

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

BOARD MEETING MINUTES – September 28-29, 2006

President Suzanne K. White called the meeting to order at 8:30 a.m. on Thursday, September 28, 2006 and at 8:30 a.m. on Friday, September 29, 2006. In accordance with the S.C. Freedom of Information Act, the meeting notice was properly posted at the Board offices and provided to requesting persons, organizations, and news media. A quorum was present at all times. The Board's mission was read: *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, FAHA, 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 Present

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, CNE
Congressional District 2 Present

Trey Pennington
Public Member Present

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

One Public Member Vacancy

BOARD
MEMBERS
PRESENT AND
VOTING

Ruby Brice McClain, Asst. Dep. Dir. – Health & Medically Related Professions
David Christian, III, Program Coordinator – Licensure / Compliance
Annette M. Disher, Program Coordinator - Licensure
Maggie S. Johnson, RN, MSN, Program Nurse Consultant-Practice
Nancy G. Murphy, RN, MSN, Program Nurse Consultant-Education
Richard P. Wilson, Deputy General Counsel
Dwight Hayes, Litigation Counsel
Larry Atkins, Chief Investigator – Office of Investigations & Enforcement
Dottie M. Buchanan, Administrative Assistant

STAFF
MEMBERS
PRESENT

The September 28-29, 2006 Board of Nursing meeting agenda was presented to the Board for review and approval.

APPROVAL OF
AGENDA

A motion was made to approve the September 28-29, 2006 Board of Nursing meeting agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The following items were adopted on the consent agenda:

APPROVAL OF
CONSENT
AGENDA

- For Information: Support of Grant Proposal related to Compact
- For Information: American Nurses Association / NCSBN FOIA Letters
- For Information: Board Staff NCSBN Committee Assignments
- For Information: Uniform Volunteer Emergency Healthcare Practitioner Act
- For Information: Lessons learned: Response to Hurricanes Katrina & Rita
- For Information: International Centre on Nurse Migration Newsletter
- For Information: ACON Minutes
- For Information: NCSBN Annual Delegate Assembly
 - a. For Information: Knowledge Networks Minutes Ed. Session - Murphy
 - b. For Information: LPN Issues – Doria
 - c. For Information: Research Breakout – Doria
 - d. For Information: 2007 NCSBN Officers – Bainer
 - e. For Information: NURSYS ® - Bainer
- For Information: Recovering Professionals Program (RPP) Quarterly Report
- For Information: NCLEX Statistics
- For Information: Legal Aspects Workshop Evaluation Statistics (Buchanan)
- For Information: Advanced Practice Committee Minutes
- For Information: Changing Applications from Official Recognition – APRN
- For Information: Update on PREP Candidates
- For Information: Update on PREP from Citizens Advocacy Center
- For Information: Changes in NCC Exam Eligibility Criteria
- For Information: Compliance Statistics
- For Information: Licensure Statistics - Annette Disher
- For Information: Rpt-Applications Approved by Prog. Coord. & Administrator

MOTION

A motion was made to adopt the Consent Agenda with the removal of the Advanced Practice Committee Minutes and Changing Applications from Official Recognition to Advanced Practice Registered Nurse (APRN). The motion received a second. The motion carried unanimously.

The July 27-28, 2006 Board of Nursing Meeting Minutes were presented for Board review and approval.

MINUTES

A motion was made to approve the July 27-28, 2006 Board of Nursing Meeting minutes as presented. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed the August 29, 2006 Investigative Review Committee (IRC) Meeting Minutes and recommendations.

IRC MINUTES

A motion was made to approve the Dismissals in the August 29, 2006 Investigative Review Committee (IRC) Meeting Minutes. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the Formal Complaints in the August 29, 2006 Investigative Review Committee (IRC) Meeting Minutes. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the Letters of Concern in the August 29, 2006 Investigative Review Committee (IRC) Meeting Minutes. The motion received a second. The motion carried unanimously.

MOTION

The Board was provided with the August 3, 2006 Disciplinary Review Committee (DRC) Minutes for their review and approval.

DRC MINUTES

A motion was made to approve the August 3, 2006 Disciplinary Review Committee minutes (DRC) with one correction. The motion received a second. The motion carried unanimously.

MOTION

The Board acknowledged that more Disciplinary Review Committee (DRC) members needed to be selected to provide for succession planning.

The Board reviewed cases and Hearing Panel recommendations from hearings held on April 20, 2006, June 6, 2006, June 20, 2006, and July 25, 2006.

