Board President, Carol Moody, called the Board of Nursing meeting to order at 8:32 a.m. on Thursday, November 19, 2015 and Board Vice President Samuel McNutt called the meeting to order at 8:33 a.m. on Friday, November 20, 2015. Public notice was properly posted at the Board offices as well as on its website and provided to all requesting persons, organizations and news media in compliance with the S.C. Freedom of Information Act. A quorum was present at all times.

**CALL TO ORDER**

**PLACE OF MEETING & FOIA COMPLIANCE**

Carol Moody, RN, MAS, NEA-BC, President………………………………Present Day 1
Congressional District 4

Samuel McNutt, RN, CRNA, MHSA, Vice President………………………Present
Congressional District 5

Amanda Baker, RN, MSN, CRNA, MNA, Secretary…………………………Present
Congressional District 2

Jacqueline L. Baer, APRN, MSN, FNP-BC………………………………Present
Congressional District 1

W. Kay Swisher, RNC, MSN…………………………………………Present
Congressional District 3

Sonya K. Ehrhardt, DNP, RN, NEA-BC, CPHQ…………………………Excused
Congressional District 6

Karen R. Hazzard, MSN, RN, NEA-BC…………………………………Excused
Congressional District 7

Jan R. Burdette, LPN …………………………………………………………Present
At-Large

James E. Mallory, EdD……………………………………………………Present
Public Member

Neil B. Lipsitz………………………………………………………………Present
Public Member

One Licensed Practical Nurse Vacancy

**BOARD MEMBERS PRESENT & VOTING**

**LLR STAFF PRESENT FOR CERTAIN ITEMS**

Nancy Murphy, Board Administrator
Deborah Thomas, Program Assistant
Kathryn Nedovic, Licensure/ Compliance Supervisor
Eileen Beasley, Practice Consultant
Karen Hazzard and Sonya Ehrhardt were excused for both meeting days and Carol Moody was excused for the Friday meeting day. A motion was made by Kay Swisher to approve the excused absences. Samuel McNutt seconded the motion. The motion carried unanimously.

The November 19-20, 2015 Board of Nursing Meeting Regular Agenda was presented for the Board’s review and approval.

A motion was made by Samuel McNutt to approve the November 19-20, 2015 Board of Nursing Regular Agenda. Kay Swisher seconded the motion. The motion carried unanimously.

The Consent Agenda for the November 19-20, 2015 Board of Nursing meeting was presented for the Board’s review and approval/acceptance as information.

   a) For Information: NCLEX RN and PN Summary Statistics for July 1 through September 30, 2015
   b) For Acceptance: June 16, 2015 Advisory Committee on Nursing (ACON) Meeting Minutes
   c) For Information: Actions on Opioid Issue
   d) For information: One Voice One Plan – Increasing BSN Education
   e) For Information: Budget (on table)

A motion was made by Kay Swisher to approve the Consent Agenda as presented. Samuel McNutt seconded the motion. The motion carried unanimously.

The September 24-25, 2015 Board of Nursing meeting minutes were presented for the Board’s review and approval.

A motion was made by Neil Lipsitz to approve the September 24-25, 2015 Board of Nursing meeting minutes as presented. Kay Swisher seconded the motion. The motion carried unanimously.

At its October 20, 2015 meeting, the ACON voted to forward The Citadel – The Military College of SC Current Feasibility Study for Establishing a Proposed Baccalaureate Degree Registered Nursing Education Program and the Current Feasibility Study for Establishing a Proposed Baccalaureate Degree Completion Registered Nursing Education Program to the Board for consideration clarifying the following:

- The teaching load for the Nurse Administrator and Faculty to demonstrate the actual contact hours required for each person
- The liaison process associated with the program library resource planning
- The library budgeting allocations

The Citadel Current Feasibility Study for Establishing a Baccalaureate Degree Registered Nursing Education Program and the Current Feasibility Study for
Establishing a Proposed Baccalaureate Degree Completion Registered Nursing Education Program along with materials submitted by the Citadel were included in the Board materials for review.

