

SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
 110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA 29210

BOARD OF NURSING MEETING MINUTES – SEPTEMBER 25, 2008

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| <p>Board Vice President C. Lynn Lewis called the meeting to order at 9:00 a.m. on September 25, 2008. In accordance with the S.C. Freedom of Information Act, the meeting notice was posted at the Board offices and provided to requesting persons, organizations and news media. The Board's mission was read: <i>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.</i> A quorum was present at all times.</p> | <p align="center"><u>CALL TO ORDER</u> <u>PLACE OF</u> <u>MEETING</u> <u>AND FOIA</u> <u>COMPLIANCE</u></p> |
| <p>Brenda Y. Martin, RNC, MN, CNAA, President Congressional District 5 Present -In at 10:45 a.m.</p> <p>C. Lynn Lewis, RN, EdD, MHS, Vice-President Congressional District 3 Present</p> <p>Trey Pennington, MBA, MS, Secretary Public Member Absent</p> <p>Debra J. Doria, LPN Region II, Congressional District 4 Present</p> <p>Carrie H. James, RN, MSN, CNA-BC, CCE Congressional District 6 Present -Out at 5:45</p> <p>Rose Kearney-Nunnery, RN, PhD, CNE Congressional District 2 Present</p> <p>Sylvia A. Whiting, PhD, APRN-BC Congressional District 1 Present</p> <p>Registered Nurse Vacancy for Congressional District 4 Licensed Practical Nurse Vacancy for Region I One Public Member Vacancy</p> | <p align="center"><u>BOARD MEMBERS</u> <u>PRESENT AND</u> <u>VOTING</u></p> |
| <p>Joan K. Bainer, RN, MN, NE BC, Board Administrator Nancy G. Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education Sheridon Spoon, Associate General Counsel Marvin Frierson, Asst. General Counsel Dwight Hayes, Asst. General Counsel & Office of Licensure and Compliance Kathy Meadows, Office of Investigations and Enforcement Shirley Robinson, Hearing Counsel Gwendolyn Green, Hearing Counsel</p> | <p align="center"><u>BOARD AND LLR</u> <u>STAFF MEMBERS</u> <u>PRESENT FOR</u> <u>CERTAIN AGENDA</u> <u>ITEMS</u></p> |
| <p>The September 25-26, 2008 Board of Nursing meeting agenda was presented to the Board for review and approval.</p> <p>A motion was made by Dr. Whiting to approve the September 25-26, 2008 Board of Nursing meeting agenda with the addition of a memorandum of agreement. Ms. Doria seconded the motion. The motion carried unanimously.</p> | <p align="center"><u>APPROVAL OF</u> <u>AGENDA</u></p> <p align="center"><u>MOTION</u></p> |

