

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

BOARD MEETING MINUTES – January 25-26, 2007

President Suzanne K. White called the Board of Nursing meeting to order at 8:30 a.m. on January 25, 2007 and at 8:30 a.m. on January 26, 2007. 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, CNAA, President
Congressional District 4..... Present

Brenda Y. Martin, RNC, MN, CNAA, Vice-President
Congressional District 5.....Absent on 01/25/07 / Left at 11:00 on 01/27/07

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 Present

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 Buchanan, Administrative Assistant
Judy C. Moore, Administrative Specialist
Theresa Richardson, Administrative Assistant
Sherry Wilson, Program Assistant
Tanya Styles, Administrative Assistant
Lynne Rogers, General Counsel
Richard P. Wilson, Deputy General Counsel
Dwight G. Hayes, Litigation Counsel
Marvin Frierson, Litigation Counsel
Kathy P. Meadows, Chief Investigator – Office of Investigations & Enforcement
Shirley Robinson, Hearing Counsel

LLR STAFF
MEMBERS
PRESENT

The January 25-26, 2007 Board of Nursing meeting agenda was presented for review and approval.

APPROVAL OF
AGENDA

A motion was made to approve the January 25-26, 2007 Board of Nursing meeting agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The following items were adopted on the January 25-26, 2007 Board of Nursing meeting consent agenda:

APPROVAL OF
CONSENT
AGENDA

Oversees Call Center - MediCall
Compact Focus - NCLA Newsletter (1st Issue)
Policy Perspectives (2 Issues)
CGFNS Philippines News Release
NLRB Issues Long-Awaited Decisions Impacting Supervisory Status of RN
NCSBN Bd of Directors Decision Regarding NCLEX (Translated/Language-Modified Ver.)
Compact Update Report to General Assembly
Annual Review and Reaffirmation of Committee / Panel Members
Northeastern Tech College Proposal for Establishing ADN Program
NCSBN Press Release Change in NCLEX-RN Passing Standard
Francis Marion University – Notification of Enrollment Increase
Advanced Practice Committee Meeting Minutes for November 3, 2006
Nursing Practice and Standards Committee Minutes for November 2, 2006
Joint Statement of Delegation from ANA and NCSBN
Legal Aspects Workshop Evaluation Summary
Compliant Statistics
Approval of Hearing Panel Member – D. Pasch
Licensure Statistics
Licensure Announcements- Applications Approved by Program Coordinator & Administrator
Update/Status on Monitoring

A motion was made to adopt the January 25-26, 2007 Board of Nursing meeting Consent Agenda with the removal of Unlicensed Assistive Personnel Update. The motion received a second. The motion carried unanimously.

MOTION

The November 16, 2006 Board of Nursing Meeting Minutes were presented for Board review and approval.

APPROVAL OF
MINUTES

A motion was made to approve the November 16, 2006 Nursing Board Meeting minutes with corrections. The motion received a second. The motion carried unanimously.

MOTION

The Board was provided with the December 14, 2006 Investigative Review Committee (IRC) Meeting minutes including their recommendations for their review and approval.

IRC MINUTES

A motion was made to approve the December 14, 2006 Investigative Review Committee (IRC) Dismissal recommendations as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the December 14, 2006 Investigative Review Committee (IRC) Formal Complaint recommendations as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the December 14, 2006 Investigative Review Committee (IRC) Letters of Concern recommendations as presented. The motion received a second. The motion carried unanimously.

MOTION

The Board was provided with the December 7, 2006 Disciplinary Review Committee (DRC) minutes for their review and approval.

DRC MINUTES

A motion was made to approve the December 7, 2006 Disciplinary Review Committee (DRC) minutes as presented. The motion received a second. The motion carried unanimously.

MOTION

John M. DeAntonio, RN appeared before the Board with his legal counsel, Jay S. Masty, Esquire, to request that the Board consider suspending or ending the probationary period included in his April 2005 Agreement with the Board due to an employment opportunity. Mr. Masty asked the record be corrected to reflect that Mr. DeAntonio was convicted of a misdemeanor not a felony as Mr. DeAntonio originally reported to the Board in March 2005. The Board discussed Mr. DeAntonio's employment opportunity and his original order.

