



**South Carolina  
Department of Labor, Licensing and Regulation**



**Board of Nursing**

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**MARCH 24, 2011 BOARD OF NURSING MEETING MINUTES**

NOTE: These minutes are a record of the official actions taken by the Board and brief summary of the meeting. A recording of this meeting providing more detail will be available at [www.llronline.com/granicus.asp](http://www.llronline.com/granicus.asp).

Board President Sylvia A. Whiting called the March 24, 2011 Board of Nursing meeting to order at 8:35 a.m. Public meeting 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

Sylvia A. Whiting, PhD, APRN-BC, President  
Congressional District 1 Present

BOARD MEMBERS  
PRESENT AND  
VOTING

Rose Kearney-Nunnery, RN, PhD, Vice-President  
Congressional District 2 Present

Carrie Houser James, RN, MSN, NE-BC, CCE, Secretary  
Congressional District 6 Present

C. Lynn Lewis, RN, EdD, MHS, President  
Congressional District 3 Present

Brenda Yates Martin, RNC, MN, CNA  
Congressional District 5 Present

Trey Pennington, MBA, MS  
Public Member Excused

One Registered Nurse Vacancy- Congressional District 4  
Two Licensed Practical Nurse Vacancies- Regions I & II  
One Public Member Vacancy

Joan Bainer, RN, MN, NE BC, Board Administrator  
Nancy Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education  
Birdie Felkel, RN, MSN, Program Nurse Consultant-Practice  
Sheridon Spoon, Associate General Counsel, Office of General Counsel  
Jocelyn Andino, Assistant General Counsel, Office of General Counsel  
Dean Grigg, Hearing Counsel, Office of Disciplinary Advice Counsel

LLR STAFF  
PRESENT FOR  
CERTAIN ITEMS

The March 24, 2011 Board of Nursing meeting agenda was presented to the Board for review and approval.

APPROVAL OF  
AGENDA

A motion was made by Rose Kearney-Nunnery to approve the March 24, 2011 Board of Nursing meeting agenda as presented. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

APPROVAL OF  
CONSENT AGENDA

The March 24, 2011 Consent Agenda was presented to the Board for review, approval, or acceptance as information. Issues in committee minutes requiring Board action are presented as separate Item(s) on the regular agenda.

*For Acceptance: 11/05/10 Advanced Practice Committee Meeting Minutes*  
*For Information: NCLEX RN and PN Summary Statistics for 2010*  
*For Information: Schools with Deficient NCLEX Pass Rate for Test Year 2010*  
*For Information: Office of General Counsel Case Load Statistics*  
*For Information: Administrator's Report*

A motion was made by Rose Kearney-Nunnery to approve the March 24, 2011 Consent agenda with the removal of the Administrator's Report. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

The January 27, 2011 Board of Nursing Meeting Minutes were presented to the Board for review and approval.

APPROVAL OF  
MINUTES

A motion was made by Brenda Yates Martin to approve the January 27, 2011 Board of Nursing Meeting Minutes with corrections. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Ms. Bainer asked that the Board add the Institute of Medicine's "The Future of Nursing: Leading Change, Advancing Health" report (IOM report) as a standing item on future Board meeting agendas. The summary and link to the IOM report will be included in the Board meeting materials in the reference section. The Board requested that different portions of the IOM report be highlighted at each meeting. Rose Kearney-Nunnery shared information from a recent American Association of Colleges of Nursing (AACN) meeting. At the AACN meeting discussion included scope of practice that must be addressed by licensure, accreditation, certification and education (LACE) groups by 2014 to be ready for 2015. Dr. Kearney-Nunnery requested that scope of practice be discussed at the next meeting.

IOM REPORT

A motion was made by C. Lynn Lewis to add a topic from the Institute of Medicine's (IOM) "The Future of Nursing: Leading Change, Advancing Health" with potential regulatory impact to future Board meeting agendas for discussion. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Ms. Bainer reported that the Nurse Licensure Compact Administrators had approved changes. These changes include but are not limited to additional forms of documentation that may be used for declaration of primary state of residence for nurses living in the United States as well as other countries and single state licenses. The changes also affect single state licenses.