FINAL ORDER
HEARINGS

Respondent Rita K. Davies, RN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on April 20, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Sections 40-33-110(A)(1), 40-33-110 (A)(10), and 40-33-110 (A)(13)(1976) as amended. The Hearing Panel recommended that Respondent's license be immediately suspended, provided that said suspension may be stayed with provisions for the license to be placed in a probationary status for a period of not less than three years, with the following conditions as deemed appropriate after evaluation: evaluation and participation in the Recovering Professionals Program (RPP) if deemed appropriate; Board approved work site with no home health or agency, on site / on shift registered nurse supervision; quarterly employer reports and in compliance with the Compact shall not practice nursing in any party state without written Board approval and satisfactory prior written authorization from the other party state.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Rita K. Davies, RN be immediately suspended, provided that said suspension may be stayed with provisions for the license to be placed in a probationary status for a

period of not less than three years, with the following conditions if deemed appropriate after evaluation: evaluation and participation in the Recovering Professionals Program (RPP) if deemed appropriate; Board approved work site with no home health or agency, on site / on shift registered nurse supervision; quarterly employer reports and in compliance with the Compact shall not practice nursing in any party state without written Board approval and satisfactory prior written authorization from the other party state. The motion did not receive a second. The motion failed.

MOTION

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

MOTION

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

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Rita K. Davies, RN be immediately suspended, provided that said suspension may be stayed with provisions for the license to be placed in a probationary status for a period of not less than three years, with the following conditions if deemed appropriate after evaluation: evaluation and participation in the Recovering Professionals Program (RPP) if deemed appropriate; Board approved work site with no home health or agency, on site / on shift registered nurse supervision; quarterly employer reports and in compliance with the Compact shall not practice nursing in any party state without written Board approval and satisfactory prior written authorization from the other party state . The motion received a second. The motion carried unanimously.

Respondent Carolyn Launius, LPN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on June 6, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-110(A)(18) 1976 as amended. The Hearing Panel recommended that a Board Approved Legal Aspects Workshop be completed prior to reissuance of Respondent's license; that the license be placed in a probationary status for a period of one year; with quarterly employer reports; and in compliance with the Compact shall not practice nursing in any party state without written Board approval and satisfactory prior written authorization from the other party state.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that a Board Approved Legal Aspects Workshop be completed prior to reissuance of Carolyn Launius' practical nursing license; the license is to be placed in a probationary status for a period of one year; with quarterly employer reports; in compliance with the Compact shall not practice nursing in any party state without written Board approval and satisfactory prior written authorization from the other party state and that the Respondent be required to complete a medication course and appear before the Board prior to resuming practice. The motion received a

second. The motion carried unanimously.

Respondent Virginia Roberts, APRN was properly notified but did not appear before the Board and was not represented by counsel. A panel hearing in this case was held on June 6, 2006. Prior to presenting testimony or documentary evidence, counsel for the State moved for dismissal stating that Respondent's license was in good standing with the North Carolina Board of Nursing with no basis for disciplinary action at this time. The Hearing Panel recommended that the case be dismissed.

MOTION

A motion was made to accept the Hearing Panel's Recommendation to dismiss the case against Virginia Roberts, APRN. The motion received a second. The motion carried unanimously.

It was noted that Ms. Roberts cannot practice as an advanced practice registered nurse (APRN) in South Carolina unless her South Carolina APRN license is reinstated.

Respondent Diane M. Fanfan, RN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on June 20, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated her January 26, 2004 Final Order. The Hearing Panel recommended that Respondent's license be indefinitely suspended until Respondent contacts the Board.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Diane M. Fanfan, RN be indefinitely suspended until Respondent contacts the Board. The motion received a second. The motion carried unanimously.

Respondent Angela J. Holcomb, LPN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on June 20, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Sections 40-33-110(A)(1), 40-33-110 (A)(3), and 40-33-110 (A)(13)(1976) as amended. The Hearing Panel recommended that Respondent's license be indefinitely suspended; however, the Panel recognizes that the Respondent retains the right to petition the Board for licensure reinstatement with such petition, it is Respondent's responsibility to provide the Board with satisfactory proof that she is sufficiently rehabilitated and safe to practice.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact and Recommendation that the practical nurse license of Angela J. Holcomb be indefinitely suspended, Respondent has the right to petition the Board for licensure reinstatement with such petition, it is Respondent's responsibility to provide the Board with satisfactory proof that she is sufficiently rehabilitated and safe to practice. The motion received a second. The motion carried unanimously.

Respondent Roslyn Odom, RN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on June 20, 2006. The Panel recommended that the Order of Temporary Suspension remain in effect until such time as the Recovering Professionals Program (RPP) issues a letter clearing Ms. Odom to return to work.

MOTION

A motion was made to accept the Hearing Panel's Recommendation that the Order of Temporary Suspension remain in effect until such time as the Recovering Professionals Program (RPP) issues a letter clearing Respondent to return to work. The motion received a second. The motion carried unanimously.

Respondent Ashley Cathleen Terrell, LPN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on June 20, 2006. The Hearing Panel recommended that the case be continued pending documentation that the complaint and notice of hearing are served on the Respondent and that the Order of Temporary Suspension remains in effect.

