

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

**MAY 20, 2010 BOARD OF NURSING MEETING MINUTES**

President Lewis called the Board of Nursing meeting to order at 8:30 a.m. on March 25, 2010. Public meeting notice was properly posted at the board offices as well as on its Web site 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, RN, EdD, MHS, President  
Congressional District 3.....Present

BOARD MEMBERS  
PRESENT & VOTING

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

Trey Pennington, MBA, MS, Secretary  
Public Member..... Excused

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

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

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

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

Joan K. Bainer, RN, MN, NE BC, Board Administrator  
Nancy G. Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education  
Birdie A. Felkel, RN, MSN, Program Nurse Consultant-Practice

STAFF MEMBERS  
PRESENT &  
PARTICIPATING IN  
CERTAIN AGENDA  
ITEMS

Sheridon Spoon, Associate General Counsel, Office of General Counsel  
Jocelyn Andino, Assistant General Counsel, Office of General Counsel

Rosalind Bailey-Glover, Initial Licensure, Office of Licensure & Compliance

Kathy Meadows, Chief Investigator, Office of Investigations & Enforcement

Dean Grigg, Hearing Counsel

The May 20, 2010 Board of Nursing meeting agenda was presented to the Board for its review and approval.

AGENDA APPROVAL

A motion was made by Sylvia A. Whiting to approve the May 20, 2010 Board of Nursing Meeting agenda as presented. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The following informational items were presented on the May 20, 2010 Consent Agenda for Board acceptance/approval.

APPROVAL OF  
CONSENT AGENDA

- NCLEX RN & PN Summary Statistics for January 1– March 31, 2010
- Central Carolina Technical College Notification of ADN and PN Program Location Change
- House Bill 4546
- License Card – Printable by Licensee
- Freedom From Religion Foundation Letter

A motion was made by Sylvia A. Whiting to approve or accept May 20, 2010 Consent Agenda items as presented. Rose Kearney-Nunnery seconded the motion.

MOTION

The minutes for the March 25, 2010 Board of Nursing meetings were presented to the Board for its review and approval.

APPROVAL OF  
MINUTES

A motion was made by Rose Kearney-Nunnery to approve the minutes for the March 25, 2010 Board of Nursing meeting with changes. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

House Bill 3393 relates to pharmacists administering certain vaccines. The bill received a third reading in the Senate but must go back to the House of Representatives due to a minor amendment.

HOUSE BILL 3393

Discussion included but was not limited to pharmacists already providing H1N1 vaccines; pharmacy vaccine records provided to physicians' offices; and delegation by physicians. Discussion on requirements *if* bill passes included but was not limited to a joint written protocol by the Boards of Pharmacy and Medical Examiners within four months of bill passage; required pharmacist training, if passed bill requires Joint Pharmacist Administered Influenza Vaccines Committee under Board of Medical Examiners which would include two physicians, two pharmacists, two advanced practice registered nurses and a representative from Department of Health and Environmental Control.

A motion was made by Rose Kearney-Nunnery to identify potential individuals to serve on the Joint Pharmacist Administered Influenza Vaccines Committee utilizing E-blasts, Board newsletters and the Web site. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Joan Bainer reported that currently there are approximately 64,000 nurses licensed by the South Carolina Board of Nursing. Information on renewal dates and requirements has been published in the Palmetto Nurse and SC Nurse numerous times since the last renewal in 2008. Ms. Bainer thanked Steve Triplett for working all night and on the weekend changing the online renewal to online reinstatement for seamless customer service. She also thanked Nancy Murphy and staff for managing this project while she was out of the office. C. Lynn Lewis complimented staff on the frequently asked questions and stated that calls she received from employers have shown support. Ms. Bainer is working on an audit process for those nurses who stated they did not work after their license had lapsed. Randy Bryant, Assistant Deputy Director for the Office of Business Services, is working on a standardized process to be used by all boards after renewals. Further discussion included but was not limited to: nurses letting

2010/ 2012  
RENEWAL UPDATE

licenses lapse as they retire or leave nursing practice; nurses requesting inactive status or a volunteer license after their license lapsed and statutory requirement for an active license to request inactive status or volunteer license.

