

**SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF BOARD SERVICES**

110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA 29210

JULY 29-30, 2010 BOARD OF NURSING MEETING MINUTES

President Lynn Lewis called the Board of Nursing meeting to order at 8:35 a.m. on July 29, 2010 and at 8:35 a.m. on July 30, 2010. Public meeting notice was properly posted at the board offices as well as their 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

CALL TO ORDER
PLACE OF MEETING
& FOIA COMPLIANCE

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

Present

Carrie Houser James, RN, MSN, NE-BC, CCE
Congressional District 6

Present

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

Present

Brenda Yates Martin, RNC, MN, CNAA
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, RN, MN, NE BC, Board Administrator
Nancy Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education
Birddie Felkel, RN, MSN, Program Nurse Consultant-Practice

LLR STAFF
PRESENT FOR
CERTAIN ITEMS

Sheridon Spoon, Assoc. General Counsel, Office of General Counsel
Paula Magargle, Asst. General Counsel, Office of General Counsel
Jocelyn Andino, Asst. General Counsel, Office of General Counsel
Dwight Hayes, Legal Counsel, Licensure and Compliance
Kathy Meadows, Office of Immigrant Worker Compliance
Gwendolyn Green, Hearing Counsel
Edye Lane, Hearing Counsel

The July 29-30, 2010 Board of Nursing meeting agenda was presented to the Board for review and approval.

APPROVAL OF
AGENDA

A motion was made by Brenda Yates Martin to approve the July 29-30, 2010 Board of Nursing meeting agenda as presented. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

The following items were presented on the July 29-30, 2010 Consent Agenda for Board review and approval or acceptance.

APPROVAL OF
CONSENT AGENDA

- For Information–6/10 Governor Signed H3393–Board of Nursing Follow Up Plan
- For Action: Approval of Advisory Opinion #24
- For Acceptance: Nursing Practice & Standards Committee Minutes
- For Information: Licensure Statistics Submitted to NCSBN for 2009

A motion was made by Rose Kearney-Nunnery to approve the July 29-30, 2010 Consent Agenda with removal of Approval of 2011 Board Meeting Dates. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve the 2011 Board Meeting Dates upon correction of the March 2011 Board Meeting dates. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

The May 20, 2010 Board of Nursing Meeting Minutes were presented to the Board for review and approval.

APPROVAL OF
MINUTES

A motion was made by Carrie Houser James to approve the May 20, 2010 Board of Nursing Meeting Minutes with corrections. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

Joan Bainer reported that Assistant Deputy Director, Randall Bryant, has asked that the budget be on each agenda and available at the President's desk. The Office of Board Services is currently working on a standard format for all boards. Ms. Bainer will answer the Board's questions or follow up when necessary. This is another way South Carolina Department of Labor, Licensing and Regulation becoming even more transparent.

MANAGEMENT/
BUDGET REPORT

Joan Bainer reported that she, Dottie Buchanan and David Christian attended the National Council of State Boards of Nursing (NCSBN) IT Summit in Boston, MA on May 10-12, 2010. Ms. Bainer served as a moderator for the Technology Network Exchange. Ms. Buchanan gave a presentation on Granicus. Ms. Bainer shared that other boards of nursing with larger staffs are completing fingerprints in their offices and plan to have a vendor to do mobile units to schools. Other topics at the IT Summit included but were not limited to Cloud Computing, document imaging, utilization of NURSUS by LLR-Office of Licensure and Compliance, as well as NCSBN information on Fraud and Imposter Tracking System (FITS) and NURSUS.

IT SUMMIT

Joan Bainer shared information from the NCSBN Executive Officer Conference held in San Diego, CA on June 22-23, 2010. Information discussed at the conference included but was not limited to inevitable change, influencing change, motivation, and accountability. The networking among executive officers always yields valuable information.