MOTION

A motion was made to accept the Hearing Panel's Recommendation that the case against Ashley Cathleen Terrell, LPN be continued pending documentation that the complaint and notice of hearing are served and that the Order of Temporary Suspension remains in effect. The motion received a second. The motion carried unanimously.

Respondent Richard J. Bodison, RN was properly notified and appeared before the Board to respond to questions. He was not represented by counsel. Ms. White recused herself due to prior employment of the Respondent and Ms. Martin presided over this case. The panel hearing in this case was held on July 25, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-110(A)(7) 1976, as amended. The Hearing Panel recommended that the temporary suspension be immediately stayed, provided that prior to the stay Mr. Bodison must attend a Board approved Legal Aspects Workshop, that upon reinstatement of his license, Respondent's license be placed on a probationary status with Board approved work setting with no home health or agency and on-site / on-shift registered nurse supervision, Respondent shall provide a copy of the order to his employer(s), quarterly employer reports for at least one year, and that in compliance with the Compact shall not practice nursing in any party state without written Board approval and satisfactory prior written authorization from the other party state.

MOTION

MOTION

MOTION

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

A motion was made to return to hearing session. The motion received a

second. The motion carried unanimously.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the temporary suspension of Richard J. Bodision, RN be immediately stayed, acknowledging that Respondent completed a Board approved Legal Aspects Workshop in July 2006, that upon reinstatement of his license, Respondent's license be placed on a probationary status with Board approved work setting with no home health or agency and on-site / on-shift registered nurse supervision, Respondent shall provide a copy of the order to his employer(s), quarterly employer reports for at least one year, and that in compliance with the Compact shall not practice nursing in any party state without written Board approval and satisfactory prior written authorization from the other party state. The motion received a second. The motion carried unanimously.

Respondent Terri Deloach, LPN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on July 25, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-110(A)(3) and 40-33-110 (A)(26) 1976, as amended. The Hearing Panel recommended that Terri L. Deloach's license be suspended with no provisions for a stay, that Respondent complete a Board approved Legal Aspects Workshop, and that upon reinstatement of her license, Respondent be monitored and required to provide quarterly employer reports.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that Terri L. Deloach's license be suspended with no provisions for a stay, that Respondent complete a Board approved Legal Aspects Workshop, and that upon reinstatement of her license, Respondent be monitored and required to provide quarterly employer reports to also include a civil penalty of \$500 and require Board approved work settings with no home health or agency and on-site / on-shift registered nurse supervision. The motion received a second. The motion carried with two nay votes.

MOTION

Respondent Diana Lyn Shoel, RN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing in this case was held on July 25, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-110(A)(7) 1976, as amended. The Hearing Panel recommended that temporary suspension Diana Lyn Shoel's license be immediately stayed and that probationary status be extended for an additional year and further order of the Board, during the extended probation the same terms and conditions set out in the Consent Agreement shall apply.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that that temporary suspension Diana Lyn Shoel's license be immediately stayed and that probationary status be extended for an additional year and further order of the Board, during the

extended probation the same terms and conditions set out in the Consent Agreement shall apply. The motion received a second. The motion carried unanimously.

MOTION

Respondent was properly notified and appeared before the Board to respond to questions but was not represented by counsel. The panel hearing in this case was held on July 25, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-110(A)(3) 1976, as amended. The Hearing Panel recommended that the Board and Respondent enter into a *private* agreement that provides for the continued suspension of Respondent's license for one year during which time Respondent should undergo a mental health evaluation and participate in any recommended treatment and / or counseling and that prior to the license being reinstated Respondent will undergo an evaluation that includes fitness for duty testing.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that that the Board and Respondent enter into a *private* agreement that provides for the continued suspension of Respondent's license for one year during which time Respondent should undergo a mental health evaluation and participate in any recommended treatment and / or counseling and that prior to the license being reinstated Respondent will undergo an evaluation that includes fitness for duty testing. The motion received a second. The motion carried unanimously.

Applicants for reinstatement of a licensed practical nurse license and licensure by endorsement as a licensed practical nurse appeared before the Board regarding criminal and / or disciplinary records reported on their applications.

LICENSURE
APPEARANCES

Laura Coker, LPN was properly notified and appeared without counsel before the Board to respond to questions regarding a "yes" answer to questions on discipline and criminal records on her reinstatement application.

MOTION

A motion was made to issue a temporary license to allow Laura Coker, LPN to complete a refresher course and if successful, appear before the Board for reinstatement, and continue in the Recovering Professionals Program (RPP). The motion received a second. The motion carried unanimously.

Respondent was properly notified and appeared without counsel before the Board to respond to questions regarding a "yes" answer to questions on discipline and criminal records on her LPN endorsement application.

