

SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
110 CENTERVIEW DRIVE, ROOM 108, COLUMBIA, SOUTH CAROLINA 29210

JULY 23, 2009 BOARD OF NURSING MEETING MINUTES

Vice President Whiting called the July 23-24, 2009 Board of Nursing meeting to order at 8:30 a.m. Public notice of this meeting was posted at the board offices and provided to all requesting persons, organizations, and news media in compliance with the South Carolina Freedom of Information Act. A quorum was present at all times. The Board's mission was read.

CALL TO ORDER
PLACE OF MEETING
& FOIA COMPLIANCE

C. Lynn Lewis, EdD, RN, MHS, President
Congressional District 3Excused

BOARD MEMBERS
PRESENT & VOTING

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

Trey Pennington, MBA, MS, Secretary
Public MemberPresent (In at 8:40 a.m.)

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

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

Brenda Y. Martin, MN, RNC, CNA
Congressional District 5 Present

One - Registered Nurse Vacancy- Congressional District 4
Two - Licensed Practical Nurse Vacancies- Regions I & II
One - Public Member Vacancy

Joan Bainer, MN, RN, NE BC, Board Administrator
Nancy Murphy, MS, RN, BC, CPM, Program Nurse Consultant-Education
Phyllis Raynor, MSN, RN, Program Nurse Consultant - Practice

STAFF MEMBERS
PRESENT &
PARTICIPATING IN
CERTAIN AGENDA
ITEMS

Sheridon Spoon, Assistant General Counsel, Office of General Counsel
Jocelyn Andino, Assistant General Counsel, Office of General Counsel
Dwight Hayes, Legal Counsel, Office of Licensure and Compliance
Kathy Meadows, Chief Investigator, Office of Investigations & Enforcement
Gwendolyn Green, Hearing Counsel

The July 23-24, 2009 Board of Nursing meeting agenda was presented to the Board for review and approval.

AGENDA APPROVAL

A motion was made by Rose Kearney-Nunnery to approve the July 23-24, 2009 Board of Nursing meeting agenda as presented. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

The following informational items were presented on the Consent Agenda for Board for approval or acceptance as information.

APPROVAL OF
CONSENT AGENDA

For Information: Advisory Committee on Nursing Minutes
For Information: NCSBN Board of Directors Meeting Highlights

For Information: NCSBN Letter to President Obama
For Information: Newberry College Program Update
For Information: Licensure Application – Compact Updates
For Information: DCC Examination – DNP
For Information: Paperless Licensure System Beginning 2010
For Information: Nursing Practice and Standards Committee Minutes
For Information: Advanced Practice Committee Minutes
For Information: Statistics Related to DBT Success –RPP
For Information: Attorney General’s Opinion Related to the Bd of Pharmacy

A motion was made by Rose Kearney-Nunnery to approve the July 23, 2009 consent agenda as presented. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board removed approval of revisions to the bylaws of the Nursing Practice and Standards and Advanced Practice Committees as well as final approval of the Boards of Nursing and Pharmacy Joint Position Statement on Pain from the Consent Agenda for discussion.

The May 14-15, 2009 Board of Nursing meeting minutes were presented for Board review and approval.

APPROVAL OF MINUTES

A motion was made by Carrie Houser James to approve the May 14-15, 2009 Board of Nursing Meeting Minutes with minor changes. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

Ms. Bainer provided a brief history of the Customer Care Center (CCC) and agency Director Adrienne Youmans’ vision for the CCC.

CUSTOMER CARE CENTER (CCC)

Connie Huffstetler, CCC Supervisor, reported that of the eight employees in her area, several have previously worked with the Nursing Board. CCC takes approximately 400 calls a day with more in peak times such as renewals. Adding the Board of Nursing will add approximately 200 calls a day. Employees will be added as volume increases. Team members answer most questions and contact the board directly for assistance. Incoming calls are monitored and data collected on hold time, call time, etc. Customers hold for no more than 30 seconds average. The Board commented that even with the CCC in place, employees need to provide information on their voicemail messages as to where customers can go to find answers to their questions.