Drs. Danny Parker, Provost and Tim Smith, Consultant, Anderson University appeared before the Board to answer questions regarding their Feasibility Study for Establishing a Proposed Bachelors of Science in Nursing (BSN) Program. Materials along with an addendum were provided to the Board for review and consideration.

ANDERSON  
UNIVERSITY  
CURRENT  
FEASIBILITY STUDY  
FOR ESTABLISHING  
A REGISTERED  
NURSING PROGRAM

Discussion included but was not limited to: acceptance of traditional students and students with prior degrees; anticipation of future nursing shortage as population ages; faculty salaries; use of cadaver laboratory; computer sciences across courses; testing and benchmarks; and refining timelines.

A motion was made by Sylvia A. Whiting to accept the Feasibility Study for Establishing a Proposed Registered Nursing Program allowing Anderson University to move forward with their Proposed Bachelors of Science in Nursing (BSN) Program. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Tanya Mace, Practical Nurse Program Director and Laura Morrison, Associate Degree Nurse Program Director for Brunswick Community College, Supply, North Carolina, appeared before the Board to request its approval to conduct clinical nursing experiences in South Carolina.

BRUNSWICK  
COMMUNITY  
COLLEGE -REQUEST  
OUT OF STATE ADN  
& PN PROGRAMS TO  
CONDUCT CLINICAL  
EXPERIENCES IN SC

Discussion included but was not limited to Regulations 91-6, 91-11 and 91-12; NCLEX scores; North Carolina facilities used for clinical experiences; and regulatory requirements for practical nursing program and associate degree nursing program faculty in South Carolina.

A motion was made by Rose Kearney-Nunnery to defer action on the Brunswick Community College practical nursing and associate degree nursing programs to conduct clinical experiences in South Carolina pending receipt of faculty job descriptions showing compliance with South Carolina regulations. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

At its February 2010 meeting, the Advisory Committee on Nursing (ACON) reviewed the feasibility study for Establishing a Registered Nursing Program and voted to recommend Board approval for Fortis College to develop an Associate Degree Nursing (ADN) program but expressed concern over availability of South Carolina clinical sites.

FORTIS COLLEGE  
CURRENT  
FEASIBILITY STUDY  
FOR ESTABLISHING  
A REGISTERED  
NURSING PROGRAM

Discussion at the Board meeting included but was not limited to clinical sites letters for Fortis College; student transportation to clinical sites; simulators as part of clinical experiences and concerns over obstetrics, pediatric and psychiatric clinical sites.

A motion was made by Rose Kearney-Nunnery to approve Fortis College to develop an Associate Degree Nursing (ADN) program with attention given to adequate content in didactic and clinical nursing. Sylvia A. Whiting seconded the motion. The motion carried with one nay vote by Carrie Houser James.

MOTION

ADN Program Curriculum Change Request

Sharon A. Stafford, Associate Dean for the Department of Nursing and Sharon Davis, Associate Vice-President of Health and Sciences of Florence-Darlington Technical College appeared before the Board to request a change in their associate degree nursing (ADN) curriculum.

Discussion included but was not limited to student's ability to transfer courses to a baccalaureate program; grade range for a "C;" difficulty giving a numerical grade for clinical experiences due to different experience of students; reflective time after clinical experiences, combination of theory and the corresponding clinical experience, sequencing of courses and clinical experiences, use of ATI during program; computerized testing; and computer records regarding HIPPA.

Further discussion on the Board's concerns included but was not limited to moving psychiatric to a separate course rather than integrated medical-surgical-psychiatric course as proposed; matching class hours with the clinical courses; using pass/fail in the clinical portion rather than a letter grade; and changing NUR 215 course to a 100 level course.

A motion was made by Sylvia A. Whiting to defer action on the request of Florence-Darlington Technical College to change their associate degree nursing (ADN) curriculum pending more information on the Board's concerns as discussed. Carrie Houser James seconded the motion.

MOTION

Request to Increase Percent of Clinical Instructors

Ms. Stafford withdrew the Florence-Darlington Technical College request to increase the percentage of clinical instructors and reported that their percentage of clinical instructors is now in compliance with regulation.

Florence Darlington Technical College - ADN

Sharon A. Stafford, Associate Dean, Department of Nursing, Florence-Darlington Technical College appeared before the Board to discuss their National Council Licensure Examination (NCLEX) deficiency.