MOTION

A motion was made to allow Respondent to endorse into South Carolina as a licensed practical nurse with single state privileges only after Respondent undergoes a Recovering Professionals Program (RPP) evaluation and return to work is recommended and the Board reserves the right to review disposition of pending issues in the State of Florida. The motion received a

second. The motion carried with two nay votes.

Board Members, Rose Kearney-Nunnery, Carrie James and Mattie Jenkins were asked to serve on the 2007 Board of Nursing Officer Nominating Committee. At the November 16-17, 2006 Board Meeting, the Nominating Committee will present a slate of 2007 officers for Board consideration and vote.

NOMINATING
COMMITTEE

Dr. Lewis attended the One Voice One Plan Summit on August 2, 2006. This summit was sponsored by the South Carolina Organization of Nurse Executives (SCONE) and the South Carolina Council of Deans and Directors of Nursing Education (SCCDD). Participants included legislators, nurse executives, deans, and other interested parties. Discussion at the summit included but was not limited to faculty salaries and shortages, increasing student enrollment, and a recruitment and retention center. Ms. White serves on the One Voice One Plan subcommittee for the data center and Dr. Lewis serves on the simulation subcommittee as a representative from technical education. There was much discussion about where the workforce data center should be located. Sites discussed included the Area Health Education Consortium (AHEC), Budget and Control Board- Office of Research and Statistics, South Carolina Hospital Association, South Carolina Nurses Association, University of South Carolina and the Board of Nursing with AHEC being cited as a neutral party. Some centers in other states are housed in the nursing or hospital association. There has also been discussion to include other healthcare disciplines in this center, which may garner more support and funding. Many similar “stand alone” centers around the nation without state funding are currently struggling to continue operating. Ms. Martin will attend the next meeting to be held on October 3, 2006.

ONE VOICE –
ONE PLAN

At their August 29, 2006 meeting, the Advisory Committee on Nursing (ACON) reviewed the online annual report developed by their taskforce. Because there was not a quorum present at this meeting, no official recommendation could be made; however, there were no objections made by members present during the discussion. Ms. Murphy reported that questions were reviewed and reworded to make them more objective and in line with statutory and regulatory authority. Explanation fields will be limited to 50 characters; however, programs may send a single summary email of all explanations that require more space. Safety was a consideration in all discussions and changes to the report. The group met with Budget and Control -Office of Research and Statistics and South Carolina Department of Labor, Licensing and Regulation legal staff for input. Research and Statistics was pleased with the changes. They cited that in the past, the forms were filled out differently by different nursing programs. With more objective questions, Research and Statistics will be able to provide more useful statistics. The final draft has been provided to them for input.

EDUCATION
PROGRAM
ANNUAL
REPORTS

Board discussion included but was not limited to changing “If no” to “Comments” after questions to allow programs to explain answers to questions on topics such as support services, to delete the word “secretarial”, and to add a reference to the National Council Licensure Examination (NCLEX) results.

A motion was made to approve the online nursing program annual report with changes noted. The motion received a second. The motion carried with two abstentions.

MOTION

Memoranda of Agreement regarding violation of previous orders were presented for review and determination of sanctions. Respondents appeared before the Board to respond to questions regarding their Memorandum of Agreement.

MEMORANDA
OF
AGREEMENT /
CONSENT
AGREEMENTS

Julie R. Boling, RN was properly notified and appeared before the Board without legal counsel. Ms. Boling signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made based on the Recovering Professionals Program recommendation and testimony that the temporary suspension of Julie R. Boling, RN's license be lifted and that all stipulations still apply. The motion received a second. The motion carried with one abstention.

MOTION

Melonie Susan Chapman, RN was properly notified and appeared before the Board without legal counsel. Ms. Chapman signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to lift the temporary suspension and reinstate Melonie Susan Chapman, RN's license with one year probation in a Board approved work setting with no home health or agency, on-site/on-shift registered nurse supervision, quarterly employer reports, narcotic restrictions, and continued participation in the Recovering Professionals Program (RPP). The motion received a second. The motion carried unanimously.

MOTION

Rex A. Jones, RN was properly notified and appeared before the Board without legal counsel. Mr. Jones signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

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

MOTION

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

MOTION

A motion was made for Rex A. Jones, RN to continue suspension concurrent with his criminal probation, continue mental health counseling and the Recovering Professionals Program, and at the end of the probationary period appear before the Board for reinstatement consideration. The motion received a second. The motion carried with two abstentions.

MOTION

Respondent was properly notified and appeared before the Board without legal counsel. Respondent signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

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

MOTION

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

MOTION

A motion was made to suspend Respondent's license for one year from the original suspension date, controlled substance restriction, Board approved work setting with no home health or agency, on-site/on-shift registered nurse supervision, and quarterly employer reports. The motion received a second. The motion carried with two nay votes.