Ms. Bainer reported that there have been two Centennial Celebration Committee meetings. Few people have attended. Due to state guidelines, the Board cannot accept money from National Council of State Boards of Nursing towards the Centennial Celebration project. This money and a portion of the celebration could be turned over to the S.C. Nurses and/or the S.C. Hospital Associations.

CENTENNIAL CELEBRATION COMMITTEE

Ms. Bainer and Dottie Buchanan will be giving a presentation at the S.C. Nurses Association meeting in September. Staff is planning a special, commemorative Centennial edition of the Palmetto Nurse.

Ms. Bainer reported that although the Board has approved the regulation of Medication Assistant – Certified (MAC) but it must go through the agency budgetary process. The study was provided to the LLR Budget Officer and she has responded to questions on staffing.

MA-C

Ms. Bainer reported on the National Council of State Boards of Nursing (NCSBN) Executive Officer Leadership meeting. Discussion included but was not limited to board governance, Ms. Bainer made comparison of South Carolina to Arizona and other boards in the areas of safety and ethics, APRN Consensus Model and foreign graduates.

NCSBN EXECUTIVE
OFFICER
LEADERSHIP
SEMINAR

Sylvia Whiting, Rose Kearny-Nunnery and Carrie James have been approved to attend the August 2009 National Council of State Boards of Nursing Annual Meeting/ Delegate Assembly along with staff members. Dr. Whiting stated that she would not be able to attend. Nancy Murphy will be presented with her award at this meeting. Resolutions and nominations were discussed at previous board meeting. Except for the Director At Large position which has two nominees, all other nominees are running unopposed. Nominations could be taken from the floor at the meeting.

DELEGATE
ASSEMBLY

A motion was made by Brenda Martin to approve the slate of National Council of State Boards of Nursing officers as presented. Carrie Houser James seconded the motion.

MOTION

A friendly amendment was offered by Rose Kearney-Nunnery to have delegates consider Debra Scott for the Director at Large position and that delegates consider additional nominations that may be taken from the floor at the meeting giving careful consideration of the board's wishes for geographically diversity and the candidate's ability to serve due to the time involved with serving in these positions.

AMENDMENT

Ms. Martin accepted the friendly amendment. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board President sent a letter in April 2009 to all nursing programs with 2008 NCLEX passing rate deficiencies informing them that their citation response reports would be provided to the Board at its May meeting as information with discussion to follow at the July Board meeting. Representatives from Francis Marion University, Piedmont Technical College, South Carolina State University and Spartanburg Community College appeared before the Board to discuss their 2008 NCLEX passing rate citations response reports. Sylvia Whiting and Carrie Houser James recused themselves during the discussion with South Carolina State University.

RESPONSES TO
CITATION FOR 2008
NCLEX PASSING
RATE DEFICIENCY

Associate Degree Nursing (ADN) Program Approval

The Aiken Technical College Associate Degree Nursing Program received initial approval from the National League for Nursing Accrediting Commission (NLNAC) based on its April 2007 site visit with its site visit scheduled for Spring 2012. Initial approval status was granted by the Board of Nursing at its March 2005 meeting. In January 2008, the Board granted full program approval status for one year with a report due at its November meeting regarding the status of the program NCLEX success rate. In January 2009, the Board deferred action on program approval for six months with a recommendation to collect additional data and provide its report at its July meeting. Program representatives were present to respond to Board questions

AIKEN TECHNICAL
COLLEGE

A motion was made by Rose Kearney-Nunnery to grant full approval status to the Aiken Technical College Associate Degree Nursing Program to run concurrently with the National League for Nursing Accrediting Commission accreditation.

MOTION

Brenda Martin seconded the motion. The motion carried unanimously.

Response to Citation- 2008 NCLEX Passing Rate Deficiency

The Board also discussed with the ATC representatives their response reports to the 2008 NCLEX passing rate citation.

Ms. Bainer provided the Board will public comment from Delura Knight regarding the University of South Carolina (USC) College of Nursing Designated Education Unit experimental project. USC was provided with a copy to address concerns raised in the comment.

PUBLIC COMMENT
RELATED TO DEU
EXPERIMENTAL
PROJECT

DEU Experimental Project Report

At its September 2008 meeting, the Board approved the University of South Carolina (USC) Designated Education Unit (DEU) experimental project as submitted with the recommendation that at the end of six months, a status report be submitted to the Advisory Committee on Nursing (ACON) and to the Board.