ADOPTION OF  
CHANGES TO  
MODEL COMPACT  
RULES

2. Issuance of License by Compact Party State

c. A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:

- i. Driver's license with a home address;
- ii. Voter registration card displaying a home address; or
- iii. Federal income tax return declaring the primary state of residence.

iv. Military Form no. 2058 - state of legal residence certificate; or

v. W2 from US Government or any bureau, division or agency thereof indicating the declared state of residence.

vi. (Statutory basis: Articles 2E, 4C, and 4D)

*d. A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state. (Statutory basis: Article 3E)*

*e. A licensee issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license. (Statutory basis: Article 3A and 3B)*

*f. When a party state issued a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance. (Statutory basis: Article 3A, 3B, and 3E)*

A motion was made by Carrie Houser James to accept the changes to the Nurse Licensure Compact model rules as presented and previously approved by the Nurse Licensure Compact Administrators. Rose Kearney Nunnery seconded the motion. The motion carried unanimously.

MOTION

Ron Bartley, President; Forest Mahon, Vice President; Theresa Wright, Nursing Department Head; Heath Milligan, Dean of Instructors; Pam King, Practical Nursing Instructor and Cheryl Douglass, Practical Nursing Instructor with Northeastern Technical College (NETC) appeared before the Board to respond to questions regarding continued approval of their Practical Nursing Program. Based on the November 2006 survey report, at its March 2007 meeting, the Board voted to continue full approval for the NETC practical nursing program for four years. Their practical nursing program site survey was conducted in October 2010 related to continuing full approval status and the report provided to the Board along with the NETC response materials.

NORTHEASTERN  
TECHNICAL  
COLLEGE  
PN PROGRAM

A motion was made by Rose Kearney-Nunnery to grant continued approval of the Northeastern Technical College Practical Nursing Program for five years. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

Paul Wright, President, Glenda Sims, Director of Nursing (by conference call) and Syreeta Miller, Clinical Coordinator for Fortis College appeared to discuss information submitted per the Board's request. At its January 2011 meeting, the Board granted initial approval status for the Fortis College Columbia Associate Degree Nursing program contingent upon receipt of the following:

FORTIS COLLEGE

1. Job description for adjunct/ clinical faculty
2. Executed clinical agreements with Kershaw Health and Spartanburg Regional Health Services District
3. Documentation that differentiates policy differences between the program and the parent institution e. g. attendance
4. Update on faculty hires/ recruitment plan

The Fortis College site team (Sylvia Whiting, Joan Bainer and Nancy Murphy) have reviewed the documents submitted for items #1, #2 and #3. The site team requested that the Board review item #4 Update on faculty hires/ recruitment plan. The Board reviewed the materials provided.

A motion was made by C. Lynn Lewis to approve the Update on faculty hires/ recruitment plan as provided by Fortis College. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Carole Bennett and Stephanie Burgess, Advanced Practice Committee, discussed a *draft* white paper on Advanced Practice Registered Nursing (APRN) with the Board. This white paper will be officially provided to the Board at a later date. Their discussion included but was not limited to the IOM report; physician oversight or involvement; roles of the APRN; a literature review on patient safety and quality of care.

APC – WHITE PAPER

Charlie J. Ido was introduced to the Board. Mr. Ido became the Interim Deputy Director for the Office of Board Services on February 28, 2011. He shared a brief update including but not limited to the new Governor; new Department of Labor, Licensing and Regulation Director; impact of reduction in force; all licensure activities returned to board level, Governor filling positions on the boards; each board will have an Investigative Review Committee (IRC) from the Office of Investigation and Enforcement (OIE); IRCs are made up of the administrator, attorney, OIE supervisor and a professional member; Nursing Board may consider using more public members if necessary due to the different practice areas; boards are encouraged to develop and use resolutions guidelines; complaints or complaint questions regarding go through the administrator; due to a Supreme Court decision, there will be a “firewall” between investigators and hearing panel or board members regarding specific facts of cases to prevent tainting; and OIE will continue to provide their report at each meeting.

