

Board of Nurse Examiners

MEMORANDUM OF UNDERSTANDING

Cooperative Agreement between

Board of Nurse Examiners and Texas State Board of Pharmacy

WHEREAS, the Board of Nurse Examiners of Texas is the state agency with jurisdiction over the regulation of nursing practice of registered nurses and licensed vocational nurses and the approval of schools of nursing;

WHEREAS, the Texas State Board of Pharmacy is the state agency with jurisdiction over the regulation of pharmacists, pharmacy services and pharmacies;

WHEREAS, Section 301.002(2) of the Texas Occupations Code defines "professional nursing" as involving the administration of a medication or treatment as ordered by a physician, podiatrist, or dentist;

WHEREAS, Section 301.002(4) of the Texas Occupations Code defines "nursing" as including professional and vocational nursing;

WHEREAS, Section 560.051(d) of the Texas Occupations Code allows that a Class C pharmacy license or institutional pharmacy license may be issued to a pharmacy located in an inpatient facility licensed under Chapter 241 or 577, Health and Safety Code; a hospital maintained or operated by the state; a hospice inpatient facility licensed under Chapter 142, Health and Safety Code; or an ambulatory surgical center licensed under Chapter 243, Health and Safety Code;

WHEREAS, Texas Pharmacy Rules, 22 Texas Administrative Code Section 291.74(j)(2)(C)(i)(III), related to Operational Standards, limits the access to the automated medication supply system in a Class C pharmacy for stocking and retrieval of medications to licensed healthcare professionals or pharmacy technicians acting under the supervision of a licensed pharmacist;

WHEREAS, Board of Nurse Examiners Rules and Regulations, 22 Texas Administrative Code Chapters 211 and 231, require that the programs of study for the preparation of registered nurses and vocational nurses be designed to prepare graduates to practice according to the Standards of Nursing Practice, and designed and implemented to prepare students to demonstrate the essential entry level competencies, including the administration of medications and treatments as authorized by law and determined by the Board of Nurse Examiners;

WHEREAS, Board of Nurse Examiners Rules and Regulations, 22 Texas Administrative Code Chapters 211 and 231, also require that clinical nursing faculty and instructors in programs of study for the preparation of registered nurses and vocational nurses be licensed registered nurses or vocational nurses;

WHEREAS, students in programs of study for the preparation of registered nurses and vocational nurses as part of the program of study must be engaged, observed and supervised in direct patient care in the clinical health care setting which includes administration of medications and treatments as ordered by a physician, podiatrist, or dentist;

WHEREAS, Section 301.004(6) of the Texas Occupations Code exempts students in programs of study for the preparation of registered nurses and vocational nurses from the requirement of holding a licensure when administering medications as an incident of the program of study;

WHEREAS, the Board of Nurse Examiners and the Texas State Board of Pharmacy believe that access to automated medication supply systems for retrieval of medications shall be available to students in programs of study for the preparation of registered nurses and vocational nurses, acting under the supervision of a licensed healthcare professional clinical nursing faculty/instructor and/or preceptor of that nursing education program;

NOW THEREFORE, the Board of Nurse Examiners and the Texas State Board of Pharmacy agree that direct access to automated medication supply systems for retrieval of medications, administered by Class C pharmacies, shall be available to students in programs of study for the preparation of registered nurses and vocational nurses, acting under the supervision of a licensed healthcare professional clinical nursing faculty/instructor and/or preceptor of that nursing education program; and

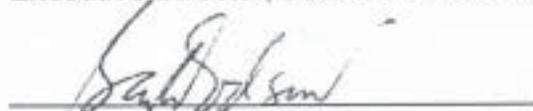
This Memorandum of Understanding is applicable only to programs of study for the preparation of registered nurses and vocational nurses approved by the Board of Nurse Examiners and Class C pharmacies administering automated medication supply systems for retrieval of medications.



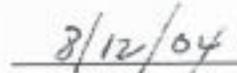
Katherine A. Thomas, MN, RN
Executive Director, Board of Nurse Examiners



Date



Gay Dodson, R.Ph.
Executive Director, Texas State Board of Pharmacy



Date