CONSENT
AGREEMENT

A motion was made to approve John M. DeAntonio's request to end the probationary period for his registered nurse license included in his April 2005 Agreement. The motion received a second. The motion carried unanimously.

MOTION

Kelvin M. Gibbs a candidate for the National Council Licensure Examination (NCLEX) for practical nurses appeared with his mother but without legal counsel before the Board concerning a "yes" answer to questions regarding discipline and criminal records on his examination application.

LICENSURE
APPEARANCE

A motion was made to approve to allow Kelvin M. Gibbs to take the National Council Licensure Examination and upon successful completion be licensed as a licensed practical nurse. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed cases heard by the Disciplinary Hearing Panel as well as their findings of fact, conclusions of law and recommendations for disciplinary actions.

FINAL ORDER
HEARINGS –
PANEL REPORTS

Respondent Charlotte A. Alexander, RN, was properly notified but did not appear before the Board and was not represented by legal counsel. Ms. White recused herself due to employment issues and Dr. Lewis presided in the case. The panel hearing in this case was held on October 10, 2006. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §§40-33-110(A)(1) and (A)(3), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended with a provision for the suspension to be stayed after Respondent submits to a chemical dependency assessment through the Recovering Professional Program (RPP) or other authorized agency, and appears before the Board.

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that that Respondent Charlotte A. Alexander's registered nurse license be indefinitely suspended with a provision for the suspension to be stayed after Respondent submits to a chemical dependency assessment through the Recovering Professional Program (RPP) or other authorized agency, and appears before the Board. The motion received a second. The motion carried unanimously.

MOTION

Respondent Lucinda Fay Blanchard, LPN, was properly notified and appeared before the Board without legal counsel. The panel hearing in this case was held on October 10, 2006. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110(A)(7), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's probation be extended for six months with quarterly reports from Respondent's employer. The recommendation

was based upon the fact that there is no evidence that Respondent intentionally violated the Agreement and that she is currently in compliance.

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

MOTION

A motion was made to return to 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 probation for Respondent Lucinda Fay Blanchard, LPN be extended for six months from today with quarterly reports from Respondent's employer with the understanding that she must work with on-site/on-shift registered nurse supervision in a Board approved setting. The motion received a second. The motion carried unanimously.

MOTION

Respondent Jennifer L. Finley, RN was properly notified but did not appear and was not represented by legal counsel. Representatives from the Recovering Professional Program (RPP) were present to respond to questions of the Board. The panel hearing in this case was held on October 24, 2006. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110(a)(7), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent should immediately re-enroll with the Recovering Professional Program (RPP) with a written contract and be an active participant, that Respondent immediately seek mental health counseling and provide to the Board, for review, a report from a licensed mental health professional as to Respondent's progress over a consecutive six-month period, that Respondent should promptly advise the Board in writing of any changes of address, that Respondent's registered nurse license should remain suspended until she has successfully completed an effective regime of mental health counseling, and until such further time as the Board determines upon review that the Respondent has proven herself competent to resume the practice of nursing.

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that that Respondent Jennifer L. Finley, RN immediately re-enroll with the Recovering Professional Program (RPP) with a written contract and to be an active participant, that Respondent immediately seek mental health counseling and provide to the Board, for review, a report from a licensed mental health professional as to Respondent's progress over a consecutive six-month period, that Respondent promptly advise the Board, in writing, of any changes of address, that Respondent's registered nurse license remain suspended until she has successfully completed an effective regime of mental health counseling, and until such further time as the Board determines upon review that the Respondent has proven herself competent to resume the practice of nursing. The motion received a second. The motion carried unanimously.

MOTION

Respondent Carolyn S. Fisher, RN, was properly notified and appeared before the Board with a friend but without legal counsel. A representative from the Recovering Professional Program (RPP) was present to respond to questions of the Board. The panel hearing in this case was held on October 24, 2006. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110, 1976, as amended. The Hearing Panel recommended that Respondent's license be revoked.