Connie Book, Provost, Lok Lew Yan Voon, Dean, College of Math and Science and Amelia Joseph, RN, Consultant, The Citadel, appeared before the Board to seek approval for program development regarding the proposed referenced baccalaureate degree registered nursing education programs.

A motion was made by Samuel McNutt to accept the proposals and grant approval for the development of the proposed Baccalaureate Degree Registered Nursing Education Program and the proposed Baccalaureate Degree Completion Registered Nursing Education Program. The motion was seconded by Neil Lipsitz. The motion carried unanimously.

At its May 14-15, 2015 meeting, the Board of Nursing voted to accept the report of Denmark Technical College (DTC) as presented (regarding their 2014 NCLEX deficiency) with a return in November with NCLEX scores and progress of the plan as presented today, at which point provide an analysis of the admission criteria on the ASSET scores from Kaplan PN integrated tests.

Dr. Valerie Fields, Vice President for Academic Affairs, Teneane Foster, Interim Dean of Nursing, Denmark Technical College appeared before the Board to provide a program status update as requested. Materials submitted by DTC were included in the Board materials for review.

Discussion included but was not limited to program changes and NCLEX planning.

A motion was made by Kay Swisher to go into executive session for the purpose of receiving legal counsel. Samuel McNutt seconded the motion. The Board requested Nancy Murphy be present for the executive session. The motion carried unanimously.

A motion was made by Samuel McNutt to leave executive session. Kay Swisher seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Kay Swisher to accept the information today as presented and for Denmark Technical College to return to the March 2016 Board of Nursing meeting for review. Amanda Baker seconded the motion. The motion carried unanimously.

Nurse Regulations Chapter 91 Section 91-24.G. require that a nursing education program must make application for full approval within six months following the taking of the National Council Licensure Examination by the first graduating class. A survey shall be conducted and a written report prepared for the Board to determine the approval status of the program.

At its July 2012 meeting, the Board of Nursing voted to grant initial approval status for the Brown Mackie College associate degree nursing program.

The first graduating class was January 2015 and Brown Mackie College is
making application for full program approval.

The survey report for the associate degree registered nursing program based on the site visit conducted August 12, 2015 was included in the Board materials for review.

Dr. Caroline Fugitt, Campus President, Hunter Jones, Nursing Program Administrator and Leslie Lane, Nursing Instructor and program Clinical Administrator, Brown Mackie College appeared before the Board regarding their request for the Brown Mackie College associate degree nursing program full approval.

Discussion included but was not limited to changes in leadership, efforts to improve the NCLEX-RN testing pass rate and the Arizona Brown Mackie nursing program.

A motion was made by Samuel McNutt to go into executive session for the purpose of receiving legal counsel. Kay Swisher seconded the motion. The Board requested Nancy Murphy be present for the executive session. The motion carried unanimously.

A motion was made by Amanda Baker to leave executive session. Samuel McNutt seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Amanda Baker to defer the decision regarding full program approval until the March 2016 meeting and for Brown Mackie College to return to the March 2016 Board of Nursing meeting. Samuel McNutt seconded the motion. The motion carried unanimously.

The Board suggested that Brown Mackie College strengthen program criteria for admission, bring quantitative data to help support the program and to submit evidence of the program strengthening referenced in the meeting discussion today.

A motion was made by to go into executive session for the purpose of receiving legal counsel. The motion was seconded. The motion carried unanimously.

A motion was made to leave executive session. The motion was seconded. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Samuel McNutt to form a committee to explore the APRN educational program clinical requirements. Kay Swisher seconded the motion. The motion carried unanimously.
Board members were asked to volunteer to serve on the committee. Members volunteering were Samuel McNutt, Amanda Baker, Jan Burdette and Jacqueline Baer.

Byron Kirby, Revenue and Fiscal Affairs Office – Health and Demographics, appeared before the Board to present the updated form that will be utilized for gathering nursing workforce/licensing statistics at the time of application and renewal. Board staff conveyed positive comments and appreciation for the work and collaboration done by Mr. Kirby in revising this form with current language.

