



Palmetto Nurse

South Carolina Board of Nursing

Vol1 • No4

**Legal Aspects
of Nursing
Workshop**

**New Board
Member
Appointed**

Renewal 2008

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FALL 2006

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Mission Statement: The mission of the State Board of Nursing for South Carolina is the protection of public health, safety, and welfare by assuring safe and competent practice of nursing.

This mission is accomplished by assuring safe initial practice as well as continuing competency in the practice of nursing and by promoting nursing excellence in the areas of education and practice. The Board licenses qualified individuals as licensed practical nurses, registered nurses or advanced practice registered nurses. Complaints against nurses are investigated and disciplinary action taken when necessary. Schools of nursing are surveyed and approved to ensure quality education for future nurses.

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The Palmetto Nurse is published quarterly by the South Carolina Board of Nursing. Each issue is distributed to every actively licensed LPN, RN, APRN, as well as to nurse employers and nurse educators. Nurses, students, and professionals from healthcare organizations turn to this publication for updates on clinical practices, information on government affairs initiatives, to discover what best practices are being implemented, and for insight into how healthcare providers are facing today's challenges.

Edition 4

ADVERTISING

Reach a highly targeted market of licensed nurses at all levels of practice, nursing students, as well as healthcare employers, educators, and regulators. Present your message in a well-read, professional publication tailored directly to those involved in healthcare. Gain name recognition in the primary care community. Advertisements contained herein are not necessarily endorsed by the South Carolina Department of Labor, Licensing and Regulation - Board of Nursing. The publisher reserves the right to accept or reject advertisements for the Palmetto Nurse.

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OFFICE LOCATION/HOURS OF OPERATION

- The Board of Nursing is located at Synergy Business Park, Kingstree Building, 110 Centerview Drive, Suite 202, Columbia, SC 29210. Directions to our office can be found on our Web site - www.llr.state.sc.us/pol/nursing/

- Our mailing address is LLR - South Carolina Board of Nursing, Post Office Box 12367, Columbia, SC 29211-2367.

- Our normal business hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Our offices are closed for holidays designated by the State.

DESIGNATED STATE HOLIDAYS FOR REMAINDER OF 2006

September 4 - Labor Day
November 10 - Veterans Day
November 23-24 - Thanksgiving
December 25-26 - Christmas

VISIT US ON OUR WEB SITE: www.llr.state.sc.us/pol/nursing/

The Board of Nursing Web site contains the Nurse Practice Act, Regulations, Compact Information, Advisory Opinions, Licensee Lookup, Disciplinary Actions, and other information.

From the Desk of the ADMINISTRATOR



The Board of Nursing offers a program called PREP (Practitioner Remediation and Enhancement Partnership). PREP is a voluntary program available to nurses to remediate instead of being disciplined and all facilities are eligible to participate.

The program focuses on early intervention and facilitates the nurse to receive additional knowledge, skills and abilities and any other educational activities as deemed appropriate while continuing to remain in the workforce. Additionally, the program discourages the nurse from moving from facility to facility and encourages the employer to use the PREP in lieu of termination when appropriate.

Exclusions from the program include suspected drug diversion, fraud, patient abuse, patient abandonment, patient neglect, financial exploitation of patients and sexual misconduct. Other professional boundaries that exclude participation in PREP are licensees with current pending criminal charges, connection to serious harm or death, previous history of disciplinary action by any board of nursing will be evaluated on an individual basis to determine eligibility and employment issues rather than questions of nursing skills or boundaries.

For more information please visit our website or call Joan Bainer at 803-896-4550 as the Board is very invested in assuring safe and competent practitioners in practice settings.

BOARD VACANCY

The Nurse Practice Act signed by Governor Sanford on May 11, 2004, established an additional lay member for the Board of Nursing. There is currently one lay member vacancy on the Board. Lay members represent the public at large as a consumer of nursing services and may not be licensed or employed as a health care provider. No board member may serve as an officer of a professional health-related state association. If you know of any eligible candidates who are interested in this lay position, they should submit a letter of request, along with a resume to Boards and Commissions, Governor's Office, Post Office Box 11829, Columbia, SC 29211.

