

SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF NURSING

BOARD MEETING MINUTES – JANUARY 26, 2006

President White called the meeting to order at 8:30 a.m. In accordance with the S.C. Freedom of Information Act, meeting notice was properly posted in the Kingstree Building Lobby and provided to all requesting persons, organizations, and news media. A quorum was present at all times. The Board mission was read as follows: *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.*

CALL TO ORDER
PLACE OF
MEETING
AND FOIA
COMPLIANCE

Suzanne Kanipe White, RN, MN, FAAN, FCCM, CNAA, President
Congressional District 4..... Present

Brenda Yates Martin, RNC, MN, CNAA, Vice-President
Congressional District 5..... Present

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

Debra J. Doria, LPN
Region II, Congressional District 4.....Excused Absence

Carrie Houser James, RN, MSN, CNA-BC, CCE
Congressional District 6..... Present

Mattie Smalls Jenkins, LPN
Region I, Congressional District 1 Present

Rose Kearney-Nunnery, RN, PhD
Congressional District 2..... Present

Sylvia A. Whiting, PhD, APRN-BC
Congressional District 1Excused Absence

Public Member Two Vacancies

BOARD MEMBERS
PRESENT AND
VOTING

Ruby Brice McClain, Asst. Deputy Director – Health & Medically Related Professions
Renatta Loquist, RN, MN, Interim Administrator
Lynne Rogers, General Counsel
Richard P. Wilson, Deputy General Counsel
C. J. Riley, Litigation Counsel
Larry Atkins, Chief Investigator – Office of Investigations & Enforcement
Louis Rosen, Hearing Counsel
Maggie S. Johnson, RN, MSN, Program Nurse Consultant-Practice
Nancy G. Murphy, RN, MSN, Program Nurse Consultant-Education
David Christian, Program Coordinator – Licensure
Annette M. Disher, Program Coordinator – Licensure
Dottie Buchanan, Administrative Assistant

STAFF MEMBERS
PRESENT

The agenda for the January 26, 2006 Board of Nursing Meeting was presented for review and approval.

AGENDA
APPROVAL

A motion was made to approve the January 26, 2006 Board Meeting agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

**APPROVAL OF
CONSENT AGENDA**

The following items were adopted on the consent agenda:

- Legislative Update: Compact Regs. (Doc.3035) / Supervision Reg. (Doc. 3030)
- Commission on Graduates of Foreign Nursing Schools (CGFNS) Updates
- UAP Report (Requested at November 2005 Meeting for Review)
- Follow Up with RPP
- NCSBN Financial Statement
- NCSBN – Environmental Assessment– Renatta Loquist
- Referral of Advisory Opinion Question to Nursing Practice & Standards Committee
- For Information: Draft National League for Nursing Accrediting Commission (NLNAC) Survey -- Marion County Technical Education Center
- For Information: Recommended Policy -Procedures for Review & Approval of New Programs in Nursing Ed.
- For Information: South Carolina State University - Interim Director Change Update
- For Information: Nurse Administrator Change – Florence Darlington Technical College
- For Information: Northeastern Technical College – Letter of Intent to Offer Associate in Health Science in Nursing Degree Program Summer 2007
- Legal Aspects Statistics
- December 9, 2005 Disciplinary Review Committee (DRC) Minutes
- November 15, 2005 Investigative Review Committee (IRC) Minutes
- Compliance Statistics
- Approval of Investigative Review Committee Panel Member – Manni
- Approval of Hearing Panel Member - Hickey
- Information: Licensure Statistics

A motion was made to adopt the Consent Agenda with the removal of NCSBN – Criminal Background Check Update; Updated Competency Requirement Criteria; Advanced Practice Committee Minutes and Nursing Practice & Standards Committee Minutes. The motion received a second. The motion carried unanimously.

MOTION

The minutes of the November 17, 2005 Board Meeting were presented to the Board for review and approval.

**APPROVAL OF
MINUTES**

A motion was made to approve the November 17, 2005 Board Meeting minutes with one correction. The motion received a second. The motion carried unanimously.