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| <p>The September 25-26, 2008 Consent Agenda was presented to the Board. The following items were approved, accepted or adopted on the consent agenda:</p> <ul style="list-style-type: none"> ◆ Information: Adult Psych Mental Health (PMH) CNS & Adult PMH NP Certification Examination ◆ Information: Updated ACON Charter ◆ Information: NCSBN Acquires Exclusive Ownership-Intellectual Property for National Nurse Aide Assessment Program (NNAAPT) & Medication Aide Certification Exam (MACET) programs ◆ Information: NCSBN Nursing Education Capacity Summit ◆ Information: NCLEX RN & PN Summary Statistics for April 1 - June 30, 2008 ◆ Information: Murphy Reappointment to NCSBN NCLEX Item Review Subcommittee ◆ Information: NCSBN Report of Faculty Qualifications Committee ◆ Approval: New Evidentiary Panel Hearing Members- Rorie and Haviland | <u>APPROVAL OF CONSENT AGENDA</u> |
| <p>A motion was made by Dr. Whiting to approve, accept or adopt the items the Consent Agenda as presented. Ms. James seconded the motion. The motion carried unanimously.</p> | <u>MOTION</u> |
| <p>The July 24, 2008 Board of Nursing Strategic Planning Meeting Minutes were presented for Board review and approval.</p> | <u>APPROVAL OF MINUTES</u> |
| <p>A motion was made by Ms. Doria to approve the July 24, 2008 Meeting Minutes as presented. Ms. James seconded the motion. The motion carried unanimously.</p> | <u>MOTION</u> |
| <p>Dr. Kearney-Nunnery had asked that this item be added so that staff would have the opportunity to pull files for the cases in which the Board had questions. No questions were raised by the Board.</p> | <u>NOTIFICATION BOARD QUESTIONS - LEGAL DOCUMENTS</u> |
| <p>Ms. Bainer reported that the criminal background check will begin in 2009 in the Office of Licensure and Compliance. All applicants for the licensure examination or endorsement from another state will be required to have a criminal background check. Nurses with current licenses will also have criminal background check conducted. A percentage of current nurses will be selected to have background checks will be conducted each year until all active licensees have a received their background check.</p> | <u>ADMINISTRATOR REPORT</u> |
| <p>The Board staff is now Joan Bainer – Administrator, Nancy Murphy – Nurse Consultant for Education and Dottie Buchanan – Administrative Assistant. Ms. Buchanan will now be working with the Nursing Practice and Standards and Advanced Practice Committees in addition to the Board and Advisory Committee on Nursing.</p> | |
| <p>The agency has purchased software and hardware that will allow board meetings to be web-streamed similar to the Legislature. The Board of Nursing will be one of the first boards “go live.” We are also looking at utilizing the video teleconferencing (VTC) more for appearances before the Board and committees as well as for the Bits of Legal Aspects of Nursing Workshops.</p> | |

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| <p>The Board reviewed actions taken at the National Council of State Boards of Nursing (NCSBN) Delegate Assembly.</p> | <p><u>DELEGATE ASSEMBLY</u></p> |
| <p>Per the Board's request, the Nursing Practice and Standards Committee (NPSC) drafted a Joint Statement on Pain Management. This joint statement will be reviewed, approved and signed by the Boards of Nursing, Medical Examiners and Pharmacy. The Board of Nursing approved the statement at their July 24, 2008 Board meeting.</p> | <p><u>JOINT STATEMENT ON PAIN MANAGEMENT</u></p> |
| <p>The National Council of State Boards of Nursing was awarded the Health Resources and Service Administration Licensure Portability Grant. The purpose of the grant is to provide support to licensing boards to carry out programs which promote licensure portability and reduce regulatory barriers for nurses. A Uniform Core Licensure Requirements (UCLR) Conference will be held on November 5-6, 2008. The purpose of the conference is to educate boards on UCLR, assess state requirement participation and to analyze opportunities for further study.</p> <p>Drs. Lewis and Whiting will attend the meeting.</p> | <p><u>UNIFORM CORE LICENSURE REQUIREMENTS (UCLR) CONFERENCE</u></p> |
| <p>The Board was provided with a copy of the April 17, 2008 Nursing Practice and Standards Committee minutes, updated charts on invasive devices, as well as a nomination for the Long Term Care/ Gerontology position on the Committee.</p> <p>A motion was made by Ms. Doria to appoint Pamela Howell to the Long Term Care/ Gerontology position on the Nursing Practice and Standards Committee. Dr. Whiting seconded the motion. The motion carried unanimously.</p> <p>The charts on invasive devices were split into separate chart for registered nurses and licensed practical nurses. Laryngeal Masks were also added to the charts.</p> <p>A motion was made by Dr. Whiting to approve the revised Advisory Opinion Supplement on the Nursing Management of Invasive Devices as presented and recommended by the Nursing Practice and Standards Committee. Ms. James seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Dr. Whiting to accept the April 17, 2008 Nursing Practice and Standards Committee minutes. Ms. Doria seconded the motion. The motion carried unanimously.</p> <p>The Advanced Practice Committee for November has been rescheduled from Friday, November 7, 2008 to Thursday, November 13, 2008.</p> | <p><u>PRACTICE</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> |
| <p>Frank Sheheen and Richard Wilson of the Recovering Professional Program (RPP) appeared before the Board to discuss the use of buprenorphine while participating in the RPP. They reported that discussions between the Board of Medical Examiners and Dr. Paul Early, an expert on the subject, support the conclusion that nurses under monitoring with the RPP should not be authorized to return to practice while taking buprenorphine.</p> <p>A motion was made by Dr. Whiting to deny of authorization to practice nursing</p> | <p><u>USE OF BUPRENORPHINE SHEHEEN / WILSON- RPP</u></p> <p><u>MOTION</u></p> |