At its October 23, 2015 meeting, the Healthcare Collaborative Committee recommended the Boards of Medicine, Nursing and Pharmacy approve the Proposed Joint Advisory Opinion Issued by the South Carolina State Boards of Medical Examiners, Nursing, and Pharmacy Regarding the Use of Low Dose Ketamine Infusions for the Management of Pain Throughout the Greenville Health System as presented. Darra Coleman relayed that the Boards of Medical Examiners and Pharmacy have approved the recommendation.

A motion was made by Jacqueline Baer to approve the Joint Advisory Opinion Issued by the South Carolina State Boards of Medical Examiners, Nursing, and Pharmacy Regarding the Use of Low Dose Ketamine Infusions for the Management of Pain Throughout the Greenville Health System as presented. Neil Lipsitz seconded the motion. The motion carried unanimously.

At its October 23, 2015 meeting, the Healthcare Collaborative Committee recommended the Boards of Medicine, Nursing and Pharmacy approve the Proposed Joint Advisory Opinion Issued by the South Carolina State Boards of Medical Examiners, Nursing, and Pharmacy Regarding the Presence of a Pharmacist in a Methadone Clinic During Dosing Hours as presented. Darra Coleman relayed that the Boards of Medical Examiners and Pharmacy have approved the recommendation.

A motion was made by Samuel McNutt to approve the Joint Advisory Opinion Issued by the South Carolina State Boards of Medical Examiners, Nursing, and Pharmacy Regarding the Presence of a Pharmacist in a Methadone Clinic During Dosing Hours as presented. MOTION
The National Council of State Boards of Nursing (NCSBN) midyear meeting has traditionally been attended by the Board President (designee) and Administrator. Dates are Monday, March 14, 2016 through Wednesday, March 16, 2016 in Baltimore, MD. There is also a compact NLCA meeting Sunday. Request the Board vote to approve the Board President and Administrator attending this meeting.

A motion was made by Samuel McNutt to approve the Board President and the Administrator to go to the National Council of State Boards of Nursing meeting in March 2016. Kay Swisher seconded the motion. The motion carried unanimously.

Kate Nedovic presented a proposed revision to the disciplinary guidelines matrix regarding non-compliance with a board order.

A motion was made by Samuel McNutt to accept the proposed revision/sanctions guidelines as presented. Neil Lipsitz seconded the motion. The motion carried unanimously.

A motion was made to go into executive session for the purpose of receiving legal counsel. The motion was seconded. The Board requested Nancy Murphy and Kathryn Nedovic be present for the executive session. The motion carried unanimously.

A motion was made by Samuel McNutt to leave executive session. The motion
was seconded by Kay Swisher. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Kay Swisher to suspend section two of the current LPN Equivalency Policy until further notice and authorize the Board of Nursing staff to evaluate each LPN equivalency application on a case by case basis in consultation with the Board of Nursing President. Additionally, require the ACON to reevaluate section two of the current LPN Equivalency Policy as soon as practical and present its findings and recommendations to the Board of Nursing by the March 2016 Board meeting. Jan Burdette seconded the motion. The motion carried unanimously.

The updated list of Board of Nursing Committee Assignments was presented as information.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Alternate(s)</th>
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<tbody>
<tr>
<td>Advanced Practice Committee</td>
<td>McNutt</td>
</tr>
<tr>
<td>Advisory Committee on Nursing</td>
<td>Baer</td>
</tr>
<tr>
<td>Nursing Practice and Standards Committee</td>
<td>Baker</td>
</tr>
<tr>
<td>RPP Advisory Committee</td>
<td>Swisher</td>
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<tr>
<td>Healthcare Collaborative Committee</td>
<td>Baer</td>
</tr>
<tr>
<td>Legislative Committee</td>
<td>McNut</td>
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<tr>
<td>To include Nurse Licensure Compact</td>
<td>Swisher</td>
</tr>
<tr>
<td>Joint BON/ BME Committee Re: Waiver Matters Involving APRNs</td>
<td>Moody</td>
</tr>
<tr>
<td>Telenursing Committee</td>
<td>Baker</td>
</tr>
</tbody>
</table>

A motion was made by Samuel McNutt to go into executive session for the purpose of receiving legal counsel. The motion was seconded by Neil Lipsitz. The motion carried unanimously.

