

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

BOARD MEETING MINUTES – November 16, 2006

President Suzanne K. White called the meeting to order at 8:30 a.m. on Thursday, November 16, 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 K. White, RN, MN, FAAN, FAHA, FCCM, CNA, President
Congressional District 4 Present

Brenda Y. Martin, RNC, MN, CNA, 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 H. James, RN, MSN, CNA-BC, CCE
Congressional District 6 Present

Mattie S. Jenkins, LPN
Region I, Congressional District 1 Absent

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

Trey Pennington, MBA, MS
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
Joan K. Bainer, RN, MN, CNA BC, Board Administrator
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
Dottie M. Buchanan, Administrative Assistant
Judy C. Moore, Administrative Specialist
Richard P. Wilson, Deputy General Counsel
Dwight Hayes, Litigation Counsel
Kathy Meadows, Chief Investigator – Office of Investigations & Enforcement
Larry Atkins, Chief Investigator – Office of Investigations & Enforcement
Shirley Robinson, Hearing Counsel

LLR STAFF
MEMBERS
PRESENT

The November 16, 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 November 16, 2006 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: Translation of NCLEX
For Information: Joint Statement on Delegation by NCSBN & ANA
For Approval: Final Orders/Consent Agreements -Work Place Language Change
For Information: NCLEX Statistics from NCSBN
For Information: Piedmont Technical College – Follow-up 4/6/06 Letter of Intent
For Information: Aiken Technical College – Initial Program Change Updates
For Information: Legal Aspects Workshop Evaluation Summary –D. Buchanan
For Information: AANP Regional Meeting
For Information: SCNA APRN Conference
For Information: Complaint Summary – D. Buchanan
For Approval: New Panel Members
For Information: Licensure Statistics – A. Disher
For Information: Licensure Announcements -Applications Approved by Program
Coordinator & Administrator
For Information: Update / Status on Monitoring –D. Christian

A motion was made to adopt the Consent Agenda with the removal of ACON Minutes, ACON Site Survey Members and Charleston Organization of Nurse Leaders letter. The motion received a second. The motion carried unanimously.

MOTION

The September 28-29, 2006 Board of Nursing Meeting Minutes were presented for Board review and approval.

MINUTES

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

MOTION

The Board was provided with the October 17, 2006 Investigative Review Committee (IRC) Meeting Minutes and recommendations for review and approval.

IRC MINUTES

A motion was made to approve the October 17, 2006 Investigative Review Committee Meeting. Dismissals The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the October 17, 2006 Investigative Review Committee Meeting Formal Complaints. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the October 17, 2006 Investigative Review Committee Meeting Letters of Concern. The motion received a second. The motion carried unanimously.

MOTION

The Board was provided with the October 5, 2006 Disciplinary Review Committee (DRC) Minutes for review and approval.

DRC MINUTES

A motion was made to approve the October 5, 2006 Disciplinary Review Committee minutes with one correction. The motion received a second. The motion carried unanimously.

MOTION

Per Board policy, Respondent appeared before the Board of Nursing to respond to questions regarding unlicensed practice.

UNLICENSED
PRACTICE

A motion was made to reinstate Respondent's advanced practice registered nurse license with prescriptive authority, issue a private reprimand with a \$500 civil penalty. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed cases and Hearing Panel recommendations.

Respondent Gloria L. Barnwell, RN was properly notified and appeared before the Board without counsel. The panel hearing was held on August 24, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Sections 40-33-110(A)(1) and (A)(7) as amended. The Hearing Panel recommended that Respondent's license remain in a suspended status provided that the suspension may be stayed and the license reinstated in a probationary status only after Respondent re-enrolls with the Recovering Professionals Program (RPP), 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 Gloria Barnwell's registered nurse license remain in a suspended status provided that the suspension may be stayed and the license reinstated in a probationary status only after Respondent re-enrolls with the Recovering Professionals Program (RPP), 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 Judy M. Williams, LPN was properly notified and appeared before the Board without counsel. A panel hearing was held on August 24, 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 Respondent's license remain suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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 her 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