NCSBN EXECUTIVE
OFFICER
CONFERENCE

Joan Bainer shared that she audited 10% of licensees who reinstated their license after this renewal period and stated on their application that they had not practiced nursing after their license expired on April 30, 2010. Letters were sent to the human resources departments of 21 licensees who said they had not worked on a lapsed license. Ms. Bainer reported that of the responses received, six employers of the 21 audited, stated that the licensee had practiced nursing after the expiration of their license. Employers were cooperative in providing the information needed.

GUIDELINES FOR
FALSIFICATION ON
REINSTATEMENT
APPLICATIONS

Discussion included but was not limited to Board's interest in the demographics such as age and years in practice for those not renewing in a timely manner and continuing to practice nursing; courtesy renewal notices mailed and sent as E-blasts notices; licensees not changing their address with the Board as required by law thus preventing licensees from receiving their notices; and adding warning to renewal notices of this possible disciplinary action against their license and possible civil penalty.

A motion was made by Sylvia A. Whiting to add a separate category to the Disciplinary Sanctions Guidelines chart for falsification of any Board of Nursing application with a public reprimand, civil penalty of \$1,000, and courses in legal aspects of nursing as well as ethics. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board noted that the licensees with a civil penalty of \$1,000, licensees are normally allowed one year to pay.

Joan Bainer announced that Kathy Meadows is now part of the Office of Immigrant Worker Compliance. PC Faglie will act as interim chief investigator until the vacancy is filled. Ms. Meadows stated that she had truly enjoyed working with the Board of Nursing. The Board thanked Ms. Meadows for her hard work.

OFFICE OF
INVESTIGATIONS &
ENFORCEMENT
REPORT

The Board reviewed statistics from the Office of Investigations and Enforcement on nurse licensure investigations since the last meeting as well as year to date statistics. The report included a breakdown of where the complaints are coming from as well as the types of complaints. The Board discussed demographics such as age, years of practice, and license type as related to complaints.

The Board was provided with the Resolutions Committee Report with recommendations for 60 cases reviewed in five meetings since the last Board meeting utilizing the Board approved Disciplinary Sanctions Guidelines.

RESOLUTIONS
COMMITTEE
REPORT

A motion was made by Rose Kearney-Nunnery approve an Order to Cease and Desist (Key #1) and Dismissal (Key# 2-21) as recommended by the Resolutions Committee. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Sylvia A. Whiting to approve the Letters of Caution (Key #22-27) as recommended by the Resolutions Committee. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to approve flagging the file for Pending Unresolved Disciplinary Action (KEY #28) as recommended by the Resolutions Committee. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Sylvia A. Whiting to approve Formal Complaints (Key #29-60) as recommended by the Resolutions Committee. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

Susan Williams of the University of South Carolina -Beaufort (USC-B) met with the Board via conference phone to discuss their Proposed Gerontology Certificate Option. USC-B appeared before the Board in May 2010. At that time, the Board was concerned that the nursing course was an elective in the proposed nursing certificate program; it had no required courses in nursing; and was not housed in the nursing department. The certificate program now requires a nursing course and is housed in the nursing department.

USC-B PROPOSED
GERON-TOLOGY
CERTIFICATE
OPTION

A motion was made by Rose Kearney-Nunnery to approve the University of South Carolina -Beaufort (USC-B) Proposed Gerontology Certificate Option. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

Tanya Mace, Director of Nursing, Brunswick Community College, Practical Nursing Program of Supply, North Carolina appeared before the Board to request approval to conduct clinical experiences in South Carolina. Regulation 91-6 requires nursing programs in other states to obtain approval of the South Carolina Board of Nursing prior to conducting clinical experiences in this state. Brunswick Community College worked with Grand Strand Regional until 2007 to provide clinical experiences for their students that might not be seen in Supply. Discussion included but was not limited to student to faculty ratios in the clinical setting; and faculty requirements.