MOTION

Denise F. Reynolds, LPN was properly notified and appeared before the Board without legal counsel. Ms. Reynolds signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to grant a temporary license to Denise F. Reynolds, LPN for the purpose of completing the refresher course and if successful, Ms. Reynolds would be eligible to apply for licensure with probation to run concurrent with criminal probation or one year whichever is longer, Board approved work setting with no home health or agency, on-site/on-shift registered nurse supervision, and quarterly employer reports. The motion received a second. The motion carried unanimously.

MOTION

Respondent was properly notified and appeared before the Board without legal counsel. Respondent signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to dismiss the Order to Suspend Eligibility against Respondent with the understanding that a refresher course will be required for reinstatement of Respondent's South Carolina registered nurse license. The motion received a second. The motion carried unanimously.

MOTION

Jinjer Jarvis Todd, RN requested that the Board consider a worksite variation for a pending consent agreement and allow a physician to sign her quarterly reports. The worksite has no medications on the premises.

A motion was made to grant Jinjer Jarvis Todd, RN's request to allow physician supervision and quarterly reports for this site only. The motion received a second. The motion carried unanimously.

MOTION

Respondent was properly notified and appeared before the Board without legal counsel regarding unlicensed practice. Respondent states she had no reminder system but that this has been corrected. Respondent reported she came to the Board offices as soon as the error was discovered.

A motion was made to issue a Private Reprimand with a \$500 civil penalty for unlicensed practice. The motion received a second. The motion carried unanimously.

MOTION

Jada A. Catoe, LPN was properly notified but did not appear before the Board and was not represented by legal counsel. Ms. Catoe signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to indefinitely suspend the license of Jada A. Catoe, LPN until she appears before the Board. The motion received a second. The motion carried unanimously.

MOTION

Pamela Marie Svendsen, RN was properly notified but did not appear before the Board and was not represented by legal counsel. Ms. Svendsen signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to indefinitely suspend the license of Pamela Marie Svendsen, RN until she appears before the Board. The motion received a second. The motion carried unanimously.

MOTION

Adult Nurse Practitioner, Joe Turner appeared before the Board to request a waiver of Section 40-33-34 requiring a nurse practitioner's practice site to be no greater than 45 miles from their supervising physician. Eric Rovner, MD of the (Medical University of South Carolina (MUSC) Urology Department and Ed Frye, Chief Executive Officer for Clarendon Memorial Hospital also appeared in support of this request. Mr. Turner practices as a nurse practitioner in the Department of Urology at the MUSC. He would like to extend his practice to include Clarendon Memorial Hospital which is approximately 88 miles away. Mr. Turner would mostly be evaluating patients to determine if they need to see a physician. Mr. Frye explained that there are physicians on staff at Clarendon Memorial Hospital and that the urologists are available by telephone and they would consider video conferencing to better serve the county.

TURNER
45 MILE WAIVER
REQUEST

A motion was made to grant approval for Adult Nurse Practitioner, Joe Turner to practice at Clarendon Memorial Hospital which is beyond the 45 mile limit with the understanding that the request must also receive approval of the Board of Medical Examiners. The motion received a second. The motion carried unanimously.

MOTION

Ann Lee, State Director, Office of Public Health Nursing; Angie Olawsky, Associate State Director of Public Health Nursing; Cheryl Bullard, Chief Counsel for Health Services and Vickie Greene, FNP of the South Carolina Department of Health and Environmental Control (DHEC) appeared before the Board. Ms. Martin recused herself due to her employment with DHEC. Ms. Lee requested a waiver of Section 40-33-34 requiring a nurse practitioner's practice site to be no greater than 45 miles from their supervising physician for advanced practice registered nurses (APRN) employed by DHEC. Due to reductions in federal, state and earned dollars and concerted efforts to establish medical homes for many of the populations previously served, DHEC's nursing workforce has been reduced.

DHEC
45 MILE WAIVER
REQUEST

Ms. Lee gave an overview of DHEC explaining that there are eight public health / environmental quality regions in our state. Currently there are 72 APRN with 49 of in full-time positions. Some of these positions are more administrative, teaching and mentoring in nature. There are medical directors in each region and there are ten physicians in the central office in Columbia who are available by telephone, cell phone and beeper. It is 70 miles from Conway to Williamsburg. Regions 4 and 5 would have approximately 25-41 miles beyond the 45 mile requirement.

The scope of practice for DHEC APRNs is limited by the amount of medical care provided by DHEC as required by state and federal law. Most of the healthcare provided by DHEC is in the areas of family planning, maternal/child care and federally mandated preventative care for sexually transmitted diseases. DHEC requires two preceptors for each APRN. These physician preceptors are in the private sector to provide a referral link for patients. There is an annual peer review for each APRN's practice along with federal audits. The agency has received numerous commendations for their services.