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that Judy M. Williams's practical nurse license remain suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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 her employer(s), quarterly employer reports for at least one year, complete a Board approved Legal Aspects of Nursing Workshop 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 Christi Jo Clark, RN was properly notified and appeared before the Board without counsel. The panel hearing was held on September 12, 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 Respondent's license remain suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level

of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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 her 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

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that that Christi Jo Clark's registered nurse license remain suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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, complete a Board approved Legal Aspects of Nursing Workshop 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 Rosa Y. Collins, RN was properly notified but did not appear before the Board and was not represented by counsel. Ms. White recused herself due to employment. Ms. Martin presided in this case. The panel hearing was held on September 12, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-110(A)(15) 1976 as amended. The Hearing Panel recommended that Respondent's license remain in a suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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 her 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

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that Rosa Y. Collin's registered nurse license remain suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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 her employer(s), quarterly employer reports for at least one year, complete a Board approved Legal Aspects of Nursing Workshop 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 Margie L. Dorton, RN was properly notified but did not appear before the Board and was not represented by counsel. The panel hearing was held on September 12, 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 prior to reinstatement of Respondent's registered nurse license, she undergo an evaluation

as specified in the Board's March 31, 2006 Order.

MOTION

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

MOTION

The motion was made to return to the hearing. 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 prior to reinstatement of Margie L. Dorton's registered nurse license that she undergo an evaluation as specified in the Board's March 31, 2006 Order which can be a new evaluation or the drug court evaluation with a progress report and that she must appear before the Board to request possible reinstatement. The motion received a second. The motion carried unanimously.

Respondent Trisha A. Riffe, RN was properly notified and appeared before the Board without counsel. The panel hearing was held on August 24, 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 suspension of Respondent's license be immediately stayed, that the license be reinstated in a probationary status for a period of two years, that Respondent participate in the Recovering Professionals Program (RPP) 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 suspension of Trisha A. Riffe's registered nurse license immediately stayed, that the license be reinstated in a probationary status for a period of two years, that Respondent participate in the Recovering Professionals Program (RPP), complete a Board approved Legal Aspects of Nursing Workshop 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 Victoria R. Wilson, RN was properly notified and appeared before the Board without counsel. The panel hearing was held on September 12, 2006. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-110(A)(1), (A)(10) and (A)(13) 1976 as amended. The Hearing Panel recommended that Respondent's license remain suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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

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

MOTION

The motion was made to return to the hearing. 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 Victoria R. Wilson's registered nurse license remain suspended provided that the suspension may be stayed and the license reinstated after Respondent has signed a contract with Recovering Professionals Program (RPP) and RPP provides the Board with a written recommendation as to Respondent's level of recovery and clearance to return to active practice, license is to be in a probationary status for not less than three years, 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 her employer(s), quarterly employer reports for at least one year, complete a Board approved Legal Aspects of Nursing Workshop 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 adding that her license be on a probationary status for two years in a an approved practice setting with narcotics restriction. The motion received a second. The motion carried unanimously.

Dr. Whiting asked Larry Griffin of the Recovering Professionals Program (RPP) about drug court. Mr. Griffin stated that they have a very small percentage of participants involved in the drug court. Dr. Whiting asked if this would be a viable option for participants who have financial difficulties paying for treatment, monitoring, etc. He explained that they consider drug court as an intensive alternative treatment, which can last as long as a year or as little as three months. Ms. Johnson reported that there are "free" beds at private recovery facilities; however, there may be a waiting period for these beds. Mr. Griffin stated that they also use intensive programs offered by county commissions.

A reconsideration of a previous decision as well as Memoranda of Agreement regarding violation of previous orders was presented for review and determination of sanctions. Respondents appeared before the Board to respond to questions regarding their Memorandum of Agreement.

MEMORANDA
AGREEMENT

Rex A. Jones, RN was properly notified and appeared before the Board without counsel to request reconsideration of their September 28, 2006 decision.

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

MOTION

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

MOTION

A motion was made after reconsideration of a previous decision for Rex A. Jones' registered nurse license to remain on a two year suspension with a possible stay based on a Recovering Professionals Program (RPP) recommendation as to safety to return to practice, narcotics restrictions, 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, complete a Board approved Legal Aspects of Nursing Workshop 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.

