



South Carolina
Department of Labor, Licensing and Regulation



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Board of Nursing

Nikki R. Haley
Governor

Holly G. Pisarik
Director

September 27-28, 2012 BOARD OF NURSING MEETING MINUTES

<p>Board President Samuel McNutt called the Board of Nursing meeting to order at 8:30 a.m. on Thursday, September 27, 2012 and at 8:31 a.m. on Friday, September 28, 2012. 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.</p>	<p><u>CALL TO ORDER</u> <u>PLACE OF MEETING</u> <u>& FOIA COMPLIANCE</u></p>
<p>Samuel H. McNutt, RN, CRNA, MHSA, President Present Congressional District 5</p> <p>Carol A. Moody, RN, MAS, NEA-BC, Vice President Present Congressional District 4</p> <p>Lisa C. Irvin, RN, MSN, NEA-BC, Secretary Absent Congressional District 6</p> <p>Tara F. Hulsey, PhD, RN, CNE Present Congressional District 1</p> <p>Amanda Baker, RN, MSN, CRNA, MNA Present Congressional District 2</p> <p>W. Kay Swisher, RNC, MSN.....Present Congressional District 3</p> <p>Karen R. Hazzard, RN, BSN, MSN.....Present Congressional District 7</p> <p>Anne Crook, PhD Present Public Member</p> <p>James E Mallory, EdD Present Public Member</p> <p>Two Licensed Practical Nurse Vacancies</p>	<p><u>BOARD MEMBERS</u> <u>PRESENT &</u> <u>VOTING</u></p>
<p>Nancy Murphy, Board Administrator Kathryn Nedovic, Program Coordinator I Theresa Richardson, Program Coordinator I Darra Coleman, Advice Counsel Lynne Rogers, Office of General Counsel Erin Baldwin, Office of General Counsel</p>	<p><u>LLR STAFF</u> <u>PRESENT FOR</u> <u>CERTAIN ITEMS</u></p>
<p>Lisa Irvin was excused from the September 27-28, 2012 Board Meeting.</p>	<p><u>EXCUSED ABSENCES</u></p>
<p>The September 27-28, 2012 Board of Nursing Meeting Regular Agenda was presented for the Board's review and approval.</p>	<p><u>APPROVAL OF AGENDA</u></p>

<p>A motion was made by Tara Hulseley to accept the Regular Agenda as presented. James Mallory seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>The Consent Agenda for the September 27-28, 2012 Board of Nursing Meeting was presented for the Board's review and approval/acceptance as information.</p> <ul style="list-style-type: none"> a) For Information: NCLEX RN & PN Summary Statistics for April 1 - June 30, 2012 b) For Acceptance: January 12, 2012 Nursing Practice and Standards Committee Meeting Minutes c) For Acceptance: February 3, 2012 Advanced Practice Committee Meeting Minutes d) For Information: H3710 Military Spouses LLR Summary e) For Information: Robert Woods Johnson Foundation – Implementing the IOM Future of Nursing Report f) For Information: NCSBN Finalizes Agreement with Canadian Nurse Regulators g) For Information: NCSBN Document on VA Nursing Policy h) For Information: Budget (on table) <p>A motion was made by James Mallory to approve the Consent Agenda as presented. Carol Moody seconded the motion. The motion carried unanimously</p>	<p><u>APPROVAL OF CONSENT AGENDA</u></p> <p><u>MOTION</u></p>
<p>The July 26-27, 2012 and August 15, 2012 regular Board Meeting minutes were presented for the Board's review and approval.</p> <p>A motion was made by Tara Hulseley to accept the July 26-27, 2012 meeting minutes as presented. Amanda Baker seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Amanda Baker to approve the August 15, 2012 Board Meeting minutes as presented. Tara Hulseley seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF MINUTES</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Yvette Spees, Director of Nursing and James Weaver, Campus President, ECPI University Charleston appeared before the Board regarding full approval of their practical nursing (PN) program and the site survey that was conducted July 18, 2012. A copy of the survey report with the findings and recommendations and response materials were provided for the Board's review.</p> <p>At its July 2010 meeting, the Board voted to grant initial approval status for the ECPI University Charleston practical nursing program.</p> <p>Discussion included but was not limited to the NCLEX results and employment of the class graduates to date.</p>	<p><u>ECPI UNIVERSITY – INITIAL TO FULL APPROVAL</u></p>