BRUNSWICK
COMMUNITY
COLLEGE –
REQUEST FOR OUT
OF STATE PN
PROGRAM
CLINICALS IN SC

A motion was made by Rose Kearney-Nunnery to approve to request of Brunswick Community College, Practical Nursing Program to conduct clinical experiences in South Carolina. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

Because she served on the Site Survey Team, Sylvia A. Whiting recused herself from voting. Jim Rund, Campus President; Barbara Larar, Vice President of Operations; Sharon Harper, Director of Nursing; Sharon Farrenkopf, Associate Dean; and Mary Edwards, Practical Nurse Instructor of ECPI appeared before the Board regarding their Proposed Practical nursing Program at the Charleston Campus and to respond to questions regarding their Site Survey Report and response materials. The site survey was conducted in February 2010. Discussion included but was not limited to career mobility; course transferability for associate degree or baccalaureate; terminal degrees; preceptors, licensed practical nurse scope of practice; consistency in grading requirements; and updates to student manual.

A motion was made by Brenda Yates Martin to delay initial approval for the ECPI Practical Nursing Program- Charleston Campus until questions regarding curriculum and other items are address. Trey Pennington seconded the motion. Rose Kearney-Nunnery abstained from voting. Carrie Houser James voted nay. The motion failed.

MOTION

A motion was made by Sylvia A. Whiting to grant initial approval for the ECPI Practical Nursing Program- Charleston Campus with the expectation that the Board's comments are taken seriously and are addressed with an update provided to the Board in September.

MOTION

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

MOTION

A motion was made by Trey Pennington to return to public session. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery to grant initial approval for the ECPI Practical Nursing Program-Charleston Campus with the following recommendations: 1) Delete terminal degree and include diploma program references in the practical nursing materials; 2) Review the clinical contracts and reflect the regulatory requirement that faculty retain responsibility for student learning experiences to include deleting references to preceptors; 3) Edit the nursing handbook to reflect the correct course grading requirements; 4) Address Regulation 91-30(F)(1)(e) [*Cite Correction - Regulation 91-12(F)(1)(e)*] "There is rationale for the allocation of credit for nursing, nursing related and general education courses in the curriculum;" and submit the materials regarding the above recommendations to the September 30-October 1, 2010 Board of Nursing meeting. Brenda Yates Martin seconded the motion. The motion passed unanimously.

MOTION

Rosalie Stevenson, Interim Dean and Estell Martin, Interim Department Head of Piedmont Technical College appeared before the Board to discuss a proposed curriculum change for their practical nursing program. Discussion on the proposed curriculum included but was not

limited to transferable courses as well as accepting lower level courses; merit entry; advising which courses should be taken is based on ultimate goals; number of licensed practical nurses coming back for associate degree nursing programs; retention; NLN requirements for faculty; and changes in the number of credits;

CURRICULUM
CHANGE

A motion was made by Rose Kearney-Nunnery to approve Piedmont Technical College's proposed Practical Nursing Curriculum changes taking the student's goals into consideration when advising on which courses the student should take. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

Linda Howe, Chair, Advisory Committee on Nursing (ACON) appeared before the Board to provide an ACON update. Discussion included but was not limited to ACON's role; ultimate decision lies with Board; recommendations from committees; previous review of Board regulations and requirements for nursing education programs; unbiased recommendations based on proposed nursing education programs meeting regulatory requirements; concerns of S.C. Deans and Directors Council of Nursing Education (D&D) regarding new programs, faculty and clinical availability as well as possibly diluting quality of nursing programs; use of executive session in accordance with the Freedom of Information Act; ACON Chair asking to be on next D&D agenda to clarify D&D ACON representative role and constraints; national concerns regarding clinical capacity; and Board's appreciation of ACON's expertise and recommendations.

ADVISORY
COMMITTEE ON
NURSING (ACON)
UPDATE

A motion was made by Sylvia A. Whiting to start Advisory Committee on Nursing (ACON) meetings back with the next regular meeting in August 2010. Carrie Houser James seconded the motion. Rose Kearney-Nunnery abstained from voting. Motion carried.