RENEWAL 2008

It is not too early to begin thinking about your 2008 nursing license renewal. Just a reminder of the competency requirements:

Section 40-33-40 of the Nurse Practice Act states that biennial renewal of an active license



requires documented evidence of at least one of the following requirements *during the licensure period*:

- (a) completion of 30 contact hours from a Board-recognized continuing education provider; OR
- (b) maintenance of certification or re certification by a Board-recognized national certifying body; OR
- (c) completion of a Board-recognized academic program of study in nursing or a related field; OR
- (d) verification of competency and the number of hours practiced, as evidenced by employer certification on a Board-approved form.

Here are a few suggestions that we hope you will find helpful as you think about your 2008 renewal.

- On Valentine's Day of even years (2008, 2010, 2012, etc.), think to yourself, "I love being a nurse, did I renew my license yet?" Online renewal is available after February 1 on even years. You will use your same user ID and password.
- When you renew your license and choose a continued competency option, that option must be completed prior to renewal. When you complete your renewal, you are attesting that you have completed the competency option chosen and that all information on your renewal application is true and correct.
- As you review **continuing education** courses for renewal of your license, verify on the

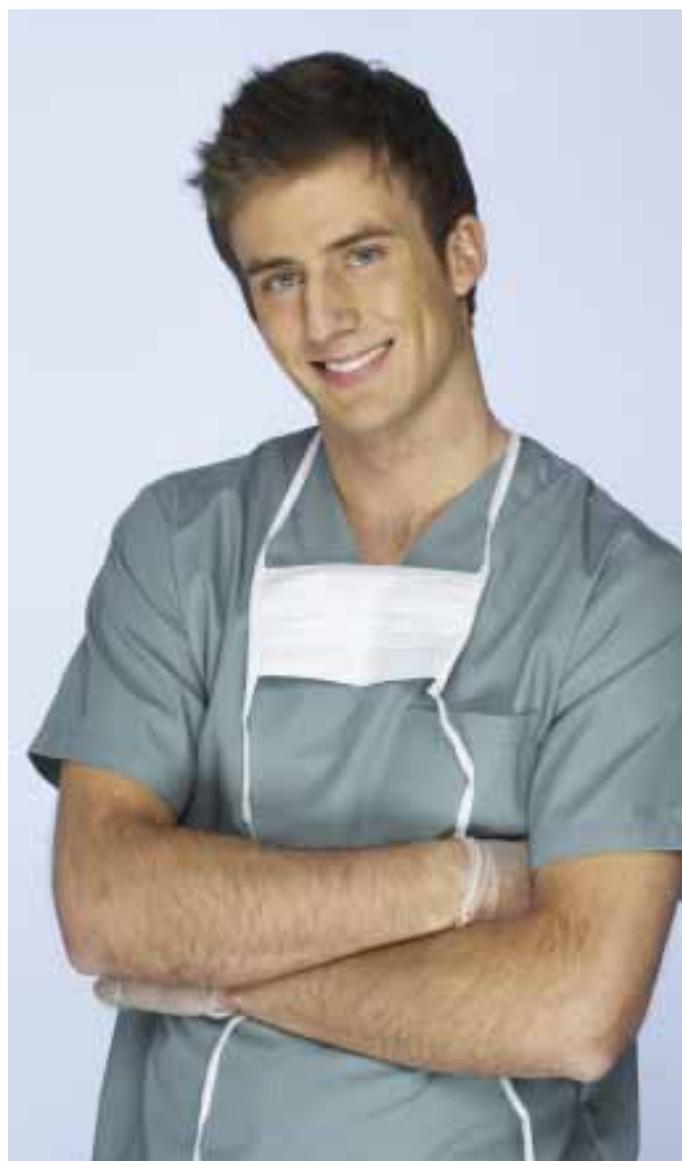
Competency Requirement Criteria that the course is accepted by the Board for your renewal. Remember that the requirement is 30 contact hours not 30 CEUs (continuing education units).

