure of healthcare providers may be verified here:
<https://checkahealthlicense.mass.gov/>
3. May not practice under this authorization, prior to obtaining a nursing license, for more than one year from the date of hire. The graduate may not practice under this authorization if they receive a failing score on the NCLEX examination.
4. May not represent themselves to be a registered nurse or licensed practical nurse.

Responsibilities of Licensed Healthcare Facilities and Licensed Healthcare Providers

In order to allow a graduate or student in their last semester to practice under the authorization of Chapter 88 of the Acts of 2024, a licensed healthcare facility or licensed healthcare provider shall:

1. Verify the individual is a graduate of a board approved registered nursing program or practical nursing program or is a student in their last semester of a board approved registered nursing or practical nursing program.
 - The licensed healthcare facility or licensed healthcare provider must obtain independent verification and/or official documentation from the nursing education program. It is not sufficient for a licensed healthcare facility or licensed

¹ Licensed healthcare facilities include: clinics, hospitals, adult day health programs, out of hospital dialysis units, hospices, and long-term care facilities. Regulations applicable to each facility type may be found here:
<https://www.mass.gov/lists/health-care-facility-licensure-regulations>

healthcare provider to rely on an individual's representation of their educational status.

- A list of board approved nursing education programs is located here: <https://www.mass.gov/doc/approved-registered-nurse-practical-nurse-programs-PDF/download>
2. Not allow a graduate or student to practice nursing under Chapter 88 of the Acts of 2024 without obtaining licensure as a registered nurse or licensed practical nurse for more than one year.
 3. Provide nursing graduates and students with an orientation to the patient care environment that aligns with the individual student academic preparation and competencies.
 4. Provide nursing graduates and students with policies that support their practice in the clinical setting where they are assigned.
 5. Ensure that patients are informed that such individuals are nursing graduates or students.
 6. Provide direct supervision to nursing graduates and students.
 - Direct supervision includes but is not limited to the supervising licensed nurse being physically present in the health care practice setting and readily available where nursing students and graduate nursing students are practicing.
 - Direct supervision includes but is not limited to the supervising licensed nurse being physically present in the health care practice setting and readily available where graduates and students are practicing.
 - Graduates and students must practice under the direction and supervision of a licensed nurse, performing tasks within the scope of practice of the supervising nurse of equal or higher educational preparation.
 - Graduates and students must seek assistance from the supervising nurse immediately when they encounter patient care situations that are beyond their competency and level of academic preparation.
 - Graduates and students may not be assigned tasks that are beyond their competency and level of academic preparation, or that are outside the scope of practice of the supervising nurse of equal or higher educational preparation.

In addition, the licensed healthcare facility should establish and maintain written policies and procedures, consistent with this guidance and applicable facility licensure regulations, regarding the graduates and students practicing nursing at their facilities, which include a process for verification, appropriate supervision, patient consent, and promotes quality care.