MOTION

A motion was made to grant approval for advanced practice registered nurses employed by the South Carolina Department of Health and Environmental Control (DHEC) to practice beyond the 45 mile limit with the understanding that the request must also receive approval of the Board of Medical Examiners. The motion received a second. The motion carried unanimously.

Carolyn Stewart, Associate Vice President of York Technical College appeared before the Board to request approval to deliver the practical nurse (PN) program through alternative delivery methods.

YORK
TECHNICAL
COLLEGE

Ms. Stewart discussed the competitive plan, which is a change in instruction of the PN program. York Technical College faculty would like to expand the PN program and deliver the program through alternative delivery methods in the evenings with clinicals on the weekends. Students will need to be prepared for this type of learning and a merit admission for this pilot program is requested. Admission requirements are different and explain the computer requirement. A course will be offered for students needing the basic computer skills for this program. A new software program has been purchased which provide verbal interaction between faculty and students. Some lectures will be provided on CD with clinicals completed on weekends and labs still being face to face. The CD's have raised the retention to 81% and 84% in the second year. The National Council Licensure Examination (NCLEX) passing rate for ADN students who have utilized CDs is 89% and there are still two more students scheduled to take the NCLEX. The program will be receiving three adult and three child simulators.

MOTION

A motion was made to approve the competitive plan as presented. The motion received a second. The motion carried unanimously.

Susan Groves, Associate Professor for the nursing program at Francis Marion

FRANCIS

University appeared before the Board to discuss full approval of their nursing program. Francis Marion University is under initial approval of the Board. They have received National League for Nursing Accrediting Commission (NLNAC) accreditation. Of the 21 students from the May graduating class, 20 passed. The nursing program has moved into its new building.

MARION
UNIVERSITY

A motion was made to grant full approval of the nursing program at Francis Marion University based upon the National League for Nursing Accrediting Commission (NLNAC) February 28-March 2, 2006 site visit report for five years to run concurrent with NLNAC. The motion received a second. The motion carried unanimously.

MOTION

Dr. Bobbie Perdue, Dean of Nursing at South Carolina State University appeared before the Board to discuss full approval of their nursing program. Dr. Whiting and Ms. James recused themselves due to employment with the university. Dr. Perdue became the Dean of Nursing in April 2006. The South Carolina State University nursing program is currently under initial approval of the Board. They have received Commission on Collegiate Nursing Education (CCNE) approval. National Council Licensure Examination (NCLEX) passing rates are not yet available for the five May 2006 graduates. Students have been going through an intensive eight week program to assist them in testing.

SC STATE
UNIVERSITY

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

MOTION

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

Due to the lack of NCLEX scores, the Board deferred action. The Board asked that South Carolina State University return in January 2007 when all information such as NCLEX scores, retention information, status of current students, faculty information, etc. is available for review.

Alice Frye, Dean of Health Science appeared before the Board for Jody Madden, Interim Chair of the Nursing Department of Aiken Technical College to discuss changes in their mission, philosophy, organizing framework, and terminal objectives for their associate degree nursing (ADN) program. This information was presented to the Advisory Committee on Nursing in August; however, because there was not a quorum present, no voting took place. During that discussion, there were no objections from ACON members present. These changes presented were developed with the assistance of consultant Dr. Grace Newsome and full participation by all faculty members. Dr. Newsome is also a commissioner on the NLNAC Board of Commissioners. The information is now more concise.

AIKEN
TECHNICAL
COLLEGE

A motion was made to approve the changes to the Aiken Technical College mission, philosophy, organizing framework, and terminal objectives for their

MOTION

associate degree nursing (ADN) program. The motion received a second. The motion carried unanimously.

Marge Sapp, Interim Dean of Health Sciences at the Technical College of the Lowcountry appeared before the Board to request approval to use distance teaching modalities at the main campus in Beaufort and at the new campus in Bluffton, which is approximately 24 miles from the main campus. Dr. Kearney-Nunnery recused herself due to employment at the college. The proposal for the new site was approved by the Southern Association of Colleges and Schools (SACS) on July 26, 2006. Clinicals will be provided in Beaufort, Hilton Head, as well as in Jasper and Colleton counties. There will be no increase in the number of students. Faculty will teach at both sites using video conferencing.

TECHNICAL
COLLEGE
OF THE
LOWCOUNTRY

A motion was made approve the request as presented. The motion received a second. The motion carried unanimously.