<p>A motion was made by Anne Crook grant approval to the program. Carol Moody seconded the motion.</p> <p>An amended motion was made by Anne Crook to grant the program approval for five years. Carol Moody seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Mark Sanders, Chief Investigator for Office of Investigations and Enforcement (OIE) presented the OIE Statistical Report for the 2nd quarter for the Board's information. Mr. Sanders stated that there are currently 160 active investigation cases.</p> <p>Mr. Sanders also presented the Investigative Review Committee (IRC) Report with recommendations from its meetings held since the July 2012 Board meeting. The Disciplinary Sanctions Guidelines chart is used by the IRC in making these recommendations.</p> <p>A motion was made by Carol Moody to approve 32 cases for Dismissal as recommended by the Investigative Review Committee (IRC). Tara Hulseley seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carol Moody to approve 99 cases for Formal Complaint as recommended by the Investigative Review Committee (IRC). Amanda Baker seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Amanda Baker to approve nine cases for dismissal with a Letter of Caution as recommended by the Investigative Review Committee (IRC). Tara Hulseley seconded the motion. The motion carried unanimously.</p>	<p><u>OFFICE OF INVESTIGATION AND ENFORCEMENT (OIE)</u></p> <p><u>INVESTIGATIVE REVIEW COMMITTEE (IRC)</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Samuel McNutt presented the Joint Statement of the South Carolina Board of Nursing and the South Carolina Board of Medical Examiners.</p>	<p><u>PRESIDENT'S REPORT – JOINT STATEMENT OF THE SOUTH CAROLINA BOARD OF NURSING AND SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS</u></p>
<p>At the March 2012 meeting, the CVS Minute Clinic appeared before the Board with a request to supervise more than three APRNs. At the meeting, the Board voted to accept Minute Clinic's request for the APRN/physician ratio to supervise up to six APRNs with the stipulation that they cannot supervise more than three at one time regardless of circumstances (to include any APRNs physicians supervise outside of their relationship with Minute Clinic). All covering physicians need to be within a 45 mile radius (per the Nurse Practice Act). Minute Clinic will submit schedules on a quarterly basis for Board review, provide a list of the APRNs each physician sponsors (internal and external to Minute Clinic), and report any deviations to the Board Administrator.</p> <p>At its May 7, 2012 meeting, the Board of Medical Examiners ruled that the SC Nursing Board's recommendation is not inconsistent with the</p>	<p><u>MINUTE CLINIC – QUARTERLY REPORT</u></p>