A motion was made to go into executive session for the purpose of receiving legal

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

MOTION

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

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact and Conclusions of Law and that Respondent Carolyn S. Fisher's registered nurse license remain in a suspended status, provided that she obtain a mental health evaluation to include a report of her ability to return to nursing practice, that she re-enroll in the Recovering Professional Program (RPP) as an active participant and complete a Board approved Legal Aspects of Nursing workshop. The motion received a second. The motion carried unanimously.

MOTION

Respondent Rebecca A. Long, RN was properly notified and appeared before the Board with a friend but without legal counsel. A representative from the Recovering Professional Program (RPP) was present to respond to questions of the Board. The panel hearing in this case was held on October 24, 2006. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110(A)(7), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be reinstated, that the license remain on probation for a period of two years, be restricted from handling narcotics, continue in the Recovering Professional Program (RPP), and that Respondent's license shall be suspended for any future noncompliance.

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that Respondent Rebecca A. Long's registered nurse license be reinstated, that her license remain in a probationary status for a period of two years, that she be restricted from handling narcotics, that she continue in the Recovering Professional Program (RPP), and that Respondent's license shall be immediately suspended for any future noncompliance. The motion received a second. The motion carried unanimously.

MOTION

Memoranda of Agreement regarding violation of the Nurse Practice Act and/or violation of previous Board disciplinary orders were presented to the Board for review and determination of sanctions.

MEMORANDA OF AGREEMENT

Respondent Lawrence T. Jones, RN was properly notified and appeared before the Board without legal counsel. Mr. Jones signed a memorandum of agreement admitting to a violation of the Nurse Practice Act and waiving a disciplinary panel hearing.

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

MOTION

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

MOTION

A motion was made to issue a public reprimand to Respondent Lawrence T. Jones, RN with a civil penalty of \$250 payable within sixty days of the date of the order. The motion received a second. The motion carried unanimously.

MOTION

Respondent Eleanor Louise Ryan, RN was properly notified and appeared before the Board without legal counsel. Ms. White recused herself due to an employment issue and Dr. Lewis presided in the case. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Ms. Ryan signed a memorandum of agreement admitting to violation of a previous order and waiving a

disciplinary panel hearing.

A motion was made for Respondent Eleanor Louise Ryan's registered nurse license to be reinstated, for Respondent to proceed with Recovering Professional 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 for at least one year, with narcotics restriction for one year and completion of a Legal Aspects Workshop. The motion received a second. The motion carried with two abstentions.

MOTION

Respondent Patricia Merie Beamer, RN was properly notified and appeared before the Board with her legal counsel Robin McLean, Esquire. A representative from the Recovering Professional Program (RPP) was also present to respond to questions from the Board. Ms. Beamer signed a memorandum of agreement admitting to violation of the Nurse Practice Act and waiving a disciplinary panel hearing.

A motion was made to suspend the registered nurse license of Respondent Patricia Merie Beamer for one year with a provision for an immediate stay, that Respondent shall continue in the Recovering Professional Program (RPP), Respondent shall work in a Board approved 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, with narcotics restriction for one year and completion of a Legal Aspects Workshop. The motion received a second. The motion carried with one nay vote.

MOTION

Respondent Mary Ellen Pritchard, RN was properly notified and appeared before the Board without legal counsel. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Ms. Pritchard signed a memorandum of agreement admitting to violation of the Nurse Practice Act and waiving a disciplinary panel hearing.

A motion was made to suspend Respondent Mary Ellen Pritchard's registered nurse license for one year with a provision for an immediate stay, Respondent shall continue in the Recovering Professional Program (RPP), Respondent shall work in a Board approved 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, with narcotics restriction for one year and completion of a Legal Aspects Workshop. The motion received a second. The motion carried unanimously.

MOTION

Respondent Kevin G. Staley, RN was properly notified and appeared before the Board without legal counsel. Dr. Kearney-Nunnery recused herself due to potential knowledge of the Respondent. Mr. Staley signed a memorandum of agreement admitting to violation of a previous order and waiving a disciplinary panel hearing. Agency Attorney Marvin Frierson requested to withdraw the memorandum of agreement pending further information.

Board Administrator Joan K. Bainer provided Board Members with an update on pending Board of Nursing and other health related legislation.