UNIVERSITY OF
SOUTH CAROLINA-
COLUMBIA

At its June 2009 meeting, ACON voted to recommend Board approval of the USC request to continue with the existing 25 senior level students and add an additional 8 students to Palmetto Hospital System; allow students to follow clinical instructors scheduled on days, nights and weekends with at least one clinical faculty coordinator on call at all times; initiate a DEU experimental project at Providence Hospital with 8 Fundamentals students in Fall 2009 and an additional 8 students in Spring 2010; and added the submission of a status report on the project in one year to ACON and the Board.

Peggy Hewlett, Dean, USC College of Nursing provided the Board with a DEU update. She had faculty members, hospital representatives and a DEU student present to respond to the Board questions. Dean Hewlett also addressed the concerns raised in the public comment received by the Board.

A motion was made by Rose Kearney-Nunnery to allow continuance of the University of South Carolina (USC) Designated Education Unit (DEU) experimental project; to continue with the existing 25 senior level students and add an additional 8 students to Palmetto Hospital System; allow students to follow clinical instructors scheduled on days, nights and weekends with at least one clinical faculty coordinator on call at all times; initiate a DEU experimental project at Sisters of Charity Providence Hospital with 8 Fundamentals students in Fall 2009 and an additional 8 students in Spring 2010; and submit a status report on the project in one year to Advisory Committee on Nursing and the Board. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Faculty Approval Request

At its March 2005 meeting, the Board approved the request for approval of Deborah J. Sink (McQuilkin) to teach provided Ms. Sink agreed to begin her masters or doctoral program within three years as recommended by ACON. Ms. McQuilkin holds a master's in education and has completed 21 hours toward her master's degree in nursing administration. Discussion included but was not limited to regulatory requirements for nursing and non-nursing faculty and baccalaureate prepared nurses with master's degree in non-nursing disciplines.

A motion was made by Carrie Houser James to approve the University of South Carolina request for a permanent waiver for Deborah J. Sink (McQuilkin). The motion was modified to defer action until the Board can receive information from

MOTION

the National Council of State Boards of Nursing.

Rose Kearney-Nunnery offered a friendly amendment to continue the waiver until December 2009. Carrie Houser James accepted the friendly amendment.

AMENDMENT

Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Dr. Kearney-Nunnery recused herself and joined the South University representatives. At its July 2008 meeting, the Board voted to grant initial approval status for the South University Baccalaureate Degree Nursing (BSN) Program with the recommendation that as a new program, the nursing program director teach a maximum of two courses during the academic year or one course during two of the four quarters. South University is requesting approval of program faculty changes.

SOUTH UNIVERSITY-
FACULTY CHANGES

MOTION

A motion was made by Brenda Martin, based on the faculty and student acceptance plan presented by South University, that we accept the faculty and student acceptance plan as presented and that South University provide an update at the January meeting as to how the faculty and student acceptance has progressed. Carrie Houser James seconded the motion. The motion carried unanimously.

Robbie Boland, Office of Licensure and Compliance (OLC), appeared before the Board to provide an update on the criminal background check (CBC) process. Mr. Boland's report included but was not limited to the cyclical nature of applications due to graduations, the normal processing time of 2-5 days, process for when fingerprints are rejected and the difference in receipt of those reports, process for when prints are rejected two times, applicants may apply for their CBC well in advance of their application, CBC reports being held in OLC for one year, affect of CBC on processing time for applicants, graduates cannot be made eligible for testing until CBC is received, issuance of temporary license for endorsement applicants prior to receipt of CBC and reiteration of vendor's need to provide print rejection letters in an expedient manner.

CRIMINAL
BACKGROUND
CHECK UPDATE

Mr. Boland's report on the audit of currently licensed nurses included but was not limited to an internal CBC audit process development, when planning audit time frames -considering the cyclical nature of applications due to graduations, new licensure system which should be in place during renewal, reluctance to attach the CBC audit to renewals. Discussion by the Board included but was not limited to possibly including CBC audit of currently licensed nurses and competency audit of 30 licensed nurses a month and the need to research if a nurse has already addressed with the Board a conviction at the time of application. The Board asked that statistics be provided in 6-9 months with Mr. Boland's updates.