<p>current Medical Practice guidelines.</p> <p>The CVS Minute Clinic submitted its first quarterly report to the Board. Garrett Gillespie, Esq, Senior Legal Counsel, Travis Dayhuff, Esq., Legal Counsel and Brandy Dickson, ND, APRN, Minute Clinic District Manager of Operations for GSA appeared before the Board to respond to questions.</p> <p>Discussion included but was not limited to Minute Clinic's scheduling success in the first quarter. Mr. Gillespie addressed questions regarding a physician possibly supervising a nurse in another state as well and stated that Minute Clinic will always follow the South Carolina laws regarding that situation.</p>	
<p>At its July 12, 2012 meeting, the Nursing Practice and Standards Committee (NPSC) recommended the Board approve the proposed revisions presented for Advisory Opinion (AO) #5.</p> <p>NPSC member Benjamin Marett appeared before the Board to answer questions about the proposed AO revisions.</p> <p>Discussion included but was not limited to changing technology and practice and clarifying whether revisions to the AO would include certified registered nurse anesthetists (CRNAs) as well as anesthesiologists. The Board recommended that this correction be made.</p> <p>A motion was made by Amanda Baker to amend Advisory Opinion #5 to insert certified registered nurse anesthetists in paragraph #2 along with the anesthesiologist reference. Tara Hulsey seconded the motion. The motion carried unanimously.</p> <p>The Nurse Practice Act Chapter 33 Section 40-33-34 requires APRNs to hold a current specialty certification by a Board-approved credentialing organization.</p> <p>At its August 3, 2012 meeting, the Advanced Practice Committee (APC) discussed the changing names and structure of certification organizations effective January 2013. The APC voted to recommend that the Board approve the list of suggested certifications presented knowing that the APC will revisit the list of certification organizations after the changes are in effect.</p> <p>Discussion included but was not limited to whether both the card and letter presented were acceptable proof of certification and bringing back anticipated changes in 2013 to the Board after those changes take effect.</p> <p>A motion was made by Anne Crook to approve. Tara Hulsey seconded the motion. The motion carried unanimously.</p> <p>At its August 3, 2012 meeting, the APC recommended the Board approve the proposed Advisory Opinion (AO) regarding the role/scope of APRNs to conduct assessment without physician collaboration or preceptors. This proposed AO had been discussed previously and is</p>	<p><u>ADVISORY OPINION #5</u> <u>PROPOSED REVISIONS</u></p> <p><u>MOTION</u></p> <p><u>ADVANCED PRACTICE</u> <u>CERTIFICATIONS</u></p> <p><u>MOTION</u></p> <p><u>PROPOSED ADVISORY</u> <u>OPINION REGARDING</u> <u>ROLE/SCOPE FOR APRNS TO</u> <u>CONDUCT ASSESSMENT</u></p>

<p>coming forward with clarification that it is not referencing interpretation of diagnostic workup such as x-ray, MRI, etc.</p> <p>APC Chair Dr. Stephanie Burgess appeared before the Board to respond to questions about the proposed AO.</p> <p>Discussion included but was not limited to the inclusion of the language “not to include the interpretation of diagnostic data” in the proposed AO.</p> <p>A motion was made by Carol Moody to accept the APRN assessment revision to the Advisory Opinion as presented. Anne Crook seconded the motion. The motion carried unanimously.</p>	<p><u>WITHOUT PHYSICIAN COLLABORATION OR PRECEPTORS</u></p> <p><u>MOTION</u></p>
<p>Dawn Pender appeared before the Board to request a waiver of the 45-mileage radius restriction for physician preceptor supervision. Ms. Pender requested the waiver to practice in a community-based parish nursing role.</p> <p>Discussion included but was not limited to Ms. Pender’s role/ duties, the rural settings, and the plan for emergency situations.</p> <p>A motion was made by Anne Crook to allow Ms. Pender an override of the 45 mile rule. James Mallory seconded the motion. The motion carried unanimously.</p>	<p><u>REQUEST FOR WAIVER OF MILEAGE RESTRICTION</u></p> <p><u>MOTION</u></p>
<p>The Advanced Practice Committee (APC) bylaws were presented to the Board.</p> <p>The Board’s bylaws subcommittee (Carol Moody, Amanda Baker and Tara Hulsey) will review the APC bylaws and bring back a report to the November Board meeting.</p>	<p><u>PRESIDENT’S REPORT- BOARD OF NURSING COMMITTEE BYLAWS – ADVANCED PRACTICE COMMITTEE</u></p>
<p>Information regarding Board officer nominations from the SC Board of Nursing bylaws was presented to the Board.</p> <p>The Board’s committee for nominations of Board officers is currently made up of members James Mallory and Lisa Irvin. The Board deemed the two members to be a sufficient number, and the members will present nominations at the November Board meeting.</p>	<p><u>PRESIDENT’S REPORT – COMMITTEE FOR NOMINATIONS OF BOARD OFFICERS</u></p>
<p>The National Council of State Boards of Nursing (NCSBN) held its annual meeting on August 8-10, 2012 in Dallas, Texas. Tara Hulsey, Board Member and Nancy Murphy, Administrator served as delegates.</p> <p>Meeting information was shared.</p>	<p><u>PRESIDENT’S REPORT – NCSBN ANNUAL MEETING</u></p>
<p>On August 30, 2012, the Disciplinary Matrix subcommittee (Carol Moody, James Mallory, Darra Colman, Lynne Rogers, Mark Sanders and Nancy Murphy) met to review and discuss the Disciplinary Sanctions Matrix. Proposed revisions were presented and Carol Moody identified changes.</p> <p>A motion was made by Amanda Baker to accept the disciplinary sanctions guideline matrix with the identified changes as information and to bring it back to the November meeting for review and approval. Tara Hulsey seconded the motion. The motion carried unanimously.</p>	<p><u>PRESIDENT’S REPORT – DISCIPLINARY MATRIX SUBCOMMITTEE REPORT</u></p> <p><u>MOTION</u></p>