LEGISLATION

Office Based Surgery

Ms. Bainer and Maggie Johnson attended administrative law hearing regarding Board of Medical Examiners proposed regulations on office based surgery. Letters from the South Carolina Association of Nurse Anesthetists and South Carolina Nurses Association expressing concerns about the proposed regulations were provided to the

Board as well as a letter to Administrative Law Judge John D. McLeod written by agency legal staff. Mr. Wilson reported that Judge McLeod responded favorably to the letter.

Criminal Background Checks

The criminal background checks bill has been filed with the General Assembly. We are currently seeking a sponsor for the bill. The agency has received a letter from M. McIntyre Sundin, Unit Chief, Office of the General Counsel for the Department of Justice –Federal Bureau of Investigations stating that the language in our legislation is acceptable.

Housekeeping Bill

Ms. Bainer reported that we have been informed that the bill will again be vetoed by the Governor if the name badge requirement language remains in the bill as it was when the bill was vetoed last session. The Lewis Blackman bill covers identification requirement in the hospital settings. Mr. Wilson reported that the Medical Practice Act (MPA) requires badges for unlicensed staff in a physician's office. Consultation will be obtained as to whether this section should be left in or taken out to prevent the bill from being vetoed again. The requirement for identification badges was originally in the regulations and inadvertently left out when moving regulations to the statute.

A motion was made to authorize President Suzanne K. White and Board Administrator Joan K. Bainer to make appropriate changes to the "Housekeeping" bill as necessary. The motion received a second. The motion carried unanimously

MOTION

Education Regulations

Ms. Bainer reported that she and Nancy Murphy attended legislative committee meetings regarding the proposed nursing program regulations. The legislative committee suggested some changes to the regulations that were not substantive and did not change the content. The legislative committee will send a letter outlining their requested changes.

A motion was made to approve the editorial changes suggested by the legislative committee. The motion received a second. The motion carried unanimously

MOTION

A motion was made to go into executive session for the confidential review of Draft Revised 2008 PN Test Plan per contract with National Council of State Boards of Nursing (NCSBN). The motion received a second. The motion carried unanimously.

DRAFT
REVISED 2008
PN TEST PLAN

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

A motion was made to accept the National Council of State Boards of Nursing (NCSBN) Draft Revised 2008 PN Test Plan as presented and to state that the Board was very impressed. The motion received a second. The motion carried unanimously.

MOTION

Ms. Bainer provided the Board with a letter from the National Council of State Boards of Nursing (NCSBN) Board of Directors seeking their input for the discussion of developing a new strategic direction for NCSBN for 2008-2010. The Board reviewed the current strategic initiatives and asked that the following be considered: 1) enhancement of continued collaborative partnerships related to nursing shortage and innovative practice initiatives, education and discipline; 2) promotion of information related to Virginia's Sanction Reference Points and the relationship of the Compact rules for accepting or rejecting discipline orders from other states. Information should include successes and barriers to exchange such information; and 3) a focus on contrasting and comparing the substance abuse recovery program across the nation. It is difficult to assess the level of

NCSBN
STRATEGIC
INITIATIVE

current recovery when nurses make application to our state due to the differences in programs.

The Board discussed possible dates and topics for the Board of Nursing's 2007 Strategic Planning Retreat. The Retreat will be held on Thursday, April 19, 2007. Topics to be considered for the retreat agenda include, but are not limited to, criminal background checks, absolute barriers, National Council of State Boards of Nursing (NCSBN) Strategic Initiatives from the Mid-Year Meeting, collaborations from NCSBN Mid-Year, and competency.

STRATEGIC
PLANNING
RETREAT

The National Council of State Boards of Nursing (NCSBN) Mid-Year Meeting will be held April 3-4, 2007 in New Orleans. NCSBN will pay travel expenses for the executive officer to attend. Dr. Kearney-Nunnery will be attending as a member of the Board of Directors. NCSBN will pay for her travel expenses. Requests will be submitted for Ms. White and Dr. Whiting to also attend this meeting. Ms. James offered to be an alternate if needed.