Nick Smith, Vice President, Examination Management Services, Inc. (EMSI) appeared to request an exception to the requirement that a supervising physician be no more than 45 miles from the advanced practice registered nurses (APRN) and to the ratio of one physician to three APRNs. Mr. Smith gave a brief description of their company and responded to the Board's questions regarding current and future plans.

EMSI – APRN
REQUEST

Mr. Smith requested to withdraw his request at this time.

A motion was made by Rose Kearney-Nunnery to table discussion on the

MOTION

Examination Management Services, Inc. (EMSI). Brenda Martin seconded the motion. The motion carried unanimously.

A nomination for Shelly Lynn Weilenman was presented to the Board for consideration for the Nursing Service Administrator- Small/Rural on the Advisory Committee on Nursing (ACON). Margie Moore currently serves as Nursing Service Administrator- Community Health representative and has expressed interest in reappointment to serve a second term on ACON in that position.

ADVISORY
COMMITTEE ON
NURSING

A motion was made by Rose Kearney-Nunnery to appoint Shelly Lynn Weilenman as Nursing Service Administrator- Small/Rural representative and re-appoint Margie Moore as Nursing Service Administrator - Community Health on the Advisory Committee on Nursing (ACON). Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Applicants for other committees who are not selected will be considered for future vacancies that occur on any committee.

Ms. Raynor reported that the National Council of State Boards of Nursing (NCSBN) APRN Roundtable focused on the APRN consensus model. This information will be reviewed by the Advanced Practice Committee.

NCSBN - APRN
ROUNDTABLE

Nursing Practice and Standards Committee (NPSC) Nominations

There are currently vacancies for Acute Care LPN, Advanced Practice, Education and Pediatrics representatives on the NPSC. NPSC reviewed nominations for Kathleen Sheppard as Advanced Practice representative and Arlene Johnson for Education representative and forwarded them to the Board for its consideration and appointment. The Board considered geographical and institutional diversity.

NURSING PRACTICE
& STANDARDS
COMMITTEE

A motion was made by Rose Kearney-Nunnery to appoint for Kathleen Sheppard to represent Advanced Practice and Arlene Johnson to represent Education on the Nursing Practice and Standards Committee. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Advanced Practice Committee (APC) Nominations

There are vacancies for one Certified Registered Nurse Anesthetist (CRNA), two Family Nurse Practitioners, one Pediatric Nurse Practitioner and one Clinical Nurse Specialist– Medical Surgical on the APC. The APC reviewed nominations for Wanda Walker as the CRNA position, Terry Sims as Pediatric Nurse Practitioner along with nominations for DeAnna Cox, Stephanie Davis, Amanda Geddings, Valerie Peterson and Angela Reeves for Family Nurse Practitioner and forwarded to the Board for its consideration and appointment. The Board considered geographical and institutional diversity.

ADVANCED
PRACTICE
COMMITTEE

A motion was made by Rose Kearney-Nunnery to appoint Wanda Walker as Certified Registered Nurse Anesthetist representative and Terry Sims for Pediatric Nurse Practitioner representative on the Advanced Practice Committee. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to appoint Amanda Geddings and Angela Reeves as Family Nurse Practitioner representatives on the Advanced Practice Committee. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board asked that Valerie Peterson who is a nursing educator be contacted to see if she might be interested in a position on the Advisory Committee on Nursing.

Advanced Practice Committee Bylaws Revision

The committee recommends amending its bylaws to reflect the same language regarding masters degrees as shown in the Nurse Practice Act and to have members who are appointed after the second meeting of the year officially begin their term the following January to allow them to serve a full two year term.

A motion was made by Rose Kearney-Nunnery to approve the Advanced Practice Committee Bylaws amendment using the same language regarding masters degrees as in the Nurse Practice Act and to have members who are appointed after the second meeting of the year officially begin their term the following January to allow them to serve a full two year term. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

Nursing Practice and Standards Committee (NPSC) Bylaws Revision

The committee recommends amending its bylaws to meet quarterly rather than six times a year mirroring the Advanced Practice Committee.