A motion was made by Neil Lipsitz to leave executive session. The motion was seconded by Kay Swisher. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Samuel McNutt to have the committee established earlier in the meeting, to also look at the ACON composition and purpose and to report back to the Board at the January meeting. The motion was seconded by Amanda Baker. The motion carried unanimously.

Board members that volunteered to serve on the committee were Samuel McNutt, Amanda Baker, Jan Burdette and Jacqueline Baer.
Statement of Economic Interest filing is due by noon, March 30, 2016. Resource information was provided to the Board members.

The Board of Medical Examiners (BME) provided some feedback in response to the new AO #67 regarding APRN circumcision. The BME requested the Board of Nursing provide a list of all physicians who have been identified as supervising any APRN. The BME will then use this list to reach out to the physicians to request reports of adverse outcomes. The BON has provided the requested list.

Bonnie Loomis, Principal, The Palladian Group, Public Affairs and Dawn McAdams, Lead Nurse, Richland School District 2 appeared before the Board regarding seizure safety in schools.

Public comments were received from the following individuals:

Harley Morgan, MD, USC School of Medicine

Tess Nelson, MD, (retired Neurologist), Advisor for the NC Chapter of the Epilepsy Foundation

Bill Murphy, Director, Advocacy and Public Policy, National Epilepsy Foundation, SC Chapter

The Board members thanked the representatives.

Mark Sanders, Chief Investigator for the Office of Investigations and Enforcement (OIE) presented the Investigative Review Committee (IRC) Report (Closed Session) with recommendations from its meetings held since the July 2015 Board meeting.

The Disciplinary Sanctions Guidelines Matrix is used by the IRC in making these recommendations.

A motion was made by Kay Swisher to approve 15 cases for Dismissal as recommended by the Investigative Review Committee (IRC), with one case 2014-528 sent back to IRC for additional review/investigation. Karen Hazzard seconded the motion. The motion carried unanimously.

A motion was made by Samuel McNutt to approve 76 cases for Formal Complaints as recommended by the Investigative Review Committee (IRC). Kay Swisher seconded the motion. The motion carried unanimously.

A motion was made by Karen Hazzard to approve 2 Letters of Caution as recommended by the Investigative Review Committee (IRC). Samuel McNutt seconded the motion. The motion carried unanimously.

A motion was made by Amanda Baker to accept 2 voluntary relinquishments. Samuel McNutt seconded the motion. The motion carried unanimously.
Mr. Sanders reported the third quarter statistics.

Respondents appeared before the Board. The Board reviewed Memoranda of Agreement (MOA) stipulating to violations of the Nurse Practice Act to determine disciplinary actions and reviewed recommendations from panel hearings. Respondents also appeared before the Board to request modification to their Consent Agreements or Board Orders.

In case #2014-495, respondent signed a Memorandum of Agreement (MOA).

In Case # 2014-495, a motion was made by Jacqueline Baer to accept the Memoranda of Agreement (MOA) and to offer a Letter of Caution. Kay Swisher seconded the motion. The motion carried unanimously.

In case # 2011-438, a panel hearing was held on November 8, 2015.

In Case # 2011-438, a motion was made by Kay Swisher to accept the panel hearing recommendations. Jacqueline Baer seconded the motion. The motion carried unanimously.

In Case # 2009-110 and Case #2009-111, a panel hearing was held on July 7, 2015.

In Case # 2009-110 and Case # 2009-111, a motion was made by Samuel McNutt to accept the panel hearing recommendations. Kay Swisher seconded the motion. The motion carried unanimously.