MOTION

Ms. Loquist gave an update on Compact implementation in South Carolina. Staff has had discussion with the North Carolina Board of Nursing regarding licensed nurses with pending discipline in one Compact state who live in another Compact state. The practice act will need to be amended to clearly address this situation. Staff is working with the Office of Investigation and Enforcement (OIE) on this issue.

COMPACT UPDATE

South Carolina licensees have multi-state privileges unless their license is marked “Valid in South Carolina Only” or “Single State Only.” Most nurses whose licenses are marked in this manner are nurses under current discipline or whose declared primary state of residence is in a non-Compact state. South Carolina Advanced Practice Registered Nurses (APRN) licenses will indicate that they have multi-state privileges as a registered nurse but that their advanced practice is valid in South Carolina only.

The Compact regulations have been filed with the General Assembly and referred to committee. Emergency regulations will need to be filed by Tuesday, January 31, 2006 to be able to implement by February 1, 2006.

Staff continues to meet regularly and is working on the disciplinary process, a Compact manual, updating licensure files for NURSIS, and answering numerous questions on a daily basis.

Ms. Loquist reported that the remainder of the renewal notices with online procedures would be sent out before January 31, 2006. Regarding the employer certification form, Ms. Martin asked that the Board reconsider not allowing non-nursing staff to sign the continued competency form. Staff will review this issue during this renewal cycle.

RENEWAL UPDATE

The Board reviewed a case and recommendation from the hearing panel.

**FINAL ORDER
HEARINGS**

Respondent was properly notified, with service upon the Board President. Respondent appeared before the Board with legal counsel, Thomas Guest, Esquire. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 10-33-110(1) by violating Section 44-53-0390 and that Respondent had also violated Section 40-33-110(18). The Hearing Panel recommended that Respondent's license be placed on probation for a period of one year; that Respondent be required to complete a Board approved medication administration and documentation course within six months of the date of the Board's order; require quarterly employer reports for one year; and that Respondent be assessed a civil penalty of \$500.00 to be paid within ninety days of the effective date of the final order.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and recommendation that Respondent's license be placed on probation for a period of one year; that Respondent be required to complete a Board approved medication administration and documentation course within six months of the date of the Board's order; require quarterly employer reports for one year; and that Respondent be assessed a civil penalty of \$500.00 to be paid within ninety days of the effective date of the final order. The motion received a second. The motion carried unanimously.

MOTION

Applicants for licensure by endorsement as registered nurses and an applicant for the National Council Licensure Examination (NCLEX) registered nurse appeared before the Board regarding criminal and/or disciplinary records reported on their South Carolina licensure applications.

**APPEARANCES-
LICENSURE**

A registered nurse applicant for licensure by endorsement was notified to appear before the Board regarding a "yes" answer to questions on discipline and criminal records on the application. Applicant did not appear and was not represented by counsel before the Board.

A motion was made to defer a decision on this application until the applicant appears before the Board. The motion received a second. The motion carried unanimously.

MOTION

A registered nurse applicant for licensure by endorsement appeared without counsel before the Board regarding a "yes" answer to questions on discipline and criminal records

on the application. Ms. White recused herself due to nurse's application for employment at her facility. The Board asked questions regarding the yes answer to questions on discipline and criminal records on the application.

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

MOTION

A motion was made to return to public session. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to allow endorsement into South Carolina as a Registered Nurse with the recommendation that applicant seek emotional support in the applicant's personal and professional life. The motion received a second. The motion carried unanimously.

MOTION

A registered nurse applicant for licensure by endorsement appeared with spouse but without counsel before the Board regarding a "yes" answer to questions on discipline and criminal records on the application. The Board asked questions regarding the yes answer to questions on discipline and criminal records on the application.

A motion was made to allow endorsement into South Carolina as a Registered Nurse. The motion received a second. The motion carried unanimously.

MOTION

South Carolina Department of Labor, Licensing and Regulation General Counsel, Lynne Rogers and Deputy General Counsel Richard Wilson were present at the meeting to provide legal advice and counsel.