A motion was made by Carrie Houser James to approve amendment of the Nursing Practice and Standards Committee bylaws to hold quarterly meetings. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Nursing Practice and Standards Committee (NPSC) -Advisory Opinions

NPSC has reviewed Advisory Opinions #1, #2, #3, #4, #5, #7 #8, #9, #10. The Committee recommends no changes to Advisory Opinions #1, #3, #8, #9a, #9b, and #10. They recommend changes to Advisory Opinions #2, #4, #5 and #7. Changes include expanded role versus additional acts to mirror language in the definitions included in the Nurse Practice Act. The Committee is continuing to review the other advisory opinions.

A motion was made by Rose Kearney-Nunnery to accept the Nursing Practice and Standards Committee review of Advisory Opinions #1, #3, #8, #9a, #9b, and #10 with no changes and reflecting that the opinions have been reviewed and to approve recommended changes by Nursing Practice and Standards Committee to Advisory Opinions #2, #4, #5 and #7. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board was provided with the following 2010 Board of Nursing, Advanced Practice Committee (APC), Advisory Committee on Nursing (ACON) and Nursing Practice and Standards Committee (NPSC) meeting dates for review and approval.

2010 MEETING DATES

Board of Nursing	January 28-29, 2010
Board of Nursing	March 25-26, 2010
Board of Nursing	May 20-21, 2010
Board of Nursing	July 29-30, 2010
Board of Nursing	September 30-October 1, 2010
Board of Nursing	November 18-19, 2010
Advanced Practice Committee	February 5, 2010
Advanced Practice Committee	May 7, 2010
Advanced Practice Committee	August 6, 2010

Advanced Practice Committee	November 5, 2010
Advisory Committee on Nursing	February 16, 2010
Advisory Committee on Nursing	April 20, 2010
Advisory Committee on Nursing	June 15, 2010
Advisory Committee on Nursing	August 31, 2010
Advisory Committee on Nursing	October 19, 2010
Advisory Committee on Nursing	December 7, 2010
Nursing Practice & Standards Committee	January 14, 2010
Nursing Practice & Standards Committee	April 8, 2010
Nursing Practice & Standards Committee	July 8, 2010
Nursing Practice & Standards Committee	October 14, 2010

MOTION

A motion was made by Rose Kearney-Nunnery to approve the 2010 Board and committee meeting dates as presented. Trey Pennington seconded the motion. The motion carried unanimously.

The Joint Position Statement on Pain Management for the Board of Nursing and the Board of Pharmacy was originally drafted by the Nursing Practice and Standards Committee and approved by the Board of Nursing in 2008. Since that time, more research was conducted. References and resources have been updated as indicated by the research. Board of Pharmacy approved the Joint Position Statement on Pain Management at their June 2009 meeting.

BOARDS OF
NURSING &
PHARMACY JOINT
POSITION
STATEMENT ON PAIN
MANAGEMENT

A motion was made by Rose Kearney-Nunnery to give final approval to the Joint Position Statement on Pain Management for the Board of Nursing and the Board of Pharmacy. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

This joint position statement will be posted on the Web sites of both boards and published in the Board of Nursing newsletters.

The May 21, 2009 Disciplinary Review Committee (DRC) minutes were provided to the Board for review and approval.

DRC MINUTES/
REPORT

A motion was made by Rose Kearney-Nunnery to approve the May 21, 2009 Disciplinary Review Committee (DRC) minutes. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

The Board was provided with the Resolutions Committee Report and Recommendations for cases reviewed on May 5, 2009 and June 4, 2009 utilizing the Board approved Disciplinary Sanctions Guidelines.

RESOLUTION
COMMITTEE REPORT

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee Report and Recommendation for one Cease and Desist Order. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee Report and Recommendations for 25 Consent Agreements. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee Recommendations for 10 Dismissals. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee Recommendations for one Dismissal with a Letter of Concern. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee Recommendations for one Formal Complaint. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board reviewed Hearing Panel Reports with corresponding transcripts and exhibits as well as memoranda of agreement stipulating to violations of the Nurse Practice Act to determine appropriate sanctions. Respondents appeared before the Board to respond to questions regarding their panel report or memorandum of agreement. Representatives from the Recovering Professional Program were present to respond to questions from the Board in cases regarding their clients.