<p>Nancy Murphy presented information regarding The First Tri-Regulator Symposium 2012. The symposium will be held in Washington, D.C. on October 17-18, 2012 and will include presentations on opioid prescription drug abuse, state-based regulation, continued competency and workforce needs. The meeting will be hosted by the Federation of State Medical Boards, the National Association of Boards of Pharmacy and the National Council of State Boards of Nursing.</p> <p>A motion was made by Carol Moody to support Administrator Nancy Murphy and Advice Counsel Darra Coleman attending the symposium. Tara Hulsey seconded the motion. The motion carried unanimously.</p>	<p><u>ADMINISTRATOR'S REPORT:</u> <u>TRI-REGULATOR</u> <u>SYMPOSIUM</u></p> <p><u>MOTION</u></p>
<p>A motion was made by Amanda Baker to go into executive session for the purpose of receiving legal counsel. Carol Moody seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carol Moody to leave executive session. Amanda Baker seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Paul D. de Holczer, Esq. appeared before the Board to request clarification regarding private reprimand disclosure.</p> <p>Discussion included but was not limited to the requirement for disclosing a private reprimand on employment applications/ other board licensing applications and the need for an advisory opinion.</p> <p>A motion was made by Anne Crook to publish an Advisory Opinion regarding the terms and what they mean both legally and as an ethical standard. Carol Moody seconded the motion. The motion carried unanimously.</p> <p>Advice Counsel will draft an AO and forward it for the November Board meeting.</p>	<p><u>CLARIFICATION REGARDING</u> <u>PRIVATE REPRIMAND</u> <u>DISCOURSE</u></p> <p><u>MOTION</u></p>
<p>Respondents appeared before the Board to request modifications to their Consent Agreements or Board orders. The Board reviewed Memoranda of Agreement stipulating to violations of the Nurse Practice Act to determine disciplinary actions.</p> <p>The Board also reviewed initial and renewal licensure applications with "yes" responses to questions regarding criminal convictions, discipline in another state, discipline by employers and a condition that may interfere with the ability to competently and safely perform nursing practice essential functions. In addition, the Board reviewed APRN applications regarding certification requirements and "grandfathering".</p> <p>In Case # 2012-159, Respondent signed a Memorandum of Agreement (MOA) and waived the right to a panel hearing. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Amanda Baker to go into executive session for the purpose of receiving legal counsel. Tara Hulsey seconded the motion. The motion carried unanimously.</p>	<p><u>HEARINGS/APPEARANCE</u></p> <p><u>MOTION</u></p>

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

MOTION

In Case # 2012-159, a motion was made by Carol Moody to accept the MOA with the following sanctions: a private reprimand, a \$250 civil penalty to be paid within six months, and completion of the National Council of State Boards of Nursing documentation course within six months. Tara Hulseley seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as a registered nurse appeared before the Board regarding his/her "yes" response regarding employer discipline questions on the renewal application. Applicant was represented by Jessica H. Lerer, Esq.

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

MOTION

A motion was made by Carol Moody to leave executive session. Tara Hulseley seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Amanda Baker to:

MOTION

Renew the applicant's license as a single-state license with the following stipulations which will be outlined in a private agreement:

1. Respondent pursue and accept employment only in practice settings where he/she is not working autonomously and will be directly supervised, which means the physical presence of an RN at all times.
2. Respondent pursue and accept employment only in a practice setting in nursing roles with a minimal likelihood of exposure to critical situations requiring rapid response.
3. Respondent continue with psychological therapy and comply with the use of prescribed medications as directed by his/her healthcare providers for the management of respondent's medical condition.
4. Respondent must notify LLR immediately upon attaining employment and provide the name of respondent's employer, address of employer, and a description of the nature of practice. The Board of Nursing may require additional information regarding the practice setting upon receipt of this information and respondent shall cooperate fully with any such request from the Board of Nursing in a timely manner. Respondent shall appear before the board within three months after employment for review.
5. Respondent must notify employer of the restrictions on his/her practice recommended herein, unless there is no direct patient care involved.
6. Respondent's failure to comply with these restrictions may result in disciplinary action, including but not limited to suspension and revocation of license.