NCSBN MID-YEAR
MEETING

Gayle Heller, RN, MSN, Dean of Health Sciences and Nursing as well as Margaret Kroposki, RN, MSN, Associate Dean of Nursing for Greenville Technical College appeared before the Board to request approval to offer nursing classes at their Northwest Campus. The Northwest Campus is located six miles from the main campus and is being built to ease crowded conditions at their main campus. The building is expected to be open in the fall. Nursing program faculty, curriculum and enrollment will remain the same.

GREENVILLE
TECHNICAL
COLLEGE-
NORTHWEST
CAMPUS

A motion was made to approve Greenville Technical College offering nursing classes at the Northwest Campus. The motion received a second. The motion carried unanimously.

MOTION

Mary Foster Cox, PhD, CPNP, Interim Associate Dean for Academic Affairs for University of South Carolina (USC) Columbia appeared before the Board to request a waiver to employ Linda Maldonado as a full-time clinical assistant professor. She has 20 years experience as a registered nurse, primarily in the area of obstetrics and gynecology. Ms. Maldonado is currently enrolled full-time in the bachelors in nursing (BSN) to doctorate (PhD) track at USC College of Nursing, which does not confer a masters of nursing degree. A master's degree is required for nursing academic faculty by the Board. Dr. Cox reported that Ms. Maldonado has completed 31 hours of graduate study to date and will have the equivalent number of hours required for a master's degree in Spring 2007. USC requires 35 hours for the Master of Science in Nursing degree.

USC COLUMBIA
FACULTY
APPROVAL

A motion was made to approve Linda Maldonado as a full-time clinical assistant professor at the University of South Carolina-Columbia. The motion received a second. The motion carried unanimously.

MOTION

Susan Cherry-Casey, Nursing Department Head, Spartanburg Community College appeared before the Board to discuss their faculty plan and initial to full program approval.

SPARTANBURG
COMMUNITY
COLLEGE

Faculty Plan Update

Spartanburg Community College provided the Board with an updated faculty plan for approval. The school currently has ten faculty members. They are in the process of obtaining references for another faculty member and will begin interviews for another position shortly. Ms. Cherry-Casey reported to the Board that they are not using the practical nurse exit option any longer. Students may choose to apply for the NCLEX-PN by equivalency. Ms. Murphy reported that as previously approved by the Board, schools have until July to decide if they will continue the practical nurse exit.

A motion was made to approve the faculty plan update from 16 to 12 members with the admission reduction to 30 associate degree nursing students in fall and spring as well as 15 practical nurse to associate degree nurse students in fall and spring. The motion received a second. The motion carried unanimously.

MOTION

Site Survey Report – Initial to Full Program Approval/ Response to Materials Submitted

A site survey was conducted on October 26, 2006 at Spartanburg Community College for initial to full program approval. The Board was provided with 2006 National Council Licensure Examination (NCLEX) results for Spartanburg Community College. It was noted that NCLEX rates for other programs would be presented at the March 2007 meeting in accordance with the normal process. Spartanburg Community College provided a report of corrective actions and improvement plan for items noted on the site survey. The only areas noted in the survey report not corrected are administrative support and NCLEX scores.

A motion was made to grant full approval for one year for Spartanburg Community College with a report to the Board in one year on the status of administrative support for faculty and National Council Licensure Examination (NCLEX) passing results. The motion received a second. The motion carried unanimously.

MOTION

President Andrew Hugine, Dr. Bobby Perdue, Director of the Nursing Program, and Dr. Robert Barrett, Dean of Business and Professional Sciences, South Carolina State University (SCSU) appeared before the Board regarding initial to full program approval. A number of faculty members were also present in the audience. Dr. Whiting recused herself due to her association with SCSU. Ms. James recused herself due to employment with SCSU. At the September 2006 meeting, the Board requested that SCSU return in January 2007 regarding the granting of full program approval for their baccalaureate nursing (BSN) program. It was recognized that the program has received their Commission on Collegiate Nursing Education (CCNE) accreditation through June 30, 2009. The Board was provided with a copy of the 2005-2006 Annual report, the CCNE report as well as the 2006 National Council Licensure Examination (NCLEX) results for SCSU.