MOTION

Ms. Murphy provided members with a copy of the Certificate of Endorsement for LPN Equivalency information sheet as well as information from other state regarding associate degree nursing (ADN) programs with practice nurse (PN) exit options. Currently Spartanburg, Aiken and Florence-Darlington technical colleges have ADN programs with PN exit and two more programs are considering this option. Dr. Cox at the South Carolina Technical College System reports that they are listed as issuing a diploma at the PN exit point. Carol Gilbert, PhD, RN, Deputy Director of National League for Nursing Accrediting Commission (NLNAC) regarding ADN programs with PN exit which stated that "The step out people did not graduate from an accredited PN program. They stepped out of an accredited ADN program and took the PN exam as allowed by the state board of nursing." Clarification is needed for coding the PN National Council Licensure Examination (NCLEX) applicants. The code and application process is different for a student who graduated from an approved PN program and a student taking the examination by PN equivalency.

ADN –
PN EXIT
OPTION

Concerns discussed included but were not limited to adequate education in scope of practice and the diploma from non-accredited or approved PN programs possibly not be recognized by other boards of nursing or by other schools. It was noted that PN programs must either be accredited by NLNAC or approved by the Board with the usual site surveys, etc. If a PN program is not NLNAC or approved by the Board, the student must take NCLEX under LPN equivalency.

Spartanburg, Aiken and Florence-Darlington technical colleges will notify Board staff by October with their PN plans. The Board thanked Ms. Murphy for her hard work and research on this issue.

Ms. McClain reported for Administrator Joan Bainer that the National Council of State Boards of Nursing Annual Meeting and Delegate Assembly went well. In addition to Ms. Bainer, Ms. Doria, Ms. James, Ms. Martin, Dr. Kearney-

NATIONAL
COUNCIL OF
STATE BOARDS

Nunnery and Nancy Murphy also attended the meeting. Dr. Rose Kearney-Nunnery was elected to serve as Area III Director. Nancy Murphy was chosen to serve on the Examination Committee and Ms. Bainer on the Awards Committee.

OF NURSING

Ms. McClain reported that Compact Administrators have been discussing criminal background checks. Some states have cited the lack of this requirement by all Compact states as a reason for not participating in the Compact. The Board of Nursing will require additional legislation due to requirements of the Compact which are not covered by the Engine Act.

CRIMINAL
BACKGROUND
CHECKS

The Board of Medical Examiners has added this requirement to their practice act. The language in their practice act states that their board “may” require background checks which will allow them to request checks in other instances such as investigations. Their language includes National Crime Information Center (NCIC) and has been approved by the Justice Department.

Ms. McClain spoke with the South Carolina State Law Enforcement Division (SLED) and vendors for criminal background checks. The cost for criminal background checks is approximately \$49 plus finger printing. There has been discussion with SLED about electronic fingerprinting. It has been discussed to have four main sites across the state with mobile units that could go to schools for graduating classes. This would become a part of the application process and the cost would be born by the applicant.

Mr. Wilson will draft legislation for Board review at the November 2006 meeting.

Mr. Christian explained that he, Joan Bainer, Ruby McClain, Richard Wilson, Dwight Hayes and Frank Sheheen had met to discuss the Board of Nursing’s disciplinary process. It was determined that staff is experiencing some unusual circumstances with existing concepts related to the approval of work settings, violations of consent agreements, and a high volume and use of temporary suspensions.

ASSESSMENT
OF
DISCIPLINARY
PROCESS

Work Settings

It was noted that nurses may have entered the Recovering Professionals Program (RPP) a year or more before being under Board order requirements. Nurses may be working in a setting that would not be approved by the Board but in which they are having no problem. The Board order would require the nurse to resign from that position and obtain another that meets the requirements. It was requested that RPP be allowed to revise their agreement to include similar workplace restrictions. This would insure public safety and expedite the consent agreement process. There was also discussion about giving credit for time worked in a work setting while signatures are obtained on consent agreements.

MOTION

A motion was made to allow the Recovering Professionals Program (RPP) to amend their participant agreement to include work settings that mirror

standard language in consent agreements. The motion received a second. The motion carried unanimously.

The Board asked Mr. Sheheen about how many nurses leave the RPP due to the cost of drug testing. Mr. Sheheen reported that most nurses who are not participating in the program do not cite testing costs as their reason for not joining or for leaving. The RPP is working on an outcome study. The goal is to complete the study by January 2007.

Registered Nurse (RN) Supervision of Advanced Practice Registered Nurses (APRN) Under Board Order

Because of the scope of practice for APRNs related to performing delegated medical acts APRNs some times do not have an RN supervisor present on site due to the nature of their job description. Therefore, the APRN could not return to a clinical setting unless they worked with another APRN, worked in a setting that had an RN on site which may not always be the case, or work only as an RN. Another example would be a certified registered nurse anesthetist (CRNA) who always has a physician present. The RN may be circulating or preparing for surgery and is unable to supervise the CRNA due to their job duties in the operating room yet the consent agreement states that they must have an RN supervisor on site at all times. It was noted that physicians are not under the jurisdiction of the Board of Nursing. The Board deferred making any decision and asked for more information on the number of APRNs and other nurses in this situation.