<p>In Case # 2012-353, a motion was made by Tara Hulseley to lift the narcotics restriction, leaving all other conditions of the Final Order in effect. Carol Moody seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>In Case # 2012-352, Respondent requested to modify an existing final order/ consent agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Carol Moody to go into executive session for the purpose of receiving legal counsel. Tara Hulseley seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made to leave executive session. The motion was seconded. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>
<p>In Case # 2012-352, a motion was made by Amanda Baker to deny the request to modify the Consent Agreement, fully executed on April of 2012 and to give the respondent six months to complete the refresher course. Carol Moody seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>In Case # 2012-227, Respondent withdrew his/her request and was not present at the meeting.</p>	
<p>In Case # 2012-346, Respondent requested to modify an existing final order/ consent agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Tara Hulseley to go into executive session for the purpose of receiving legal counsel. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Anne Crook to leave executive session. Tara Hulseley seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>
<p>In Case # 2012-346, a motion was made by Tara Hulseley to approve the respondent's request for early release from RPP. Carol Moody seconded the motion. The motion carried with one nay.</p>	<p><u>MOTION</u></p>
<p>In Case #2012-367, Respondent requested to modify an existing final order/consent agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Carol Moody to go into executive session for the purpose of receiving legal counsel. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by James Mallory to leave executive session. Carol Moody seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>

In Case #2012-367, a motion was made by Karen Hazzard to modify the terms of the Consent Agreement to require compliance with paragraph one, items A, B, and C with the remaining subparagraphs of item one redacted. Paragraphs 2-17 will remain in effect. Tara Hulseley seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as a registered nurse by reinstatement appeared before the Board to respond to questions regarding his/her application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

Carol Moody recused herself from the proceedings. A quorum was still present.

A motion was made by Amanda Baker to grant the applicant a temporary license to complete an RN refresher course. Anne Crook seconded the motion. The motion carried with the recusal of Carol Moody.

MOTION

An applicant for licensure as a registered nurse by endorsement appeared before the Board to respond to questions regarding his/her "yes" responses to questions regarding criminal convictions and action by another Board. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Amanda Baker to grant endorsement into South Carolina with the continued stipulation to follow applicant's Board Order from Ohio. Tara Hulseley seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as a registered nurse by reinstatement appeared before the Board to respond to questions regarding his/her application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

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

MOTION

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

MOTION

A motion was made by Tara Hulseley to grant a temporary license for the purpose of completing the RN refresher course with continued monitoring by RPP. Carol Moody seconded the motion. The motion carried unanimously.

MOTION

The Board clarified that the applicant will have to appear before the Board once he/she has completed the refresher course to be granted a full license.