INTRODUCTION

Robert Ball, Jr., MD, MPH, FACP, S.C. Department of Health and Environmental Control (DHEC); Jane Richter, Dr.PH, MA, MSN, RN, CHES, USC–Center for Public Health Preparedness and Judy Thompson, Executive Director, S.C. Nurses Association appeared before the Board to provide an update on the September 2009 Pandemic Influenza Ethics Task Force presentation and to request the Board’s endorsement. Dr. Ball reported that the Board of Medical Examiners gave their endorsement in May 2010. He provided a sample of the motion used by the Board of Medical Examiners and Pharmacy Board in September 2010.

SC PANDEMIC FLU  
TASK FORCE

Ms. Martin explained the Board of Nursing was represented on the task force. As the Board President, she attended meetings until her term ended. Administrator Joan Bainer attended some meetings when Ms. Martin’s term ended. Ms. Martin expressed regret for the lapse in attendance.

It was noted that the plan covers only pandemic flu and not other crises. The Board asked why DHEC was not listed as an endorsement. Dr. Ball explained DHEC’s endorsement is expressed by task force funding and website use.

A motion was made by Rose Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel. C. Lynn Lewis seconded the motion. The motion carried with one nay from Brenda Yates Martin.

MOTION

A motion was made by Rose Kearney-Nunnery to leave executive. Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

Mr. Spoon shared the Board’s concern that DHEC’s endorsement is still unclear. IT was noted that pursuant to Title 44, DHEC may develop plans of this type. The plan references the current law as lacking liability protection. The Insurance

Reserve Fund was unable to determine if endorsement or adoption of the plan would increase or decrease the risk of exposure. In May 2010, the Board of Medical Examiners endorsed the need for published guidelines and supported legislation to codify the task force recommendations.

Dr. Ball explained that the 99% of the DHEC Board deals with environmental health issues and is seldom involved in health services issues; therefore, may not be the appropriate place for endorsement. He spoke with Max Learner, Public Health Preparedness Director who will immediately draft a letter to be signed by the Commissioner and posted on their website.

Dr. Ball is requesting a consensus from the boards for a relatively “safe harbor” for healthcare professionals for when crises hit, using the pandemic flu as the model. He further explained that due to this plan, physicians now better understand that their licenses are not held liable if they use normal standards of care everyday and “battlefield triage rationing” during a crisis. In response to the Board’s question, Dr. Ball stated that the plan had been widely shared through the Hospital Association as well as the Nurses Association and others.

A motion was made by Rose Kearney-Nunnery that the South Carolina Board of Nursing recognizes and supports the need for a statewide epidemic plan promulgated pursuant to the authority granted to the South Carolina Department of Health and Environmental Control Board by South Carolina Code §44-1-180 and further supports legislative initiatives to both codify the statewide epidemic plan and to include additional statutory liability protection for licensed healthcare providers. C. Lynn Lewis seconded the motion. The motion carried with one recusal from voting by Brenda Yates Martin due to employment with the Department of Health and Environmental Control.

MOTION

Peggy Hewlett, Dean, USC College of Nursing provided an update on One Voice-One Plan regarding South Carolina’s nursing workforce. She reviewed report recommendations from the Institute of Medicine (IOM) The Future of Nursing, Leading Change Advancing Health. This document may be viewed at [www.ion.edu/nursing](http://www.ion.edu/nursing). Further discussion included but was not limited to the need for the Board’s support on scope of practice issues for the advanced practice registered nurses, registered nurses as licensed practical nurses, articulation, the goal to have 80% of South Carolina nurses to be at the baccalaureate level by 2020, residency programs, and doctorate in nursing practice.