In Case #2011-436, a panel hearing was held August 11, 2015.

In Case # 2011-436, a motion was made by Samuel McNutt to accept the panel hearing recommendations. Kay Swisher seconded the motion. The motion carried unanimously.

In Case #2012-541, a panel hearing was held August 25, 2015.

In Case # 2012-541, a motion was made by Kay Swisher to uphold the recommendations of the panel hearing. Neil Lipsitz seconded the motion. The motion carried unanimously.

In Case # 2013-25 and 2013-380, a panel hearing was held August 25, 2015.

In Case # 2013-25 and 2013-380, a motion was made by Samuel McNutt to accept the hearing panel’s recommendations. Kay Swisher seconded the recommendation. The motion carried unanimously.

In Case # 2015-555, respondent requested to modify an existing consent agreement.

In Case # 2015-555, a motion was made by Samuel McNutt grant the request and that to give six months to pay the civil penalty. Kay Swisher seconded the motion. The motion carried unanimously.
In Case #2015-553, respondent requested to modify an existing consent agreement.

A motion was made by Kay Swisher to go into executive session for the purpose of receiving legal counsel. Samuel McNutt seconded the motion. The motion carried unanimously.

A motion was made by Kay Swisher to go into executive session for the purpose of receiving legal counsel. Samuel McNutt seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

In Case #2015-553, a motion was made by Samuel McNutt to deny the request. Kay Swisher seconded the motion. The motion carried unanimously.

In Case #2013-172, respondent signed a Memorandum of Agreement (MOA).

In Case #2013-172, a motion was made by Samuel McNutt to accept the Memoranda of Agreement with the following sanctions: private reprimand, suspension and immediate stay, a five year contract with RPP, a $500 civil penalty payable within six months and Ethics and Legal Aspects courses to be completed within six months. Kay Swisher seconded the motion. The motion carried unanimously.

In Case #2015-554, respondent requested to modify an existing consent agreement.

A motion was made by Kay Swisher to go into executive session for the purpose of legal counsel. Jackie Baer seconded the motion. The motion carried unanimously.

A motion was made by Samuel McNutt to leave executive session. Neil Lipsitz seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

In Case #2015-554, a motion was made by Kay Swisher that the narcotics restriction be lifted. Samuel McNutt seconded the motion. The motion carried unanimously.

In Case #2014-213, a panel hearing was held August 25, 2015.

In Case #2014-213, a motion was made by Samuel McNutt to accept the panel recommendations. Neil Lipsitz seconded the motion. The motion carried unanimously.

In Case #2013-564, a panel hearing was held August 25, 2015.

In Case #2013-564, a motion was made by Samuel McNutt to accept the hearing panel’s recommendations. Kay Swisher seconded the motion. The motion carried unanimously.

In Case #2013-367, respondent signed a Memorandum of Agreement (MOA).

In Case #2013-367, a motion was made by Samuel McNutt to go into executive session. Samuel McNutt seconded the motion. The motion carried unanimously.
session for the purpose of receiving legal counsel. Neil Lipsitz seconded the motion. The motion was carried unanimously.

A motion was made by Samuel McNutt to leave executive session. Neil Lipsitz seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Kay Swisher to accept the Memorandum of Agreement with a Letter of caution and a Private Reprimand. Samuel McNutt seconded the motion. The motion carried unanimously.

In Case # 2015-556, respondent requested to modify an existing consent agreement.

A motion was made by Sam McNutt to go into executive session for the purpose of receiving legal counsel. Kay Swisher seconded the motion. The motion was carried unanimously.

A motion was made by Kay Swisher to leave executive session. Samuel McNutt seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

In Case # 2015-556, a motion was made by Samuel McNutt to deny the request. Jan Burdette seconded the motion. The motion carried unanimously.

In Case # 2012-240, a panel hearing was held on September 8, 2015.

In Case # 2012-240, a motion was made by Samuel McNutt to accept the hearing panel’s recommendations. Neal Lipsitz seconded the motion. The motion carried unanimously.