<p>A motion was made by Amanda Baker to adjourn the meeting on September 27, 2012 at 4:41 p.m. Carol Moody seconded the motion. The motion carried unanimously.</p>	<p style="text-align: center;"><u>MOTION TO ADJOURN</u></p>
<p>Friday, September 28, 2012</p> <p>James Mallory recused himself as having previously worked with South Carolina State University (SCSU). A quorum was still present.</p> <p>At its July 26, 2012 meeting, the Board met with South Carolina State University (SCSU) to discuss their plan for voluntarily closing their generic nursing degree program. At the July 26, 2012 meeting, the Board made the ruling to accept the proposal for voluntary closure with the following modifications to SCSU's proposal:</p> <ul style="list-style-type: none"> • Withdraw nursing as a major degree option, effective Fall 2012, which means to cease matriculation of incoming freshmen and rising sophomores with intended major of nursing, effective Fall 2012 • For all rising juniors and seniors: <ul style="list-style-type: none"> ○ Review all previous ATI scores for nursing courses taken in the previous academic year to ensure a minimum of Level 2 performance in all courses; and ○ Review all academic records for these students to ensure compliance with all stated admission criteria for upper division admission. ○ Following reviews, any students who have not satisfied the minimum score of 2 on the ATI and stated admission criteria for upper division shall not progress in the nursing program. <p>Based on these recommendations, the Board recommended that voluntary closure be moved to December 2014. The Board asked that SCSU return to the Board in September to provide an update and a written report detailing the following:</p> <ul style="list-style-type: none"> • Efforts to assist in the transfer of students • List of names of all students who transferred to approved nursing programs • Efforts to maintain custody and control of existing student records <p>On August 13, 2012, SCSU requested a follow-up meeting for the Board to discuss the impact of the academic audit of students admitted into the Upper Division in the College of Nursing.</p> <p>At the August 13, 2012 meeting, the Board modified the July 26, 2012 ruling as follows:</p> <ol style="list-style-type: none"> 1) All Upper Division students who scored below the national mean on the ATI Pharmacology exam are required to repeat the Pharmacology class in the Fall 2012 semester. These students must re-test by the end of the Fall 2012 semester and achieve the national mean or higher in order to progress in the nursing 	<p style="text-align: center;"><u>SOUTH CAROLINA STATE UNIVERSITY – NURSING PROGRAM STATE UPDATE</u></p>

program; and

- 2) All Upper Division students who scored below Level 2 on any ATI exam, other than Pharmacology, are required to remediate through specific programs to be offered by SCSU and re-test in all deficient areas by the end of the Fall 2012 semester. Students must achieve a Level 2 on all content areas tested in order to progress in the nursing program.

All other terms set forth in the Board's July 26, 2012 ruling remain in effect.

Dr. Cynthia Warrick, Interim President, South Carolina State University and Stanley Harris, Interim Chair, Department of Nursing appeared before the Board to present the written report as requested in the July meeting and answer the Board's questions.

Discussion included but was not limited to the transfer and placement of freshmen and sophomore students, ATI testing, remediation courses, faculty teaching loads and student commitment.

A motion was made by Carol Moody to accept the information presented by South Carolina State University and to have the school return to the Board in January 2013 to thoroughly present their findings and progression. Anne Crook seconded the motion. The motion carried with the recusal of James Mallory.

MOTION

HEARINGS/ APPLICATIONS

A registered nurse licensee appeared before the Board regarding his/her "yes" response regarding employer discipline questions on the renewal application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Carol Moody to renew the respondent's license. Tara Hulsey seconded the motion. The motion carried unanimously.

MOTION

A registered nurse licensee appeared before the Board regarding his/her "yes" response regarding employer discipline questions on the renewal application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Amanda Baker to renew the applicant's RN application. Anne Crook seconded the motion. The motion carried unanimously.

MOTION

A registered nurse licensee appeared before the Board regarding his/her "yes" response regarding employer discipline questions on the renewal application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

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

MOTION

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

MOTION

A motion was made by Tara Hulseley to renew the license with the following sanctions: a private reprimand, a \$500 civil penalty to be paid within six months, and the completion of Legal Aspects, Ethics, and Documentation courses within six months. Amanda Baker seconded the motion. The motion carried unanimously.

MOTION

In Case # 2007-72, Respondent requested to modify an existing final order/ consent agreement. Respondent was represented by Paul D. de Holczer, Esq.

Samuel McNutt recused himself from the proceedings. A quorum was still present.

In Case # 2007-72, a motion was made by Amanda Baker to release the respondent from the Board Order of RPP. Tara Hulseley seconded the motion. The motion carried with the recusal of Samuel McNutt.

MOTION

In Case # 2012-226, Respondent did not appear before the Board and was not represented by legal counsel. Respondent was properly notified of the hearing.

In Case #2012-226, a motion was made by Carol Moody to uphold the current sanctions in place for respondent. Tara Hulseley seconded the motion. The motion carried unanimously.