MOTION

Tammy E Fennell, RN was properly notified and appeared before the Board without legal counsel but with her recovery sponsor. Dr. Kearney-Nunnery recused herself due to employment with a facility in her area. Her Recovering Professionals Program (RPP) caseworker appeared to respond to questions. Ms. Fennell signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to defer action on Tammy Fennell's registered nurse license, that her license be suspended indefinitely, that Respondent continue in the Recovering Professionals Program (RPP) and that she reappear before the full Board in six months or earlier as she and the RPP deem appropriate. The motion received a second. The motion carried unanimously.

MOTION

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

A motion was made to stay the suspension and issue Deborah F. Malone a single state registered nurse license in a probationary status for one year after receiving written verification of safety to practice from the Recovering Professionals Program (RPP), continue in RPP, 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 her employer(s), quarterly employer reports, complete a Board approved Legal Aspects of Nursing Workshop 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 with one abstention.

MOTION

Amanda B. Smith, RN was properly notified but was not present and was not represented by legal counsel. Ms. Smith signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to indefinitely suspend Amanda B. Smith's registered nurse license, until she completes a Recovering Professionals Program (RPP) evaluation and she appears before the Board for further consideration for licensure. The motion received a second. The motion carried unanimously.

MOTION

Kelly D. Stone, RN was properly notified but was not present and was not represented by legal counsel. Dr. Kearney-Nunnery recused herself. Ms. Stone signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to indefinitely suspend Kelly D. Stone's registered nurse license until such time as she appears before the Board. The motion received a second. The motion carried unanimously.

MOTION

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

A motion was made to reinstate Melanie N. Johnson's registered nurse license with one year probation, that she continue in the Recovering Professionals Program (RPP), 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 her employer(s), quarterly employer reports, complete a Board approved Legal Aspects of Nursing Workshop 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.

MOTION

Rebecca Dyan Cox, RN was properly notified and appeared before the Board without legal counsel but with her recovery sponsor. Ms. Cox signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to place Rebecca Dyan Cox's registered nurse license on one year

MOTION

probation, that she continue in the Recovering Professionals Program (RPP), 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 her employer(s), quarterly employer reports, complete a Board approved Legal Aspects of Nursing Workshop 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. The motion carried unanimously.

Kelley Marie Floyd, RN was properly notified but was not present and was not represented by legal counsel. Ms. Floyd signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to continue the case of Kelley Marie Floyd, RN. The motion received a second. The motion carried unanimously.

MOTION

Marcia D. Kelsey, LPN was properly notified but was not present and was not represented by legal counsel. Ms. Kelsey signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

A motion was made to indefinitely suspend Marcia D. Kelsey's practical nurse license until such time as she appears before the Board. The motion received a second. The motion carried unanimously.

MOTION

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

A motion was made to suspend the registered nurse license of Belinda Wilson for one year, providing that the suspension may be stayed with Recovering Professionals Program (RPP) recommendation for safe practice, if reinstated license will be on two years probation, to continue in the RPP, 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 her employer(s), quarterly employer reports, complete a Board approved Legal Aspects of Nursing Workshop 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. The motion carried unanimously.

MOTION

Doris Y. Greene, RN was properly notified and appeared before the Board without legal counsel. Ms. Greene was offered a consent agreement with Board approved work setting with no home health or agency and on-site/on-shift registered nurse supervision. She has requested that the Board consider allowing her to work in home health before she signs the agreement.

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

MOTION

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

MOTION

A motion was made to defer action on Doris Y. Green, RN's request to amend the proposed consent agreement offered due to insufficient information. The motion received a second. The motion carried unanimously.

MOTION

Levenson Livingston, LPN was properly notified and appeared before the Board without

legal counsel. Mr. Livingston signed a memorandum of agreement admitting to violation of a previous order and waiving a formal hearing.

MOTION

A motion was made to stay licensure suspension of Levenson Livingston, LPN, the license will be placed on two years probation after receiving written verification of safety to practice from the Recovering Professionals Program (RPP), continue in RPP, one year narcotics restriction, 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, complete a Board approved Legal Aspects of Nursing Workshop 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.