In Case # 2012-209, a panel hearing was held on September 8, 2015.

In Case # 2012-209, a motion was made by Kay Swisher to adopt the panel hearing’s recommendations. Samuel McNutt seconded the motion. The motion carried unanimously.

A motion was made by Kay Swisher to adjourn the meeting at 3:46 p.m. Samuel McNutt seconded the motion. The motion carried unanimously.

Friday November 20, 2015

Applicants for licensure appeared before the Board. The Board reviewed “yes” response(s) for exam and endorsement application matters and also disciplined/reinstatement application matters.

An applicant for licensure as a registered nurse by endorsement appeared before the Board.

A motion was made by Amanda Baker to grant licensure. Kay Swisher seconded the motion. The motion carried unanimously.
An applicant for licensure as an advanced practice registered nurse by endorsement appeared before the Board.

A motion was made by Neil Lipsitz to grant licensure. Amanda Baker seconded the motion. The motion carried unanimously.

An applicant for licensure as a registered nurse by endorsement appeared before the Board.

A motion was made by Amanda Baker to grant licensure. Amanda Baker seconded the motion. The motion carried unanimously.

A motion was made by Jacqueline Baer to leave executive session. Kay Swisher seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Amanda Baker to grant licensure with the following: once granted, automatically suspend for one year with stay, public reprimand, a two year probation, narcotics restrictions, worksite restrictions and enrollment in RPP. Jacqueline Baer seconded the motion.


An applicant for licensure as a licensed practical nurse by exam appeared before the Board.

A motion was made by Amanda Baker to grant licensure. Kay Swisher seconded the motion. The motion carried unanimously.

An applicant for licensure as a licensed practical nurse by exam appeared before the Board.

A motion was made by Amanda Baker to grant licensure. Jacqueline Baer seconded the motion. The motion carried unanimously.

An applicant for licensure as a registered nurse by disciplined reinstatement appeared before the Board.

Neil Lipsitz recused himself from the proceedings. A quorum was still present.

A motion was made by Amanda Baker to go into executive session for the purpose of receiving legal counsel. Kay Swisher seconded the motion. The motion carried unanimously.

A motion was made by Kay Swisher to leave executive session. Jacqueline Baer seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Jacqueline Baer to deny the current clinical site, however,
To grant a temporary license as long as it is in accordance with the Board of Nursing with the following restrictions: to continue with RPP, to have RN supervision on site/on shift, no clinical sites that include hospice, agency, IT, telenursing and home health and narcotics restriction. The license will be granted only upon submission of an acceptable preceptor to the Board. Amanda Baker seconded the motion. The motion carried unanimously.

Kay Swisher then made the motion for appearance before the Board for full licensure issue. Amanda Baker seconded the motion. The motion carried unanimously.

An applicant for licensure as a licensed practical nurse by reinstatement appeared before the Board.

A motion was made by Kay Swisher to grant licensure with the stipulation to continue participation in RPP. The motion was seconded by Jan Burdette. The motion carried unanimously.

An applicant for licensure as a licensed practical nurse by reinstatement appeared before the Board.

A motion was made by Amanda Baker to grant a temporary license for the purpose of completing the refresher course. Once successful completion of the refresher course, for both didactic and clinical components, full licensure may be granted without returning to the Board. Neil Lipsitz seconded the motion. The motion carried unanimously.

An applicant for licensure as a licensed practical nurse for Reconsideration of Reinstatement appeared before the Board.

A motion was made by Jan Burdette to deny the request for reconsideration of reinstatement and that the applicant cannot appear before the Board again without additional new information to support the request. Amanda Baker seconded the motion. The motion carried unanimously.

A motion was made by James Mallory to adjourn the meeting on September 25, 2015 at 10:14 a.m. Kay Swisher seconded the motion. The motion carried unanimously.

NOTE: These minutes are a brief summary of the meeting and a record of the motions and official actions taken by the Board.