- Considering obtaining a special nursing **certification**? Review the Competency Requirement Criteria. Your certification may meet the requirements to renew your nursing license.
- If you receive a higher **nursing degree** during the renewal period (May 1- April 30th) and choose that option for renewal, you will be required to provide the Board with a transcript should you be audited.
- Make sure your employer can and will sign your Employer Certification – **Verification of Competency** and Nursing Practice Hours Worked form. If that option is available, your employer may sign the form at your annual performance review. Do not assume that your employer will sign the form. Please be aware that some employers, on advice of their attorneys, will not sign the forms verifying competency.
- Keep a special folder in a safe place for your nurse licensure information. As you gather information, place it in the front of your folder so that it is in chronological order. You will be ready should you be selected for the competency audit after renewals. Your folder should include but not be limited to the following:
 - User ID and password for online renewal.
 - Copy of your biennial renewal form and receipt from your online renewal.
 - Copies of continuing education certificates.
 - Copies of your certifications and re-certifications including the certificates for the required continuing education.
 - If you are in school to obtain a higher nursing degree and choose this option

for your renewal, a copy of your transcript will need to be mailed directly from your educational institution if you are audited.

- Copies of Employer Certification— Verification of Competency and Nursing Practice Hours Worked.
- Mailer that your license comes on.
- Copies of any documentation sent to the Board of Nursing regarding your license.

We hope this information will assist you with your renewal. Remember, it is never too early to begin planning for your next renewal.



Legal Aspects of Nursing Workshop

In Spring 2005, the Board of Nursing asked staff to provide a Legal Aspects of Nursing Workshop periodically to assist nurses required to complete the workshop for reinstatement of their license or to comply with a disciplinary order. The workshop is offered free of charge as a courtesy to our nurses. The workshop is also used in the Practitioner Remediation and Enhancement Partnership (PREP) program and by employers as an educational tool. The three hour workshop is offered monthly in the Board offices. No charge for the workshop; however, no continuing education credits are granted for the course. The registration form for the workshop can be found on our Web site www.llr.state.sc.us/pol/nursing/ under Applications/Forms. The completed form can be mailed to the address on the form or faxed to 803-896-4525. If you have questions on registering for the Legal Aspects of Nursing Workshop, please contact Maggie Johnson, Nurse Consultant-Practice at 803-896-4522 or Dottie Buchanan, Assistant to the Administrator, at 803-896-4533.

Legal Aspects of Nursing Workshops for Remainder of 2006

September 15, 2006
October 13, 2006
November 30, 2006
December 8, 2006



HAVE YOU MOVED?

Section 40-33-38 (C) of the S.C. Nurse Practice Act requires that all licensees notify the Board in writing within 15 days of an address change. So that you do not incur disciplinary action or miss important time sensitive information such as your renewal and audit or other important licensure information, please be sure to notify the Board immediately whenever you change addresses. You may also change your address on-line utilizing the address change form found on our Web site: www.llr.state.sc.us/pol/nursing/.

MULTI-STATE PRIVILEGE NOTIFICATION FORM

Section 40-33-1315 states in part that a nurse who has been granted multi-state licensing privileges shall notify the board, on a Multi-State Privilege Notification Form, of the identity and location of the nurse's prospective practice location, the nurse's current address, and other contact information as requested. A nurse shall maintain at all times a current address and contact information during practice in this State. The Board of Nursing has created a Multi-state Privilege Notification Form that is available for download on the Board's Web site (www.llr.state.sc.us/pol/nursing/) under Applications/Forms. The direct link to the form is www.llr.state.sc.us/pol/nursing/forms/MultistateNotification.pdf. When a nurse begins employment on a multi-state licensure privilege (Compact), the employer is asked to provide the form to the nurse for completion and to forward the form to the Board office. The information on this form is used for workforce data and statistics, which are used in long term planning and other important decisions. The same information is collected from nurses who are receiving a license in our state for the first time and from South Carolina nurses when they renew their licenses biennially. This form is to be completed only by nurses practicing in our state under a Compact license from another state, not by nurses holding South Carolina nursing licenses.