**OFFICE OF
GENERAL
COUNSEL**

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

MOTION

A motion was made to return to public session. The motion received a second. The motion carried unanimously.

MOTION

Ms. McClain reported that there were three internal and three external applicants that would be interviewed for the Board of Nursing Administrator position. LLR Director Adrienne Riggins Youmans, Ms. McClain along with a board member panel will conduct the interviews. A new administrator is expected to be hired within a few weeks after the interview.

**BOARD
ADMINISTRATOR
SEARCH**

The Board reviewed the site survey of the Oconee School of Practical Nursing at the Fred P. Hamilton Career Center performed on September 13, 2005. Dr. Lewis recused herself because the school is in her school's service area. The three faculty members are committed to the additional teaching responsibilities necessary for this program. The program is working with the district's grant writer to obtain money for an additional faculty member. Additional budget money will be available for the purchase of equipment and supplies for the Health Science Technology area. A large laboratory space is planned with updated bed units. Additional computers will also be purchased. It is expected that additional Health Science Technology classes will expose students to nursing and encourage them to enter into the nursing profession. The program will be able to identify students who show the qualities and abilities necessary to become good nurses.

**OCONEE SCHOOL
OF PRACTICAL
NURSING**

A motion was made to grant three-year approval of the Oconee School of Practical Nursing Program at the Fred P. Hamilton Career Center with an interim report due to the Board in May 2007 after two semesters. The motion received a second. The motion carried unanimously.

MOTION

Dr. Julia Ball, University of South Carolina – Aiken (USC-A) School of Nursing, reported that the University of South Carolina – Salkahatchie (USC- Salkahatchie) has written a successful grant for funding a generic bachelors in nursing program to be housed on their campus but administered by USC-A. Dr. Rose recused herself because the school is in her school’s service area.

**USC -
SALKAHATCHIE**

USC-A would own this program. USC-Salkahatchie is a two-year program. They have received Duke grant money and could get other funding through partnerships with businesses and hospitals. The program would be run with campuses in Allendale and Walterboro. Some classes would need to be distance learning. It was asked what would be the smallest number of students for a viable program at USC-Salkahatchie.

A motion was made that this program be treated as a new program and that the program cannot be advertised until it is fully approved. The motion received a second. The motion carried unanimously.

MOTION

Janet Ancone presented draft education program regulations from the Advisory Committee on Nursing (ACON). She reported that they added the conceptual framework into both the registered nurse and practical nurse sections of the regulations for consistency. The also added information on preceptors. It was asked that information on clinical faculty requirements be listed in both the registered nurse and practical nurse sections. The regulations should also address nurses teaching in our state under the Compact.

**DRAFT EDUCATION
REGULATIONS**

A motion was made to support the regulations with the addition of adjunct faculty limitations in the practical nurse program and correction of typographical changes and any other changes needed for consistency with the Compact. The motion received a second. The motion carried unanimously.

MOTION

Peggy Sharon Peterson appeared before the Board regarding her application for licensure as a clinical nurse specialist in South Carolina. Ms. Peterson has recently moved to South Carolina from Maryland. She holds diploma in nursing as well as a bachelor’s degree in psychology and a master’s degree in social work from the University of Maryland. The American Nurse Credentialing Center (ANCC) has certified her as a clinical nurse specialist in child and adolescent psychiatric and mental health since 1991. Ms. Peterson was certified as a psychiatric and mental health nurse from 1983 until 1991. She is asking the Board to consider her advanced degrees to license her toward requirements for an advanced practice registered nurse in our state.

**ADVANCED
PRACTICE
REGISTERED
NURSE (APRN)**

A motion was made to go into executive session to receive legal counsel. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to return to public session. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve Peggy S. Peterson’s eligibility for advanced Practice Registered Nurse –Clinical Specialist based on her certification by a Board approved national credentialing organization prior to December 31, 1994 as defined in South Carolina Regulation 91-6(c)(4)(a), which was in effect at the time of her initial certification. The motion received a second. The motion carried unanimously.