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| <p>under the influence of buprenorphine. Ms. Doria seconded the motion. The motion carried unanimously.</p> | |
| <p>At its August 26, 2008 meeting, the Advisory Committee on Nursing recommended the Board approve the Gardner-Webb University request to conduct clinical experiences in South Carolina. The Board was provided with information from the school as well as a copy of the applicable regulations. Gardner-Webb University has been conducting clinical experiences in South Carolina for a number of years and is requesting approval due to a change in our regulations.</p> <p>A motion was made by Dr. Whiting to approve the Gardner-Webb University request to conduct clinical experiences in South Carolina. Ms. James seconded the motion. The motion carried unanimously.</p> | <p><u>GARDNER-WEBB UNIVERSITY</u></p> <p><u>MOTION</u></p> |
| <p>At its August 26, 2008 meeting, the Advisory Committee on Nursing (ACON) recommended the Board approve the University of South Carolina (USC) Designated Education Unit (DEU) project proposal as submitted with the recommendation that at the end of six months, a status report be submitted to the Board and ACON. The Board was provided with information from the school as well as a copy of the applicable regulations. (see attached)</p> <p>A letter of concern was received from Delura Knight who is the Dean at Orangeburg Calhoun Technical College. This letter was not reviewed by ACON. The Board accepted the letter as information.</p> <p>A motion was made by Dr. Whiting to approve the proposal as submitted. Ms. James seconded the motion. The motion carried unanimously.</p> | <p><u>USC – DEU EXPERIMENTAL PROJECT PROPOSAL</u></p> <p><u>MOTION</u></p> |
| <p>Mary Helen Baum appeared before the Board to respond to Board questions regarding practice, certification and licensure. Discussion included but was not limited to timing of certification, nursing position descriptions, and licensure.</p> <p>A motion was made by Dr. Whiting to approve requirements for licensure as an advanced practice registered nurse (APRN). The motion did not receive a second. Motion failed.</p> <p>A motion was made by Ms. James to go into executive session for the purpose of receiving legal counsel. Ms. Doria seconded the motion. The motion carried unanimously.</p> <p>A motion was made to leave executive session. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Ms. James for Mary Helen Baum to apply for advanced practice registered nurse (APRN) through the regular process. Dr. Whiting seconded the motion. The motion carried unanimously.</p> | <p><u>MARY HELEN BAUM – ADVANCED PRACTICE</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> |
| <p>The Board was provided with the Resolutions Committee Report and recommendations for cases reviewed since the May 15, 2008 Board of Nursing meeting for review and approval.</p> | <p><u>RESOLUTION COMMITTEE REPORT</u></p> |