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

MOTION

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

MOTION

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

MOTION

A motion was made to suspend the registered nurse license of Lisa A. Gibbons for two years, after one year Respondent may reappear before the Board with a report from her mental health professional. The motion received a second. The motion carried unanimously.

MOTION

Thomas M. Chappell , member of the Advanced Practice Committee (APC), appeared before the Board. Mr. Chappell thanked the Board for the changes in the committee membership terms. He reported that Ms. Johnson receives many calls regarding written protocols and that the APC is working on guidelines to assist the community.

ADVANCED
PRACTICE
COMMITTEE

Julie Eggert, PhD, GNP-C, AOCN appeared to request a waiver to see clients under 40 years of age. Ms. White and Dr. Lewis recused themselves. She is an associate professor with Clemson University in genetics research to include breast cancer. Her scope of practice allows her to see clients over 40 years old. Dr. Eggert explained the need to see people from 21 - 40 years old. She has a master's degree in nursing and a doctorate in microbiology. Her dissertation topic was "Unscheduled DNA Synthesis in Women at High Risk for Breast Cancer." She is an Advanced Oncology Certified Nurse. This request does not require Board of Medical Examiners for approval as it falls within nursing parameters.

REQUEST FOR
WAIVER

A motion was made to accept Julie Eggert, PhD, GNP-C, AOCN's request to see patients 21 years old and older for genetics research. The motion received a second. The motion carried unanimously.

MOTION

Board Members, Rose Kearney-Nunnery, Carrie James and Mattie Jenkins served on the 2007 Board of Nursing Officer Nominating Committee. Dr. Kearney-Nunnery presented the following slate of officers for consideration and vote: Suzanne White as Board President, Brenda Martin Vice President and Lynn Lewis as Secretary.

REPORT OF
NOMINATING
COMMITTEE

A motion was made to close nominations. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve Suzanne White as Board President, Brenda Martin Vice

MOTION

President and Lynn Lewis as Secretary to serve for 2007. The motion received a second. The motion carried unanimously.

The Board discussed 2007 committee and task force assignments. The Board recollected that discussion of unlicensed assistive personnel (UAP) regulation had been put on hold during the rewrite of the Nurse Practice Act. In regards to UAP, Dr. Kearney-Nunnery recently met with hospital representatives, who reported that they would rather utilize nurse interns than certified nursing assistants (CNA) due to the tasks they can perform.

COMMITTEE ASSIGNMENTS

2007 Committee And Task Force Assignments

<u>Committee/Task Force</u>	<u>Board Member</u>	<u>Staff Member</u>
Advanced Practice Committee	Whiting	Johnson/Bainer
Advisory Committee On Nursing	Lewis*	Murphy /Bainer
Legislative Committee (Ad Hoc)	Martin, Pennington	Bainer
Nursing Practice &Standards Committee	Martin	Johnson
RPP Advisory Committee	Whiting	Bainer
UAP Task Force	Doria, James	Bainer/Johnson
Nurse Practice Act/Collaboration Committee	Kearney-Nunnery, White	Bainer

* Dr. Kearney-Nunnery and Ms. James will serve as back ups.

A motion as made to approve the appointments for 2007 Committees. The motion received a second. The motion carried.

MOTION

The Board discussed Ms. Johnson being asked by the Board of Medical Examiners to present 45 mile waivers at their last meeting and not to have the groups attend. The Board of Medical Examiners asked about setting up a committee similar to the one they use for physicians assistants. Dr. Kearney-Nunnery suggested that Board of Medical Examiners representatives attend the Board of Nursing meetings when presentations are made. This would allow the groups to make one presentation for both boards. Representatives from Board of Nursing would go to Board of Medical Examiners if the request originated with their board.

WAIVER APPEARANCES

Mr. Wilson presented the following draft language for legislation allowing criminal background checks.