ONE VOICE / ONE PLAN

Joan Bainer informed the Board of fee changes implemented by the Director. The \$7 Recovering Professional Program fee has been removed. Verification fees are reduced to \$5.00. NURSYS is used for nurse licensure verification. Occasionally, verification is requested by an employer that cannot use NURSYS. A \$25.00 Walk-In fee was put into place if an applicant decides to walk in for services that could be completed online. Regulations will need to be updated to reflect changes in the fees.

LICENSURE FEES

Ms. Bainer shared that the agency is asking all boards to review their statutes and regulations and answer the following questions: 1) Are there regulations in conflict with statute?; 2) Are there instances where regulatory requirements exceed statutory authority?; 3) Are there regulations with little or no current relevance; and 4) What changes would the Board like to see made to the statute or regulations? Ms. Bainer stated she has already begun reviewing Regulation 91-1C related to disciplinary hearings. Discussion included but was not limited to

ROUTINE REVIEW OF STATUTES/REGULATIONS

current regulations are mostly related to education; need for new regulations to further explain the statutory requirements; changing executive director to administrator, criminal background checks, and medication assistants-certified. These items will be presented to the Board at their Strategic Planning Retreat. Other items on the retreat agenda included succession for board officers. Ms. Murphy shared that her One Voice-One Plan Committee would be making recommendations for some changes based on the IOM report for Board consideration.

Ms. Bainer reported that Mr. Ido has a copy of the Disciplinary Sanctions Guidelines Chart and is sharing it with other boards for use in developing a similar document. Lynne Rogers and investigators will be reviewing the chart and offering suggestions for revisions. The chart will continue to be used by hearing panels in making their recommendations as well as by the Board in final order hearings. She provided an updated list of attorneys assigned to the Board of Nursing. Further discussion included but was not limited to fines levied on those in the Recovering Professionals Program; Disciplinary Review Committee makes recommendations to the Board therefore the Committee chair will not signing reinstatement letters.

The Board congratulated Ms. Bainer and Ms. Murphy as 2010 Palmetto Gold recipients. C. Lynn Lewis, Brenda Yates Martin and Sylvia Whiting are past Palmetto Gold recipients.

The Board was provided with advisory opinions that had been reviewed by the Nursing Practice and Standards Committee (NPSC) which made recommendations for revisions or notation that the opinion had been reviewed. The NPSC recommended no changes for advisory opinions #1, #3, #5, #8, #9a, #10, #11, #12, #14, #15, #16, #17, #19, #20, #21, #22, #28, #30, #34, #36, #40, and #45. Revisions were recommended for advisory opinions #6, #23, #25, #29, #33, #39, and #43. Recommended revisions to advisory opinions #2, #4, #7, #13, #23, #26, #31, #37, and #38 were limited to standardized language and bringing changes to references to additional acts versus expanded role as defined by the Nurse Practice Act.

A motion was made by Rose Kearney-Nunnery to approve the revisions to standardized language as presented in advisory opinions #2, #4, #7, #13, #23, #26, #31, #37, and #38. Brenda Yates Martin seconded the motion. The motion carried unanimously.

A motion was made by Carrie Houser James to approve revisions to advisory opinions #6, #23, #25, #29, #33, #39, and #43 as presented but using the chemical name for drugs in opinion #29. Rose Kearney-Nunnery seconded the motion the motion carried unanimously.

Advisory opinions #1, #3, #5, #8, #9a, #10, #11, #12, #14, #15, #16, #17, #19, #20, #21, #22, #28, #30, #34, #36, #40, and #45 will be updated to record that they have been reviewed.

Birdie Felkel provided the Board with the Office of Investigation and Enforcement (OIE) graphs for 2010.

The Board reviewed curriculum vitae for Ann Peterson, APRN and Linda Beaver, MSN, RN to serve as expert reviewers.