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| <p>supervision, no home based care, agency or telenursing or telehealth, and quarterly employer reports. Ms. James seconded the motion. The motion carried unanimously.</p> | |
| <p>A motion was made by Dr. Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel. Ms. James seconded the motion. The motion carried unanimously.</p> | <p><u>MOTION</u></p> |
| <p>A motion was made to leave executive session. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.</p> | <p><u>MOTION</u></p> |
| <p>A motion was made in Case #2007-321 by Ms. James to accept Hearing Panel's findings of fact, conclusions of law and recommendation to reinstate Respondent's license upon reenrollment with the Recovering Professional Program and added that Respondent must appear before the Board prior to reinstatement. Dr. Whiting seconded the motion. The motion carried unanimously.</p> | <p><u>MOTION</u></p> |
| <p>A motion was made by Dr. Whiting to accept Hearing Panel's findings of fact, conclusions of law and recommendation to continue the suspension of Respondent's license, license may be reinstated upon compliance with the May 2007 Final Order, a civil penalty of \$500 to be paid within 30 days of the order and completion of a medication course with classroom attendance required in Case with one nay vote.</p> | <p><u>MOTION</u></p> |
| <p>A motion was made in Case #2006-50 by Dr. Lewis to accept Hearing Panel's findings of fact, conclusions of law and recommendation to require respondent to obtain a Recovering Professional Program evaluation with results provided to the Board prior to reinstatement. Dr. Whiting seconded the motion. The motion carried unanimously.</p> | <p><u>MOTION</u></p> |
| <p>A motion was made by Dr. Kearney-Nunnery to accept Hearing Panel's findings of fact, conclusions of law and recommendation to issue a Private Reprimand and require completion of a Legal Aspects Workshop. Dr. Whiting seconded the motion. The motion carried unanimously.</p> | |
| <p>Respondent appeared before the Board to request reinstatement of his nursing license.</p> | <p><u>REQUEST FOR REINSTATEMENT</u></p> |
| <p>A motion was made by Dr. Whiting to reinstate Respondent's license with continuation in the Recovering Professional Program. Ms. James seconded the motion. The motion carried unanimously.</p> | <p><u>MOTION</u></p> |
| <p>Memoranda of Agreement (MOA) regarding violation of the Nurse Practice Act, previous Board orders or unlicensed practice were presented to the Board for review and determination of appropriate sanctions. Respondents were requested to appear before the Board to respond to questions regarding their MOA. Recovering Professionals Program (RPP) representatives from were present to respond to questions in cases regarding their clients.</p> | <p><u>MEMORANDA OF AGREEMENT</u></p> |
| <p>No action was taken in Case #2008-86.</p> | |

A motion was made in Case #2008-132 by Dr. Whiting to require Respondent to complete a Legal Aspects Workshop and a Ethics Course and pay a civil penalty of \$250 within one year. Ms. James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Ms. James to go into executive session for the purpose of receiving legal counsel. Ms. Doria seconded the motion. The motion carried unanimously.

MOTION

A motion was made to leave executive session. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made in Case #2008-8 by Ms. Doria to suspend Respondent's license with a possible stay after completion of a Legal Aspects Workshop and a Ethics Course, Respondent must practice in a Board approved work setting under the on-site / on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, and quarterly employer reports and a civil penalty of \$250 payable within one year. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made in Case #2008-118 by Dr. Kearney-Nunnery to require a Recovering Professional Program evaluation and upon receipt of a written recommendation from the RPP as to Respondent's safety to return to work reinstate Respondent's license. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made in Case #2008-73 by Ms. James to accept the Recovering Professional Program recommendation, to require Respondent to complete a Legal Aspects Workshop and have quarterly reports submitted by the registered nurse supervisor. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made in Case #2007-523 by Dr. Lewis to maintain the requirements of the original agreement and reenroll in the Recovering Professional Program. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made in Cases #2006-123 and #2006-226 by Dr. Lewis to recommend a Recovering Professional Program evaluation and upon receipt of a written recommendation from the RPP as to Respondent's safety to return to work reinstate Respondent's license. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made in Case #2008-141 by Dr. Lewis to indefinitely suspend Respondent's license, and upon receipt of a written recommendation from the RPP as to Respondent's safety to return to work and appearance may reinstate Respondent's license with all requirements in original order in. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made in Case #2007-237 by Dr. Kearney-Nunnery to require Respondent to pay a \$500 civil penalty, Respondent is still under all requirements

MOTION

of original order. Ms. Doria seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Ms. Doria to go into executive session for the purpose of receiving legal counsel. Ms. James seconded the motion. The motion carried unanimously.