HEARINGS - PANEL
REPORTS/
MEMORANDA OF
AGREEMENT

In Case # 2007-508, a panel hearing was held on April 28, 2009. Respondent appeared before the Board but was not represented by legal counsel. Respondent was aware of her right to legal counsel and waived that right. The Hearing Panel recommended that Respondent's license remain active, that a private reprimand be issued and Respondent complete a Board approved Legal Aspects workshop

A motion was made by Carrie Houser James in Case #2007-508 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation that Respondent's license remain active, that Respondent be issued a private reprimand and complete a Board approved Legal Aspects workshop as well as a course on delegating effectively. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In Case #2007-150, Respondent a Memorandum of Agreement and waived her right to a panel hearing. Respondent appeared before the Board represented by Andrew Johnston, Esquire.

A motion was made by Rose Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel in Case #2007-150. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Carrie Houser James to leave executive session. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Rose Kearney-Nunnery in Case #2007-150 to suspend Respondent's license for one year, upon reinstatement Respondent's license will be on probation for two years, practice shall be in a Board approved work setting under the on-site/on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, quarterly employer reports, Respondent must complete Board approved courses in Legal Aspects, documentation, medication and ethics as well as a civil penalty of \$250. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case #2008-190, Respondent's attorney appeared before the Board requesting to be relieved as Respondent's legal counsel. The request was granted.

RELIEF OF ATTORNEY

In Case #2008-190, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent did not appear before the Board and

was not represented by legal counsel.

A motion was made by Rose Kearney-Nunnery in Case #2008-190 to accept the Memorandum of Agreement and to continue the indefinite suspension of Respondent's license and upon petition to reinstate require Respondent to personally appear before the Board. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

In Case #2007-346, Respondent signed a Memorandum of Agreement and waived her right to a panel hearing. Respondent appeared before the Board represented by Teresa Salane, Esquire.

A motion was made by Trey Pennington to dismiss Case #2007-346.

MOTION

Rose Kearney-Nunnery offered a friendly amendment to issue a private reprimand and release Respondent from the Recovering Professional Program with strong caution. Trey Pennington accepted the friendly amendment.

AMENDMENT

Rose Kearney-Nunnery seconded the motion. The motion carried with one nay vote by Brenda Martin.

MOTION

In Case #2006-350, Respondent signed a Memorandum of Agreement, waived right to a panel hearing and right to an attorney. Respondent appeared before the Board but was not represented by legal counsel.

A motion was made by Brenda Martin in Case #2006-350 to issue a private reprimand and require Respondent to complete Board approved legal aspects, medication and ethics courses. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In Case #2008-362, Respondent signed a Memorandum of Agreement, waived right to a panel hearing and right to an attorney. Respondent appeared before the Board but was not represented by legal counsel

A motion was made by Trey Pennington to go into executive session for the purpose of receiving legal counsel in Case #2008-362. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to leave executive session. Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Brenda Martin in Case #2008-362 to place Respondent's license on probation for one year, practice shall be in a Board approved work setting under the on-site/on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, quarterly employer reports, Respondent must complete Board approved courses in legal aspects and ethics courses and to continue in the Recovering Professional Program requirements and comply with all requirements. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In Case # 2008-403, Respondent signed a Memorandum of Agreement, waived right to a panel hearing and right to an attorney. Respondent appeared before the Board but was not represented by legal counsel.

A motion was made by Rose Kearney-Nunnery in Case #2008-403 to place Respondent's license on probation for two years, access to narcotics shall be restricted for one year, Respondent is to comply with the Recovering Professional Program requirements and submit quarterly employer reports. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case # 2007-8, a panel hearing was held on April 14, 2009. Respondent appeared before the Board. He was informed of his right to an attorney and waived that right. The Hearing Panel recommended that Respondent's license remain active, issue a private reprimand, complete Board approved courses in Legal aspects and ethics, the license be on probation until the courses are completed and impose a civil penalty of \$500. Respondent appeared before the Board but was not represented by legal counsel.