SOUTH CAROLINA
STATE
UNIVERSITY

Dr. Perdue thanked the Board for the opportunity to meet with the Board and for the dialogue. The 2006 NCLEX score was 80% for graduates from the new SCSU program. Currently, 80% would be considered a deficiency. However, an 80% passing rate is a significant increase for the program. Dr. Perdue reported that they have nine full time faculty members and five part time faculty of which three have doctorate degrees and five are advanced practice nurses. The Department of Nursing is now part of Business and Professional Sciences. She reported on initiatives to increase student success on the NCLEX and their work on student testing. Students have been very positive of the NCLEX readiness, tutoring, etc. on exit evaluations.

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

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 grant full approval for one year for South Carolina State University baccalaureate nursing (BSN) program with a report in one year with an update on their Continuous Improvement Progress report submitted for this meeting and National Council Licensure Examination (NCLEX) passing results. The motion received a second. The motion carried unanimously.

MOTION

The Board commended SCSU on their progress and increasing stability. Dr. Perdue thanked the Board and stated that she would be back in a year to report their continued progress to the Board.

GUIDING
PRINCIPLES OF
NURSING

Ms. Bainer provided the Board with the December 2006 Draft of the National Council of State Boards of Nursing (NCSBN) Guiding Principles for Nursing Regulation for review and comment. These principles are intended to guide the regulation of nursing in light of regulatory challenges boards of nursing may face in the future. The Board suggested that under Item 2 –Competency that nursing assistants be changed to unlicensed assistive personnel. Not all state boards of nursing regulate nursing assistants. Under Item 7-Globalization, it was suggested that a statement be added to reflect that countries can learn from each other. Ethics were recommended as a concept to consider in these guiding principles.

ZOLADEX
ADMINISTRATION

Ms. Johnson reported that the Nursing Practice and Standards Committee (NPSC) had reviewed a question from Paula Satterfield of the University Medical Group, Department of Obstetrics and Gynecology at Greenville Hospital Systems regarding the administration of Zoladex by registered and licensed practical nurses in their offices. Zoladex is a pre-filled hormonal drug given by a 16 gauge needle in the abdomen subcutaneously for endometriosis and prostate cancer. NPSC consulted with the manufacturer due to language in the insert stating “under the supervision of the physician.” The company informed the committee that registered nurses across the country were administering the drug and that the language was included to assure that there was a physician’s order. NPSC recommended approval for this particular group and not as an advisory opinion, stating that the registered nurse with special education, training as well as written policies and procedures can administer Zoladex but that the licensed practical nurse may not administer this medication. Board discussion included but was not limited to basic administration of this medication, whether or not a licensed practical nurse should be allowed to administer, and information on the package insert regarding the physician being present during administration. Dr. Lewis suggested making a request for written information on the physician present or supervising language in the packaging.

MOTION

A motion was made to defer action on the administration of Zoladex by registered and licensed practical nurses until further written information is received from the pharmaceutical company. The motion received a second. The motion carried unanimously.

MUSC – CAPS

Ms. Johnson presented a request from Dr. Robert H. Hawes, Professor of Medicine at the Medical University of South Carolina (MUSC). In his letter, Dr. Hawes explains that MUSC has been invited to participate in an FDA approved multi-site pivotal clinical trial to assess the safety and effectiveness of computer-assisted personalized sedation (CAPS). A representative from Johnson and Johnson as well as the clinical nurse specialist (CNS) of the MUSC endoscopy center presented to the committee and answered questions. The CAPS device allows the physician / registered nurse care team to intravenously administer 1% propofol injectable emulsion for sedation during esophagogastroduodenoscopy (EGD) or colonoscopy. Using this device, 100 patients at ten different sites will be tested. Only one nurse at MUSC and the CNS will be trained for CAPS. MUSC is requesting that the Board allow one registered nurse to use the device, under the direct supervision and orders of a licensed physician, to deliver propofol utilizing CAPS for sedation within the limits of the FDA approved protocol during their participation in the pivotal trial.