CRIMINAL BACKGROUND CHECKS

(A) In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for an authorization to practice, the department may require a criminal history background check of each applicant for an authorization to practice pursuant to this chapter. Each applicant may be required to furnish a full set of fingerprints and additional information required to enable a criminal history background check to be conducted by the State Law Enforcement Division or the State Identification Bureau of another state and the Federal Bureau of Investigation, if no disqualifying record is identified at the state level. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying an authorization to practice may be disclosed as may be necessary to support the administrative action.

(B) In an investigation or disciplinary proceeding concerning a licensee, the department may require a criminal history background check of a licensee. A licensee may be required to furnish a full set of fingerprints and additional information required to enable a criminal history background check to be conducted by the State Law Enforcement Division or the State Identification Bureau of another state and the Federal Bureau of Investigation, if no pertinent information is identified at the state level. Costs of conducting a criminal history

background check must be borne by the department and may be recovered as administrative costs associated with an investigation or hearing pursuant to this chapter, unless ordered by the board as a cost in a disciplinary proceeding. The department shall keep information received pursuant to this section confidential, except that information relied upon in an administrative action may be disclosed as may be necessary to support the administrative action.

Ms. McClain had concern about the statement regarding “disqualifying record identified at the state level”. This would delay licensure. Both state and federal records would be checked from one electronic fingerprinting. Mr. Wilson suggested submitting the legislation without that language to Federal Bureau of Investigation (FBI) prior to taking it to the legislature. If the FBI approves as is, it will be presented. If the FBI does not approve, we will have a written statement as to why it was added.

Discussion included whether the criminal background check requirement would begin with new applicants such as for examination or endorsement and grandfather current licensees, and who requires criminal background checks on is being discussed in other states. Criminal background checks are already conducted in most hospitals and schools. Long-term care facilities are required by law to conduct criminal background checks.

MOTION

A motion was made to approve the draft criminal background check language as presented with the removal of statements regarding disqualifying and pertinent information at the state level. The motion received a second. The motion carried unanimously.

Ms. McClain suggested providing the legislature with educational materials explaining how the criminal background checks relate to the Compact.

The following changes to the education regulations were provided to the Board for review and approval.

EDUCATION REGULATIONS

Chapter 91

91-12. Criteria for Approval of Basic Programs Preparing Licensed Practical Nurses.

A. Organization

1. *The nursing program is part of a college, university or public school system approved by the appropriate state authority.*

(a) *An organizational chart reflects the reporting mechanism of the administrator of the nursing program to the administrator of the parent institution.*

(b) *An organizational chart is available delineating lines of authority, responsibility, communication and relationships within the institution and to the community.*

(c) *Financial resources are sufficient to give assurance of stability of the program, educational resources and qualified administrative and instructional personnel.*

(d) *Criteria for budget allocation to the nursing programs are consistent with the criteria utilized for other programs.*

(e) *Written statements of philosophy or mission, purpose and objectives of the nursing program are consistent with those of the parent institution and are periodically reviewed.*

(f) *Personnel policies for the faculty are the same as those in effect for other members of the parent institution with regard to salary and benefits; selection, appointment, evaluation and promotion; recognition of professional competencies, and rights and responsibilities. Nursing program faculty serve on the parent institution's central councils and committees.*

2. *The nursing program is organized with clearly defined authority, responsibility and channels of communication.*

(a) *An organizational chart for the nursing program is available.*

(b) *Organizational policies, committee structure and corresponding minutes reflect*

how the business of the program is conducted.

3. The nursing program is administered by a qualified registered nurse licensed in the State or another Compact State.

(a) The nurse administrator meets parent institution requirements for administrative and faculty appointment.

(b) The nurse administrator has a minimum of a Master of Nursing degree. Administrators appointed prior to January 1, ~~2007~~ 2009 and serving continuously since that time are recognized as meeting educational requirements of the Board.

(c) The nurse administrator has appropriate preparation and experience for assuming administrative responsibilities to include a minimum of ~~three of the past five years experience in nursing service or nursing education as a registered nurse~~ two years of clinical experience as a registered or advanced practice nurse related to the primary area of responsibility.
(d) The nurse administrator is employed full time with adequate time designated for administrative responsibilities.