A motion was made by Rose Kearney-Nunnery in Case #2007-8 to accept the Findings of Fact, Conclusions of Law and that license will remain active, issue a public reprimand, complete Board approved courses in legal aspects and ethics with six months, and a civil penalty of \$500. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case # 2007-234, a panel hearing was held on April 14, 2009. Respondent was not present and was not represented by legal counsel. The Hearing Panel recommended that Respondent's license be fully reinstated with a letter of caution regarding providing a current address as required.

A motion was made by Rose Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel in Case #2007-234. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Trey Pennington to leave executive session. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Brenda Martin in Case #2007-234 to accept the findings of fact, conclusions of law and recommendation that Respondent's license be fully reinstated with a letter of caution regarding providing a current address to the Board as required. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In Case #2007-519, Respondent signed a Memorandum of Agreement, waived right to a panel hearing and right to an attorney. Respondent appeared before the Board but was not represented by legal counsel.

A motion was made by Trey Pennington to go into executive session for the purpose of receiving legal counsel in Case #2007-519. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to leave executive session. Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Brenda Martin in Case #2007-519 that Respondent continues to see his/her primary care physician. Trey Pennington seconded the

MOTION

motion. The motion failed.

A motion was made by Rose Kearney-Nunnery in Case #2007-519 to issue a private reprimand and that Respondent complete Board approved legal aspects and ethics courses. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

In a licensure case, Respondent signed a Memorandum of Agreement, waived right to a panel hearing and right to an attorney. Respondent appeared before the Board but was not represented by legal counsel.

A motion was made by Rose Kearney-Nunnery in this licensure case to issue a private reprimand, that Respondent complete Board approved legal aspects and medication administration courses and pay a civil penalty of \$500 with six months of the order. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

In an unlicensed practice case, Respondent signed a Memorandum of Agreement, waived right to a panel hearing and right to an attorney. Respondent appeared before the Board but was not represented by legal counsel.

A motion was made by Brenda Martin to issue a private reprimand and require a civil penalty of \$1,000 be paid within one year. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In a licensure case, Respondent applied for licensure by endorsement, waived right to a panel hearing and right to an attorney. Respondent appeared before the Board but was not represented by legal counsel.

A motion was made by Rose Kearney-Nunnery on an endorsement application to allow licensure as a certified nurse midwife in South Carolina upon receipt of all necessary licensure documentation and that Applicant must continue in the Recovering Professional Program. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

Public and private consent agreements including those for unlicensed practice were provided the Board with for their review and consideration. These consent agreements were signed by respondents in lieu of disciplinary hearings. The Board may accept, amend, or reject the agreements. If the Board amends the agreement, respondents may sign the Board amended consent agreement but still have the right to request a panel hearing in lieu of signing the amended agreement.

CONSENT
AGREEMENTS

A motion was made by Rose Kearney-Nunnery to accept the public consent agreements for Cases # 2009-72, 2008-397, 2007-85, 2009-127, 2009-18, 2009-141, 2009-74, 2008-382008-130, 2009-139, 2009-94, 2009-19, 2009-87, 2007-496, 2009-161, 2009-10, 2008-545, 2008-379, 2009-45, 2008-350, 2009-124, 2007-330/2008-565, 2007-505, 2007-469, 2009-38 as well as voluntary surrenders in Cases # 2008-526, 2008-308, 2009-176 and 2009-20 as presented. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Brenda Martin to accept the public consent agreements for Cases # 2008-378, 2008-533, 2009-53 and 2008-510 as presented. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to accept the private consent agreements for Cases # 2008-111, 2008-556, 2008-404, 2008-553, 2007-329, 2008-425, 2009-22 and 2009-9 20 as presented. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Brenda Martin to amend and/or correct the private consent agreement for Case #2009-140. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to accept public consent agreements in for a licensure application, one case of noncompliance and two voluntary surrenders from the Office of Licensure and Compliance. Brenda Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Brenda Martin to accept private consent agreements in four cases of unlicensed practice. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Brenda Martin to adjourn the board meeting at 6:25 p.m. on July 23, 2009. Trey Pennington seconded the motion. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,
Dorothy M. Buchanan, APM, Assistant to the Administrator