MOTION

A motion was made to approve the request from Medical University of South Carolina (MUSC) to allow one registered nurse to use the device, under the direct supervision and

orders of a licensed physician, to deliver propofol for sedation within the limits of the FDA approved protocol during their participation in the pivotal trial. The motion received a second. The motion carried unanimously.

The Board reviewed the request for Cathy Gegaris, RN, MSN, CCRN to serve as the advanced practice representative on the Nursing Practice and Standards Committee (NPSC). The Board discussed Ms. Gegaris's credentials and experience. It was noted that she is not a licensed advanced practice registered nurse (APRN). There is currently a position open on the Advisory Committee on Nursing (ACON) for a representative from an urban hospital. The Board asked that Ms. Gegaris be made aware of this position to see if she would be interested in serving on that committee.

NPSC
NOMINATION

A motion was made to defer action on approval of Cathy Gegaris, RN, MSN, CCRN to serving as the advanced practice representative on the Nursing Practice and Standards Committee (NPSC). The motion received a second. The motion carried unanimously.

MOTION

The Board would like to review and revisit the regulation of unlicensed assistive personnel (UAP) at their March meeting. The Board will review previous decisions, information from the summit, funding issues, discipline and staffing.

UAP

FRIDAY, JANUARY 26, 2007

At the September 2006 Board meeting, litigation attorney Dwight Hayes was asked to create an alternative sanction for violation of consent agreements or Board orders. The Board was provided with Sanctions for Non-Compliance with an Existing Consent Agreement or Board Order for their review and input. Items #1-9 are related to violations of consent agreements that are not a threat to public safety and are in lieu of a temporary suspension. Items #10-14 are related to violations of consent agreements that the licensees are in the RPP program and have the potential to be a threat to public safety. Temporary suspension and MOA/consent agreements are recommended. If a nurse repeats a violation of a consent agreement, the nurse must appear before the Board. The Office of General Counsel recommends authorizing consent agreements for certain violations. Where a fine is listed, the fine must be paid prior to reinstatement of license to lift the temporary order of suspension (TSO). On Items 10-14, the Board asked that violators be suspended for a minimum of 30 days or until there is 30 days of documented sobriety, whichever is longer.

NONCOMPLIANCE
SANCTIONS

A motion was made to approve the Sanctions for Non-Compliance with an Existing Consent Agreement or Board Order with changes. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed a Sanctions Guidelines chart to be used by its disciplinary committees and panels. The Board reviewed various types of violations and sanctions to include but not limited to reprimands, suspension, probation, civil penalties, education, narcotics restrictions, evaluations, evaluation and if indicated participation in the Recovering Professional Program (RPP), employment restrictions, and Board appearances. These guidelines will be provided to the disciplinary committees and panels. It was noted that these are guidelines and that the facts of the case and mitigating circumstances may warrant different sanctions.

SANCTIONS
GUIDELINES

A motion was made to pilot the Disciplinary Sanctions Guidelines Chart along with a glossary with the Investigative Review Committee (IRC), Disciplinary Review Committee (DRC) and Hearing Panels for input with a report in July 2007. The motion received a second. The motion carried unanimously.

The Board reviewed the Virginia Board of Health Professions Sanctions Reference Points (SRP) provided by Ruby Brice McClain, Assistant Deputy Director for Health and Medically Related Professions (OHMRP). Ms. McClain reported that she is asking boards to consider using the SRP. She wants to determine if the boards are interested in utilizing SRP prior to spending staff time to research several years of data. The Board would like to look at scenarios related to the SRP at their retreat in April.

VIRGINIA BOARD
OF HEALTH
PROFESSIONS
SANCTIONS
REFERENCE
POINTS

A motion was made to authorize Board staff to investigate the viability of utilizing the Virginia Board of Health Professions Sanctions Reference Points (SRP) in our state and to report back to the Board at the Strategic Planning Retreat in April. The motion received a second. The motion carried unanimously.

MOTION

The next Board of Nursing Meeting will be held on March 29-30, 2007.

ADJOURNMENT

A motion was made to adjourn the meeting at 1:00 p.m. on January 26, 2007. The motion received a second. The motion carried unanimously.

Respectfully Submitted,
Dottie Buchanan, Administrative Assistant