DISCIPLINARY  
SANCTIONS  
GUIDELINES

ADMINISTRATORS  
REPORT

CONGRATULATIONS  
- PALMETTO GOLD  
AWARD

ADVISORY  
OPINIONS

MOTION

MOTION

FELKEL - OIE DATA

EXPERT  
REVIEWERS

A motion as made by C. Lynn Lewis to approve Ann Peterson, APRN and Linda Beaver, MSN, RN to serve as expert reviewers. Rose Kearney-Nunnery seconded the motion the motion carried unanimously.

MOTION

The Board was provided with curriculum vitae for David Andrews and June Duggan to fill the vacant certified registered nurse anesthetist position on the Advanced Practice Committee.

APC – CRNA

A motion was made by Rose Kearney-Nunnery to appoint David Andrews to fill the vacant certified registered nurse anesthetist position on the Advanced Practice Committee. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Gil Altman was introduced to the Board. The Board was provided with the Resolutions Committee Report with recommendations from its meetings held since the last Board meeting. The Disciplinary Sanctions Guidelines is used in making these recommendations.

RESOLUTIONS  
COMMITTEE  
REPORT

A motion was made by Rose Kearney-Nunnery to approve Resolutions Committee recommended Dismissals (Keys #1-#15. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve Resolutions Committee recommended Dismissals with Letters of Concern (Keys #16-#19. C. Lynn Lewis seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C Lynn Lewis to approve Resolutions Committee recommended Formal Complaints (Keys #20-#30 and #32. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C. Lynn Lewis to approve Resolutions Committee recommended Formal Complaints (Keys #33 and #34.) Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board agreed to hold the Strategic Planning Retreat on the Friday after the May Board meeting. The agenda will include but may not be limited to leadership succession, Regulation 91-19, Regional Action Committee, medication assistants-certified, criminal background checks, summit results, and Just Culture.

BOARD STRATEGIC  
PLANNING RETREAT

Dr. Whiting provided information on the 2011 National Council of State Boards of Nursing Mid-Year Meeting. Dr. Whiting and Ms. Bainer attended this meeting. Discussion included but was not limited to Guiding Principles, Area Meetings, APRN Summit follow-up, workforce data, leadership succession, uniform licensure requirements, and Just Culture.

2011 NCSBN  
MIDYEAR MEETING  
REPORT

The Board was provided with requested information on Key #31 on the Resolutions Committee Report.

RESOLUTIONS  
COMMITTEE  
REPORT- CONT.

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee recommended Formal Complaint (Key #31). C. Lynn Lewis seconded the motion. The motion carried unanimously.

MOTION

To determine appropriate disciplinary actions, the Board reviewed memoranda of agreement stipulating to violations of the Nurse Practice Act. Respondents appeared before the Board. Representatives from the Recovering Professional Program (RPP) were also present to respond to questions from the Board in cases regarding their clients.

In Case #2010-189, Respondent signed a Memoranda of Agreement in lieu of a hearing admitting to violation of §40-33-110(A)(3) and (23) as well as §40-1-110(f) South Carolina Codes of Laws, as amended. Respondent appeared before the Board represented by J. Charles Ormond, Jr., Esquire.

A motion was made by Rose Kearney-Nunnery in Case #2010-189 to go into executive session for the purpose of receiving legal counsel. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to leave executive. Brenda Yates Martin seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Rose Kearney-Nunnery in Case #2010-189 to issue a private reprimand and a civil penalty of \$100. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

In Case #2010-400, Respondent signed a Memorandum of Agreement in lieu of a hearing admitting to violation of Section 40-33-110(A)(1), (3) and (19) as well as 40-1-110(f), South Carolina Codes of Laws, as amended. Respondent appeared before the Board without legal counsel. Respondent was aware of his/her right to legal counsel and waived that right.

A motion was made by C. Lynn Lewis in Case #2010-400 to go into executive session for the purpose of receiving legal counsel. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C. Lynn Lewis to leave executive. Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion as made by C. Lynn Lewis in Case #2010-400 for Respondent to re-enroll in RPP, undergo a mental health evaluation with the report to be sent to the administrator and once Respondent is cleared by RPP to work again, Respondent must reappear before the Board prior to obtaining employment in the nursing profession. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

The Office of Licensure and Compliance (OLC) brought licensees before the Board to discuss orders/consent agreements modification requests; failure to complete the terms of orders/consent agreements, unlicensed practice and an application for licensure by endorsement.