MOTION

A motion was made to leave executive session. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made in Case #2007-275 by Ms. James to place Respondent's license on probation for a period of nine months and submission of quarterly reports from preceptor. Dr. Whiting seconded the motion. The motion carried with one nay vote.

MOTION

A motion was made by Dr. Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel. Ms. James seconded the motion. The motion carried unanimously.

MOTION

A motion was made to leave executive session. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made in Case #2007-318 by Ms. Doria that based on Respondent's admission to a medication error to place Respondent's license in a probationary status for not less than one year, Respondent must practice in a Board approved work setting under the on-site/on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, and quarterly employer reports, complete a Legal Aspects Workshop and Medication course. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis to issue a private reprimand and \$500 civil penalty payable within six months for a registered nurse whose license expired in April 2008 but continued to practice until June 2008. Dr. Kearney-Nunnery seconded the motion. The motion carried with one abstention.

MOTION

A motion was made by Dr. Lewis to issue a private reprimand and \$2,000 civil penalty payable within six months for a registered nurse whose license expired in April 2006 but continued to practice until June 2008. The motion received a second. The motion carried unanimously.

The Offices of General Counsel and Licensure and Compliance provided the Board with public and private consent agreements for their review and consideration. These consent agreements were signed by respondents in lieu of disciplinary hearings. The Board may accept the agreement as presented, amend the agreement or reject the agreement. Respondents may sign the consent agreement amended by the Board but have the right to request a panel hearing in lieu of signing the amended agreement.

CONSENT AGREEMENTS

A motion was made by Ms. Doria to accept Public Consent Agreements for Case # 2008-119, Case #2007-470, Case #2008-392, Case # 2008-72, Case # 2007-

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| <p>268, Case # 2008-39, Case # 2006-394, Case # 2006-407, Case # 2008-92, Case # 2008-80, Case # 2007-348, Case # 2008-197, Case # 2008-116, Case # 2008-241 (Voluntary Surrender), Case # 2008-27, Voluntary Surrender; Private Consent Agreements for Case # 2007-434, Case # 2007-92, Case # 2006-260, Case # 2008-36, Case # 2008-140, Case # 2007-313, Case # 2008-52, Case # 2007-518, Case # 2007-460, Case # 2008-34 and Case # 2007-215 and to accept fifteen private consent agreements for unlicensed practice. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p> | |
| <p>The Board was provided with the minutes from the July 17, 2008 Disciplinary Review Committee (DRC) meeting for review and approval.</p> <p>A motion was made by Dr. Lewis to approve the Minutes of the July 17, 2008 Disciplinary Review Committee with corrections regarding the posting of the agenda. The motion received a second. The motion carried unanimously.</p> | <p><u>DRC MINUTES</u></p> <p><u>MOTION</u></p> |
| <p>Sheridon Spoon and Dwight Hayes presented a draft charter for the Disciplinary Review Committee (DRC) at the July 2008 Board meeting. The Board asked for more information on the closure of cases without the DRC. The Board reviewed the draft charter as well as an "End of Probationary Period" letter.</p> <p>A motion was made to accept the Disciplinary Review Committee (DRC) charter as presented. The motion received a second. The motion carried unanimously.</p> | <p><u>DRC CHARTER</u></p> <p><u>MOTION</u></p> |
| <p>A motion was made to adjourn the meeting at 6:45 p.m. on September 26, 2008. The motion received a second. The motion carried unanimously.</p> <p>Respectfully Submitted, Dorothy M. Buchanan, APM Assistant to the Administrator</p> | <p><u>ADJOURNMENT</u></p> |