Correction:

A story on page 12 of the Summer 2006 (Volume 1 Number 3) of the *Palmetto Nurse* contained incorrect information about renewal of prescriptive authority. To renew prescriptive authority, advanced practice nurses with controlled substance prescriptive authority must have 20 hours of continuing education. Two of the 20 hours must be related to prescribing controlled substances.

NEW BOARD MEMBER APPOINTED

Governor Mark Sanford appointed Trey Pennington as the new lay member on the Board of Nursing. The Senate confirmed Pennington's appointment on May 24, 2006. His term expires December 31, 2009. Pennington is the Director of Development for Hidden Treasure Christian School in Taylors, SC. Hidden Treasure provides special education for children with physical, mental, and learning disabilities. Pennington will attend his first meeting in July. The Board welcomes Pennington and looks forward to working with him.



ATTENTION EXAMINATION & ENDORSEMENT APPLICANTS

online application status check

The South Carolina Department of Labor, Licensing and Regulation implemented online status check on April 1, 2006, for all of its professional and occupational licensing boards, which includes the Board of Nursing. What does this mean for you? This means that approximately 7-14 days after you have submitted your application for examination or endorsement to the Board of Nursing, you can log on to the Board's Web site at www.llr.state.sc.us/pol/nursing and check the status of your application to see what items are still pending or have been received. You may also and change your address. Applicants can log onto the system using their user ID and password (provided by the Board) or by entering the last 5 digits of their social security number and their last name.

This service is convenient, fast and available 24 hours a day, 7 days a week. Online status checks will allow staff to expedite your application by eliminating the need to telephone the Board's office to veri-

fy receipt or status of your application. If your status shows pending on any item, it means that we may not have received the document or it has not been processed at the time you check the status of your application. "Pending" on review means that your application is in the final stages of the process. We hope that you and your fellow nurses will utilize this new system.

You may also check to see if your license has been issued on the Licensee Lookup system. This link is located in the upper right corner on the Board's Web site. There is no need to complete all of the information. Just a portion of the first and last name will bring up the information. When the name comes up, click on the license number for more information. This site gives the name and home city of the nurse as well as the license number, license type, issue date, expiration date, status and whether the license is multi-state or single-state only. This site is also utilized by employers to verify licensure.

Board Briefs

- The calendar for 2007 was approved as follows:

January 25-26, 2007

February 2, 2007
February 15, 2007
February 20, 2007

March 29-30, 2007

April 17, 2007
April 19, 2007
May 4, 2007

May 17-18, 2007*

June 19, 2007
June 21, 2007

July 26-27, 2007

August 3, 2007
August 16, 2007
August 28, 2007

September 27-28, 2007

October 16, 2007
October 18, 2007
November 2, 2007

November 29-30, 2007

December 13, 2007
December 18, 2007

Board of Nursing Meeting

Advanced Practice Committee Meeting
Nursing Practice & Standards Committee Meeting
Advisory Committee on Nursing Meeting

Board of Nursing Meeting

Advisory Committee on Nursing Meeting
Nursing Practice & Standards Committee Meeting
Advanced Practice Committee Meeting

Board of Nursing Meeting

Advisory Committee on Nursing Meeting
Nursing Practice & Standards Committee Meeting

Board of Nursing Meeting

Advanced Practice Committee Meeting
Nursing Practice & Standards Committee Meeting
Advisory Committee on Nursing Meeting

Board of Nursing Meeting

Advisory Committee on Nursing Meeting
Nursing Practice & Standards Committee Meeting
Advanced Practice Committee Meeting

Board of Nursing Meeting

Nursing Practice & Standards Committee Meeting
Advisory Committee on Nursing Meeting

- The Board approved the following Advisory Opinions. Full text of these opinions can be found on our Web site: www.llr.state.sc.us/pol/nursing/

"Is it within the role and scope of a registered nurse (RN) or licensed practical nurse (LPN) practicing in a school setting to select, train, determine the competency of and evaluate unlicensed school personnel for assisting students with medications taken on a routine schedule?"