MOTION

In Case # 2012-228, Respondent requested to modify an existing final order/consent agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

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

MOTION

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

MOTION

In Case # 2012-228, a motion was made by Tara Hulseley to lift the respondent's probation, as respondent has met all requirements of the May 13, 2010 Consent Agreement. Amanda Baker seconded the motion. The motion carried unanimously.

MOTION

In Case # 2011-187, Respondent signed a Memorandum of Agreement (MOA) and waived the right to a panel hearing. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

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

MOTION

A motion was made by Tara Hulseley to leave executive session. Carol Moody seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

In Case # 2011-187, a motion was made by Amanda Baker to accept the MOA with the following sanctions: a private reprimand, a \$500 civil penalty to be paid within six months, and the completion of Legal Aspects and Ethics courses within six months. Carol Moody seconded the motion. The motion carried with one nay.

MOTION

Darra Coleman, Advice Counsel, discussed that the Board has requested that she prepare an Advisory Opinion for its review regarding APRNs with prescriptive authority/ patient relationship at the November 2012 meeting.

An advanced practice registered nurse (APRN) applicant appeared before the Board regarding the certification requirement and "grandfather" matters on his/ her endorsement application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Anne Crook to grandfather the applicant and license him/her as an APRN in the State of South Carolina with prescriptive authority. Carol Moody seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as a registered nurse by endorsement appeared before the Board to respond to questions regarding his/her application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

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

MOTION

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

MOTION

A motion was made by Tara Hulseley to deny the application for licensure based on Sections 40-33-35 and 40-33-40 of the current Nurse Practice Act for the State of South Carolina. Kay Swisher seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as a registered nurse by endorsement appeared before the Board to respond to questions regarding his/her "yes" responses to questions regarding criminal convictions and action by another Board. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Amanda Baker to grant endorsement as a single state license with no further restrictions. Anne Crook seconded the motion. The motion carried unanimously.

MOTION

A registered nurse licensee appeared before the Board regarding his/her "yes" response on the renewal application regarding a condition that may interfere with the ability to competently and safely perform nursing practice essential functions. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Anne Crook to renew the applicant's RN license. Carol Moody seconded the motion. The motion carried unanimously.

MOTION

A registered nurse licensee appeared before the Board regarding his/her "yes" response regarding employer discipline questions on the renewal application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Anne Crook to issue the applicant's renewal. Amanda Baker seconded the motion. The motion carried unanimously.

MOTION

A registered nurse licensee appeared before the Board regarding his/her "yes" response regarding employer discipline questions on the renewal application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Tara Hulseley to renew the applicant's license. Carol Moody seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as an advanced practice registered nurse (APRN) by endorsement appeared before the Board to respond to questions regarding criminal convictions and action by another Board. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Kay Swisher to endorse the applicant subject to satisfaction of the requirements from the Texas Board of Nursing. Carol Moody seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as a registered nurse by reinstatement did not appear before the Board and was not represented by legal counsel. Applicant was properly notified of the hearing.

An applicant for licensure as a licensed practical nurse by examination appeared before the Board to respond to questions regarding his/her "yes" responses to questions regarding criminal convictions. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Amanda Baker to grant the applicant licensure as an LPN. Tara Hulseley seconded the motion. The motion carried unanimously.

MOTION

An applicant for licensure as a licensed practical nurse by examination appeared before the Board to respond to questions regarding his/her "yes" responses to questions regarding criminal convictions.

Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Carol Moody to allow the applicant to receive a license so that he/she may begin practice as an LPN. Tara Hulseley seconded the motion. The motion carried unanimously.

An applicant for licensure as a licensed practical nurse by examination appeared before the Board to respond to questions regarding his/her "yes" responses to questions regarding criminal convictions. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

MOTION

A motion was made by Amanda Baker to grant the applicant licensure to practice as an LPN. Tara Hulseley seconded the motion. The motion carried unanimously.

A motion was made by Carol Moody to adjourn the meeting at 1:08 p.m. on Friday, September 28, 2012. Tara Hulseley seconded the motion. The motion carried unanimously.

MOTION

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

MOTION TO ADJOURN