OLC APPEARANCES

An applicant for licensure as a licensed practical nurse by endorsement appeared before the Board to discuss a requirement from a previous application for endorsement into South Carolina.

A motion was made by Brenda Yates Martin to go into executive session for the purpose of receiving legal counsel. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C. Lynn Lewis to leave executive. Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Rose Kearney-Nunnery to deny the application until the requirements of the previous request have been met. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case #2009-80, Respondent appeared before the Board for failure to complete a requirement in the March 2010 Consent Agreement. Respondent was represented by David Rothstein, Esquire.

A motion was made by Rose Kearney-Nunnery in Case #2009-80 to go into executive session for the purpose of receiving legal counsel. C. Lynn Lewis seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C. Lynn Lewis to leave executive. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion as made by Rose Kearney-Nunnery in Case # 2009-80 for Respondent's to consult with the refresher program, complete the refresher course and reappear before the Board. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case #2009-460, Respondent appeared before the Board to petitioning to terminate a consent agreement and probation. Respondent was represented by Desa Ballard, Esquire.

A motion was made by C. Lynn Lewis in Case #2009-80 to terminate the consent agreement. Rose Kearney-Nunnery seconded the motion. The motion carried with an abstention by Carrie Houser James.

MOTION

In Case #2009-19, Respondent appeared before the Board to request modification of the July 2009 Consent Agreement.

A motion was made by C. Lynn Lewis in Case #2009-19 to go into executive session for the purpose of receiving legal counsel. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C. Lynn Lewis to leave executive. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion as made by Carrie Houser James in Case #2009-19 to remove remaining conditions of the consent agreement and that employment be approved by the Board administrator. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Respondent appeared before the Board to discuss reinstatement of his/her license from the 1995 and 1996 orders.

A motion was made by Rose Kearney-Nunnery that because Respondent has completed all requirements of the 1995 and 1996 orders to reinstate Respondent as a licensed practical nurse. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Respondent appeared before the Board to request the permanent narcotics restriction placed on his/her license in the 2004 order of the Board be removed.

A motion was made by Rose Kearney-Nunnery to remove the narcotics restriction placed on Respondent's license in the 2004 order. C. Lynn Lewis seconded the motion. The motion carried unanimously.

MOTION

Respondent signed a Memorandum of Agreement in lieu of a hearing admitting to practicing as a licensed practical nurse without a valid nursing license from May 1, 2008 through January 26, 2011 in violation of Section 40-33-30 of the Nurse Practice Act. Respondent appeared before the Board without legal counsel. Respondent was aware of his/her right to legal counsel and waived that right.

A motion was made by C. Lynn Lewis regarding the Memoranda of Agreement admitting to unlicensed practice to go into executive session for the purpose of receiving legal counsel. Carrie Houser James and Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C. Lynn Lewis to leave executive. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

The Board reminded Respondent that the Nurse Practice Act requires nurses to wear a badge identifying them giving their name and license type.

A motion was made by Carrie Houser James regarding the Memoranda of Agreement admitting to unlicensed practice as a licensed practical nurse from May 1, 2008 through January 26, 2011, to issue a private reprimand; to levy a \$2,000 civil penalty to be paid within one year; require completion of a Board approved legal aspects class, accepting documentation if the class has already been completed; and to require completion of an ethics class and a boundaries class within six months of the order. C. Lynn Lewis seconded the motion. The motion carried unanimously.

MOTION

A motion was made by C. Lynn Lewis to adjourn the meeting at 5:25 p.m. on March 24, 2011. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION TO  
ADJOURN

NOTE: These minutes are a record of the official actions taken by the Board and brief summary of the meeting. A recording of this meeting providing more detail will be available at <http://www.llronline.com/granicus.asp>.