Advisory Opinion #49 addresses supervision of emergency medical technicians (EMT) and paramedics. This advisory opinion allows the delegation of tasks listed in the Nurse Practice Act to emergency medical technicians (EMT) and paramedics by nurses in a medical facility or agency.

Advisory Opinion #39 allows registered nurses to give Botox and a collagen injection as long as the supervising physician is immediately available on

site and able to respond within five minutes to any question or adverse event. It would also require the physician to perform and document an initial assessment prior to treatment and as needed in the course of therapy. As with the laser removal of hair and spider veins, the registered nurse must have satisfactorily completed a documented special education and training program which includes supervised practice and clinical skill competency.

Advisory Opinion #23 regarding registered nurses performing endotracheal intubation adding laryngeal mask airway has been used in place of the endotracheal tube in short term intubation in the operating room and also in emergency intubations.

- Board staff and Board members reviewed the agenda and changes in bylaws for the National Council State Boards of Nursing Annual Meeting/Delegate Assembly of the held in Salt Lake City, Utah.

BOARD and COMMITTEE MEETINGS



August 4, 2006	Advanced Practice Committee
August 17, 2006	Nursing Practice & Standards Committee
August 29, 2006	Advisory Committee on Nursing
September 28 – 29, 2006	Board of Nursing
October 17, 2006	Advisory Committee on Nursing
October 19, 2006	Nursing Practice & Standards Committee
November 3, 2006	Advanced Practice Committee
November 16 – 17, 2006	Board of Nursing
December 14, 2006	Nursing Practice & Standards Committee
December 19, 2006	Advisory Committee on Nursing

RETURNED CHECKS

When submitting any fees to the Board of Nursing, please be certain there are sufficient funds in your account to cover your check and that the check has cleared before closing any account. Section 40-1-50(G) of the South Carolina Code of Laws states that a license shall be suspended if a fee payment is made by a check that is subsequently returned by the financial institution unpaid and is not made good within 10 days of official notification. This suspension is exempt from the Administrative Procedures Act. Unpaid checks constitute a non-payment of license fees. Notifications are sent to the address of record on the licensee's file. Section 40-33-38 (C) of the South Carolina Code of Laws (Nurse Practice Act) requires that *all* licensees notify the Board *in writing* within 15 days of an address change. When a check is returned, replacement funds plus the returned check fee allowed by law must be submitted in the form of a cashier's check or money order. The Board cannot provide any further licensure services until the returned check is made good. Notice of the suspension is sent to the licensee's employer(s) if the check is not made good within 10 days of official notification.

LETTERS TO THE EDITOR

COMPETENCY AUDITS

Why was I chosen to have my continued competency form renewal audited?

Section 40-33-40 (C) of the Nurse Practice Act states that documented evidence of continued competency must be presented by the licensee within five business days of request by a representative of the department acting in its discretion or in accordance with a random audit of a sample of licensees. Names are selected at random by the computer.

Where can I find the Employer Certification form?

The Employer Certification form approved by the Board can be found on our Web site under Applications/Forms at www.llr.state.sc.us/pol/nursing/.

Why does my audit documentation have to be in the Board's office within five (5) business days?

Section 40-33-40 (C) of the Nurse Practice Act requires that documented evidence of continued competency be presented by the licensee within five business days of request by a representa-

tive of the department. Your information will be considered on time if post-marked by or on the 5th business day.