Clinical Setting Noted in Orders

Some offenses occur in a clinical setting and the nurse has then chosen not to work in a clinical setting either temporarily or permanently. The nurse would not be meeting the terms of the order that has clinical setting in the language and would delay the nurse being released from the order. Presently there is an RN with a consent agreement that is working in nursing administration. The board order reads that the RN has to practice in a clinical setting in order to comply with the terms of the agreement. The RN reports to a physician so the only choice is to not honor the terms of the agreement related to the work place setting and employer reports or to reveal the terms and conditions of the consent agreement to RN subordinates. The concern is that the subordinates would not give an accurate description of the practitioner's practice because the RN subordinate would then have to be evaluated by their superior who is on a consent agreement. It was only recently discovered that the nurse with the consent agreement has stayed in nursing administration and has never returned to clinical practice therefore, keeping the consent agreement for an unlimited amount of time.

MOTION

A motion was made to allow the Board of Nursing Administrator or nurse designee to review non-clinical work settings on a case by case basis. The motion received a second. The motion carried unanimously.

Quarterly Reports

Some respondents do not conceptualize the term "quarterly reports." Not all

respondents understand the time frames for quarterly reports thus many reports are late. New language will be drafted to address this issue.

Temporary Suspension Orders (TSO)

Presently there are in excess of 23 temporary suspension orders (TSO) for the Board of Nursing due to violations of consent agreements ranging from being a few days late on the fines, missing Legal Aspect Workshop classes, neglecting to send in quarterly reports, etc. None of these violations are a threat to public safety. Unfortunately, by the time the TSO is served the nurse in these situations has already complied with the omissions. Discussion included but was not limited to why there is a large number of TSOs, that TSOs are generally used only in situations where the licensee is an imminent threat to the public, the strides to make monitoring more efficient, and the need for nurses to take the terms of their orders seriously. Mr. Hayes will develop a policy on the individual areas of violation of agreements to use in lieu of TSOs.

The Board reviewed nominations for the Associate Degree Nursing (ADN) on the Advisory Committee on Nursing. Drs. Lewis and Kearney-Nunnery recused themselves. Nominations for ADN were Janet Fuller and Theresa Burckhalter. There was much discussion and the Board was very pleased with the strength of both nominees.

ACON
NOMINATIONS

A motion was made to appoint Theresa Burckhalter as Associate Degree Nursing (ADN) representative on the Advisory Committee on Nursing. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed nominations for the Community Care representative on the Advisory Committee on Nursing. Nominations for Community Care were Nancy Baker and Margie Moore. There was much discussion and the Board was again very pleased with the strength of both nominees.

A motion was made to appoint Margie Moore as Community Care representative on the Advisory Committee on Nursing. The motion received a second. The motion carried unanimously.

MOTION

At its September 13, 2006 meeting, the Nursing Practice and Standards Committee discussed Advisory Opinion #3 regarding pronouncement of death per the request of Richard Wilson, Deputy General Counsel for the Department of Labor, Licensing and Regulation. A Charleston attorney brought forth the issue that the Supreme Court ruling on who could "pronounce" death. Mr. Wilson presented the facts and assisted the Committee with wording. The Committee recommended that the Board change Advisory Opinion #3 to reflect that the registered nurse could assess that a patient was deceased and then notify the appropriate people, including the physician, supervisory personnel, family and funeral home. If approved, the revised advisory opinion will be posted on the Board's Web site.

ADVISORY
OPINION #3

A motion was made to approve Advisory Opinion #3 with changes as

MOTION

presented. The motion received a second. The motion carried unanimously.

In 2004, terms for members of the Nursing Practice and Standards Committee and Advanced Practice Committee were changed to one year. Members have stated that it takes a few meetings to become oriented with the committees procedures and charges. The Advanced Practice Committee now meets only quarterly. The committees asked that the Board consider changes to the terms.

NPSC / APC
MEMBERS

A motion was made for Nursing Practice and Standards Committee and Advanced Practice Committee to be appointed for an initial term of two years with a possibility of reappointment for three years to provide for staggering of terms. The motion received a second. The motion carried unanimously.

MOTION

Ms. Johnson stated that all references to “official recognition” on the applications and replaced with Advanced Practice Registered Nurse (APRN) Licensure. Board members asked about fees for APRN in different licensure situations such as a South Carolina registered nurse applying for APRN, an endorsee applying for licensure as an APRN and a Compact nurse living in another state applying for APRN only. Ms. Johnson reported that the fees are being reviewed.

APRN
APPLICATIONS

The next Board of Nursing meeting is scheduled for November 16-17, 2006.

NEXT MEETING

A motion was made to adjourn the meeting at 1:20 p.m. on September 29, 2006. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Dottie Buchanan, Administrative Assistant