(e) A written job description reflects responsibility for the administration of the nursing program to include:

(1) Leadership within the faculty for the development and implementation of the curriculum;

(2) Creation and maintenance of an environment conducive to teaching and learning;

(3) Liaison with the central administration and other units of the parent institution;

(4) Participating in the preparation and administration of the budget;

(5) Facilitating faculty development and performance review;

(6) Recommendation of faculty for appointment, promotion and retention;

(7) Maintaining relationships with central administration, clinical agencies, and appropriate state, regional and national agencies.

B. Students

1. Student admission, readmission, progression and graduation are governed by the established policies and procedures of the parent institution and the nursing program.

(a) Policies and procedures for admission, readmission, progression and graduation criteria are written, implemented, periodically reviewed, and provided to students.

(b) The nursing program has written rationale for policies for admission, readmission, progression and graduation that differ from the parent institution.

C. Faculty

1. The number of qualified faculty is adequate to meet the goals and objectives of the nursing program.

(a) The maximum ratio of faculty to students in an acute inpatient setting where students are providing direct patient care is one faculty member to eight students (1:8). If the parent institution and the clinical affiliate determine that the safety of patients, nursing faculty and students can be insured, the maximum acceptable ratio in acute inpatient settings is no greater than one faculty to ten students (1:10).

(b) The maximum ratio of faculty to students in non-acute clinical settings where students are providing direct patient care is one faculty member to ten students (1:10).

(c) Faculty are available to students for guidance/ referral.

(d) The majority of the faculty fulfill the fulltime faculty role as defined by the parent institution and the nursing program.

(e) There are provisions for a substitute instructor(s).

2. The academic and experience qualifications of the faculty are appropriate to support the goals and objectives of the nursing education program and meet the criteria of the parent institution.

(a) Nurse faculty must meet all of the following requirements:

(1) hold an unencumbered active license as a registered nurse in South Carolina or another Compact state;

(2) have a minimum of a Bachelor of Science degree in Nursing. A Master of Nursing degree is preferred. (Faculty appointed prior to ~~January 1, 2007~~ October 1977 and serving continuously since that time shall be recognized as meeting the requirements of the Board);

(3) have a minimum of two years of clinical experience as a registered or advanced practice nurse related to primary area of responsibility.

(b) The general education faculty meet or exceed the parent institution's requirements for appointment.

Discussion included, but was not limited to, requirements for nurse administrators in all levels and the change in dates.

A motion was made to approve the changes to the education regulations with "related to the primary area of responsibility" removed for the nurse administrator. The motion received a second. The motion carried unanimously.

MOTION

The Advisory Committee on Nursing (ACON) minutes were removed from the Consent Agenda.

ACON MINUTES

A motion was made to approve the Advisory Committee on Nursing Minutes. The motion received a second. The motion carried unanimously.

MOTION

Advisory Committee on Nursing Site Survey Members was removed from the Consent Agenda. Two of the volunteers from the Advisory Committee on Nursing (ACON) for education program site surveys have terms that will expire in December. They are both seeking reappointment. The site surveys will be conducted in January possibly before the Board Meeting. Dr. Kearney-Nunnery asked that the Board consider a panel of site surveyors in the future. It was noted that there are difficulties in coordinating the surveyors' calendars when they are not in a meeting together. Because according to their bylaws the members serve until replaced, no action was required by the Board.

ACON SITE
SURVEY
MEMBERS

The letter from the Charleston Organization of Nurse Leaders was removed from the Consent Agenda. Dr. Kearney-Nunnery asked that a response be sent to the Charleston Organization of Nurse Leaders. The Board stated that a letter should acknowledge the letter was received and shared with the Board of Nursing. It was noted that care must be given not to violate federal fair trade laws when approving nursing education programs. Each school must qualify for approval according to the regulations and must stand on their merits before the Board.

CHARLESTON
ORG. OF NURSE
LEADERS

The next Board of Nursing meeting is scheduled for January 25-26, 2007.

NEXT MEETING

A motion was made to adjourn the meeting at 4:30 p.m. on November 16, 2006. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Dottie Buchanan, Administrative Assistant