Can I send my information to the Board by fax?

Yes. You may send your audit information to us by fax at (803) 896-4525. Our fax machine is available 24 hours a day, seven days a week. If you find that our fax machine is busy, please try faxing again during non-business hours.

I do not remember which competency option I chose when I renewed. Where can I find this information?

Refer back to the copy of your renewal form. It is advisable to keep a copy of every renewal form in your file.

OTHER QUESTIONS

I graduated from nursing school about 15 years ago. Can I apply to take the NCLEX examination now?

No. Per Section 40-33-32, there is a three-year limit on taking the examination. Research points to better success rates if the National Council Licensure

Examination (NCLEX) is taken within three months of graduation. More than three years after graduation requires the candidate to return to nursing school.

Section 40-33-32(E) An applicant who does not pass the licensure examination on the first attempt may retake the examination not more frequently than once every 45 days for up to one year from the first attempt. An applicant who does not pass the examination within one year of the first examination shall provide evidence satisfactory to the board of remediation approved by the board before reexamination. An applicant who has not passed the National Council Licensure Examination within three years of graduation must requalify to take the examination by enrolling in an approved nursing education program and demonstrating knowledge, skills, and ability of a graduate nurse.

I have been an emergency medical technician (EMT) for ten years. I was medic in the armed forces. Can I challenge the test to be licensed as a registered nurse or licensed practical nurse? No. The Nurse Practice Act requires that

continued on page 20

all applicants for the National Council Licensure Examination (NCLEX) complete all requirements for graduation from an approved school of nursing or nursing education program approved by the state or jurisdiction in this country or territory or dependency of the United States in which the program is located.

[I have a nursing practice question. How do I get something in writing to provide to my supervisor?](#)

All practice questions should be forwarded to the Board of Nursing in writing to P. O. Box 12367, Columbia, SC 29211 or by e-mail to nurseboard@llr.sc.gov. A written response will be provided by Board staff. If a question requires additional expert advice the question will be forwarded to the Nursing Practice and Standards Committee. This committee may make a recommendation which will be forwarded to the full Board for review and consideration.

[Does the Board have meetings I can attend to meet my requirement for one of my nursing classes?](#)

The Board of Nursing meets six times a year and has three standing committees which meet periodically. Check our Web site to see where and when the meetings are held at the Board offices. All Board of Nursing and committee meetings are open to the public.

[I have received information in the mail about continuing education courses from various vendors. How do I know if the course will](#)

[be accepted by the Board for my renewal?](#)

The Competency Requirement Criteria is located on our Web site. This document lists the providers and approving organizations accepted by the Board. If the course you are considering is offered by or approved by one of the organizations on the list, the Board will accept it toward your contact hours for renewal.



[Representatives from the human resources department at my facility say that they cannot sign my Employer Certification form due to company policy. What do I do now?](#)

While there are four options available in the Nurse Practice Act, not all options may be available in a particular employ-

ment setting. Prior to choosing an option, it may be wise to check with your employer to see if the employer will honor all the options. If your employer will not sign the form, you may choose one of the other three available options. The options for renewal of your nursing license are: (a) completion of 30 contact hours from a continuing education provider recognized by the Board; (b)

maintenance of certification or re-certification by a national certifying body recognized by the Board; (c) completion of an academic program of study in nursing or a related field recognized by the Board; or (d) verification of competency and the number of hours practiced, as evidenced by employer certification on a form approved by the Board.

[How do I know if the nursing school I am considering attending is approved by the Board of Nursing?](#)

A list of approved nursing programs can be found on our Web site under Education. In addition to the list, you will find National Council Licensure Examination (NCLEX) passing rates for the schools, South Carolina and the nation.

[How can I find out if a nurse is licensed?](#)

Again, our Web site is a great informational tool. The Licensee Lookup feature is on the first page of our Web site. This feature is also available for the other professional and occupational licensing boards in the South Carolina Department of Labor, Licensing and Regulation.