MOTION

The Board discussed advanced practice registered nurse audits by the Board of Medical Examiners. The Board is interested in partnering with the Board of Medical Examiners on this issue.

The Policy on Expungement of Public Reprimands has been suspended and will be reviewed again in six months.

**EXPUNGEMENT
POLICY**

The Board discussed 2006 committee and task force assignments.

**2006 COMMITTEE
ASSIGNMENTS**

<u>Committee/Task Force</u>	<u>Board Member</u>
Advanced Practice Committee	Sylvia Whiting
Advisory Committee on Nursing	Lynn Lewis
Legislative Committee (Ad Hoc)	Brenda Martin – Initial Contact
Nursing Practice & Standards Committee	Brenda Martin
RPP Advisory Committee	Sylvia Whiting
School Health /UAP Task Force	Debra Doria, Carrie Houser James
Nurse Practice Act / Collaboration Committee	Kearney-Nunnery, Suzanne White

A motion was made to approve the above committee assignments for 2006. The motion received a second. The motion carried unanimously.

MOTION

Dr. Lewis reported that she would not be able to attend the February 21, 2006 Advisory Committee on Nursing Meeting.

The Board discussed possible dates and proposed topics for the 2006 Strategic Planning Meeting. Proposed topics included but were not limited to Board of Medical Examiners Collaboration, Emergency Management and Criminal Background Check.

**2006 STRATEGIC
PLANNING
MEETING**

A motion was made to change the May 25-26, 2006 Board of Nursing Meeting to May 19, 2006. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed proposed changes to the 2007 NCLEX –RN Test Plan. It was noted that patient safety and communication among disciplines were addressed in the proposed changes.

**2007 NCLEX TEXT
PLAN**

The 2006 Mid Year Meeting of the National Council of State Boards of Nursing will be held on March 13-15, 2006 in Chicago, IL. There will also be a Nurse Licensure Compact Administrators (NLCA) meeting on Sunday, March 12, 2006 prior to the meeting. Requests will be made for President Suzanne White and Board Member Carrie Houser James as well as a staff member to attend this meeting.

**NCSBN MID-YEAR
MEETING**

Ms. White encouraged board members and staff to submit nominations for National

NCSBN CALL FOR

Council of State Boards of Nursing (NCSBN) committees so that South Carolina will be actively represented at NCSBN. Nominations must be postmarked by April 16, 2006.

NOMINATIONS

Criminal background checks will be discussed at the 2006 Strategic Planning Meeting. The Nurse Licensure Compact Administrators (NLCA) are discussing criminal background checks as they relate to the Compact. Not all states, Compact and non-Compact, require a criminal background check as a requirement for licensure.

**NCSBN – CRIMINAL
BACKGROUND
CHECK UPDATE**

The Board reviewed the Continued Competency Criteria with recent changes made for clarity. In the future, the Board would like to revisit accepting courses that do not begin with the NUR prefix toward the continuing education contact hours as well as reviewing the employer certification form.

**UPDATED
COMPETENCY
REQUIREMENT
CRITERIA**

The Nursing Practice and Standards Committee (NPSC) reports that several hospitals across the state are using emergency medical technicians (EMT) and paramedics in the emergency department and calling them patient care technicians (PCT). They are allowing these PCTs to start IVs and administer medications. A problem arises when nurses are asked to supervise unlicensed assistive personnel (UAP). The EMT statute only allows them to perform these tasks in the field not in hospitals. The Board can regulate nurses supervising. This is out of the scope of practice for UAPs. NPSC members are conferring with the Department of Health and Environmental Control and will draft an advisory opinion regarding this issue

**NURSING
PRACTICE &
STANDARDS
COMMITTEE
MINUTES**

The next regular meeting of the South Carolina Board of Nursing is scheduled for March 30-31, 2006.

NEXT MEETING

A motion was made to adjourn the meeting at 4:10 p.m. on January 26, 2006. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,
Dottie Buchanan, Administrative Assistant