RESPONSE TO  
CITATION FOR 2009  
NCLEX PASSING  
RATE DEFICIENCIES

Discussion included but was not limited to the addition of Kaplan review course; ATI taken throughout the program and the proposed curriculum change. The Board encouraged Florence-Darlington Technical College to ensure students are prepared for the NCLEX.

Lander University – BSN

Bernice Daugherty, Associate Professor and Chair of the Department of Nursing for Lander University appeared before the Board to discuss their NCLEX deficiency.

Discussion included but was not limited to admission and progression requirements; reviewing transfer students' history at other colleges/universities; and use of ATI throughout the program.

A motion was made by Rose Kearney-Nunnery to accept the Lander University report regarding their 2009 NCLEX deficiency. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

University of South Carolina – BSN

Peggy O. Hewlett, Dean and Professor at the University of South Carolina –

Columbia appeared before the Board to discuss their NCLEX deficiency.

Discussion included but was not limited to revision of upper division curriculum; strengthening the fundamentals and medical/surgical faculty team; strengthening communication between classroom and clinical faculty; faculty development in test writing and other evaluation methods; utilization of ATI; leveling number of admission to upper division; incoming freshman will need a 3.0 GPA to move to upper division and increasing the admission and progression requirements for upper division.

A motion was made by Sylvia A. Whiting to accept the University of South Carolina –Columbia report regarding their 2009 NCLEX deficiency. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Susan L. Williams, Department Chair and Mary Ann Jarmulowicz of the University of South Carolina –Beaufort (USC-B). At its January 2008 meeting, the Board voted to grant initial approval status for the USC-B Bachelors of Science in Nursing (BSN) program with the first graduates graduating in 2011. USC-B would like to offer a Gerontology Certificate for nursing students in addition to their BSN. Because USC-B is on initial approval, Ms. Williams reported that after the site visit, the professor teaching pharmacology and physiology courses asked that students take physiology prior to the pharmacology course. No other changes have been made to the syllabus.

UNIVERSITY OF S.C.  
BEAUFORT  
PROPOSED  
GERONTOLOGY  
CERTIFICATE  
OPTION

Discussion on the proposed gerontology certificate included but was not limited to larger number of seniors in Beaufort area; 15 elective credits for the certification in addition to the 127 credits for the BSN; addition of coursework in psychology, sociology, human services and philosophy; have support of other areas but will not take through the curriculum committee until the Board supported the program; certificate is only for nursing students; most of the additional 15 credits are in non-nursing courses; concern that the certificate is not “housed” in nursing; concern that the nursing course is an elective the proposed nursing certificate program has no required courses in nursing; and a hope for students to continue education pursuing the national certification in gerontology.

A motion was made by Sylvia Whiting to accept the Gerontology Certificate in addition to the regular nursing curriculum. Carrie Houser James seconded the motion. The motion failed with nay votes by Rose Kearney-Nunnery and Lynn Lewis.

MOTION

Due to a miscommunication, the Advisory Committee on Nursing chairperson was not present at the May 20, 2010 Board Meeting. This item will be carried over to the next Board meeting.

ADVISORY  
COMMITTEE ON  
NURSING UPDATE

A motion was made by Carrie Houser James to defer the Advisory Committee on Nursing (ACON) Update to the July 29-30, 2010 Board meeting. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

OIE Report

Kathy Meadows, Chief Investigator, Office of Investigation and Enforcement provided statistics for Board review.

OFFICE OF  
INVESTIGATIONS &  
ENFORCEMENT  
(OIE)

Discussion included but was not limited to request for statistics broken down of alleged violation / license type; an increase in the number of complaints due to

misconduct and substandard care; "Do Not Open" cases which indicated no violation of the Nurse Practice Act; transparency; and possibility of posting these statistics on the Web site in the future.

Resolutions Committee Report –Meadows

The Board was provided with the Resolutions Committee Report with recommendations for cases reviewed since the last Board meeting utilizing the Board approved Disciplinary Sanctions Guidelines

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee Report and Recommendations for Cease and Desist orders for Report Keys # 1-3. Carrie Houser James 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 Dismissal for Report Keys # 4-11. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Trey Pennington to approve the Resolutions Committee Report and Recommendations for Dismissal with Letters of Concern for Report Keys # 12-14. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve the Resolutions Committee Report and Recommendation for Formal Complaints in Report Keys # 15-47 with the exception of Keys #19, 25 and 48. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Jocelyn Andino, Assistant General, Office of General Counsel provided the Board with statistics for its review.

OFFICE OF  
GENERAL COUNSEL  
(OGC)

Discussion included but was not limited to the number of cases closed and the effect of the consent agreement process on the timeliness of closing cases.

PRO-RATED FEES

The Office of Licensure and Compliance (OLC) provided information on numerous inquiries requesting a reduced licensure fee when the licensure period is within a year period. Two of the 39 boards have voted to treat the two year period in segments of one year each, meaning a licensure period one year or less, would be charged half the initial licensure fee. If the licensure period is one year and one day, the licensure fee would be the full two year fee. Some boards requested an implementation of a ninety day transition period where ninety days before the expiration of a licensure period, a licensee is provided with the next period ending dates. For example, nursing licensure ends April 30, 2010. If a license is issued ninety days before April 30, 2010, that licensee will receive a license expiring April 30, 2012 without any reduction of fees.

OFFICE OF  
LICENSURE AND  
COMPLIANCE (OLC)

A motion was made by Sylvia A. Whiting to not prorate fees. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

OLC REPORT

Roselind Bailey-Glover, Initial Licensure Supervisor for OLC, reported that changes are being made to the licensure computer system to assure statistics provided are accurate. A report will be provided at the July 2010 Board Meeting.

A motion was made by Rose Kearney-Nunnery to defer the Office of Licensure and Compliance (OLC) report to the July 2010 Board meeting. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board asked questions regarding Resolutions Committee Report Keys #19, 25 and 48. The Resolutions Committee recommended for formal complaints in these cases.

RESOLUTIONS  
COMMITTEE  
REPORT CONT.

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

MOTION

A motion was made by Carrie Houser James to leave executive session. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Sylvia A. Whiting to approve the Resolutions Committee Report and Recommendations for Formal Complaints in Report Keys #19, 25 and 48. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

To determine appropriate sanctions, the Board reviewed memoranda of agreement stipulating to certain violations of the Nurse Practice Act. Respondents appeared before the Board to respond to questions. Dean Grigg, Esquire served as hearing counsel for the Board.

HEARINGS  
PANEL REPORTS/  
MEMORANDA OF  
AGREEMENT

In Case #2008-487, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent appeared and was represented by Stephen J. Henry, Esquire.

A motion was made by Sylvia A. Whiting to dismiss the case based on a systems error at the facility. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In Case #2008-420, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent appeared and was represented by Thomas Belechia, Esquire.

MOTION

A motion was made by Rose Kearney-Nunnery to go into executive session in Case #2008-420 for the purposes of receiving legal counsel. Sylvia A. Whiting 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 in Case #2008-420 by Carrie Houser James to issue a public reprimand and require Respondent to complete Board approved courses in Legal Aspects, Ethics and Critical Thinking and to pay a civil penalty of \$250. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In Case #2009-121, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent appeared and was represented by Aaron J. Kozkoski, Esquire.

A motion was made by Rose Kearney-Nunnery to issue a public reprimand and a civil penalty of \$150 payable within six months. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

In Case #2009-488, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent was aware of their right to legal counsel and waived that right.

A motion was made by Sylvia A. Whiting to issue a private reprimand and civil penalty of \$150. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case #2008-87, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent appeared and was represented by Desa Ballard, Esquire.

A motion was made by Sylvia A. Whiting to issue a private reprimand and issue a civil penalty of \$150. The motion did not receive a second. The motion failed.

MOTION

A motion was made by Rose Kearney-Nunnery to issue a public reprimand, \$300 civil penalty and require Respondent to complete Board approved Legal Aspects and Critical Thinking courses. Carrie Houser James seconded the motion. The motion carried with three ayes and one abstention by Sylvia A. Whiting.

MOTION

A motion was made by Sylvia A. Whiting to adjourn the meeting at 3:30 pm. Carrie Houser James seconded the motion. The motion carried unanimously.

ADJOURNMENT