MOTION

Further discussion included but was not limited to ACON vacancies; publishing committee vacancies in newsletters; expectations for recusal based on geography or affiliation; understanding that recusal means no participation in discussion or voting; due to short time before the August 31, 2010 ACON meeting, there will be no education issues on this agenda; Board and practice issues ready to take to ACON, review of ACON Charter at next meeting; and Board will review items, including practice items, to send to ACON for its review and recommendation.

The Board reviewed statistics from the Office of General Counsel since the last meeting as well as year to date statistics. The report showed disposition of cases and the timeframes. It was noted that cases are moving faster with the current consent agreement process.

OFFICE OF
GENERAL COUNSEL
REPORT

Assistant Deputy Director, Randall Bryant, asked Joan Bainer to develop a guideline to be used when approving worksites. This document was developed to assist the Recovering Professional Program (RPP) and for consistency. Ms. Bainer provided the Board with a proposed internal list of items to take into consideration when approving a worksite for a nurse

WORKSITE
APPROVAL
GUIDELINES

under discipline. This document included information to review with the director of nursing where the nurse is requesting worksite approval.

She also provided a guideline document that could be shared with nurses participating in the RPP. This external document gives information the licensee should take into consideration when seeking nursing employment.

Discussion included but was not limited to disciplined nurses having difficulty finding employment; consideration given to the number of disciplined nurses already approved for one site; revising proposed guidelines to cover different types of employment settings including public health; avoiding facilities that do not regularly report drug diversions to the Board; consideration given to standard worksite restrictions in Board orders; using the proposed guidelines upon initial admittance to RPP even if prior to issuance of a Board order; nurses quitting nursing positions prior to approval of their nursing worksite; and physician offices with only one registered nurse to supervise disciplined nurse which may result in no registered nurse supervision of that nurse is out.

A motion was made by Trey Pennington to accept the initial draft Worksite Approval Guidelines with Board's input included in the final version which will be brought before the Board in September. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Birdie Felkel presented Scope of Practice Decision Tree. This document was developed by the Nursing Practice and Standards Committee (NPSC) to assist nurses in interpreting the applicability of South Carolina's laws and regulations in practice situations. NPSC recommends approval of the document. Discussion included but was not limited to formatting and readability of the document; law prohibiting physicians from delegating to the nurse the delegation of tasks to unlicensed assistive personnel (UAP); nurses not always understanding their liability in delegation and UAPs not understanding the limitations of delegation.

SCOPE OF
PRACTICE DECISION
TREE

A motion was made by Carrie Houser James to approve the Scope of Practice Decision Tree. Sylvia A. Whiting seconded the motion. The motion unanimously.

MOTION

Birdie Felkel presented Revisions to the South Carolina Board of Nursing Position Statement Delegation of Nursing Care Tasks To Unlicensed Assistive Personnel (UAP). Nursing Practice and Standards Committee (NPSC) reviewed the position statement and made recommendations. Discussion included but was not limited to nurses not understanding that delegation does not relieve a nurse from responsibility; physicians may not delegate to nurses to delegate to UAP; and UAP not understanding that they may not practice above the task delegated.

DELEGATION
POSITION
STATEMENT

A motion was made by Trey Pennington to approve the proposed revisions to the South Carolina Board of Nursing Position Statement on Delegation of Nursing Care Tasks To Unlicensed Assistive Personnel (UAP). Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The Board reviewed the Virginia Department of Health Professions website which includes their Board of Nursing. Virginia publishes charts showing disciplinary case processing times by quarter for all of their boards.

VIRGINIA BD OF
NURSING
INVESTIGATIONS
TRANSPARENCY

Randy Bryant, Assistant Deputy Director for the Office of Board Services (OBS) is interesting in implementing this for all boards in OBS. This type of information promotes agency's effort to continue finding ways to be more transparent.

Discussion included but was not limited to the improvements made in the investigation through the disciplinary process over the past year; visual impact of graphs in showing results; noting some cases may take longer due to locating the respondent or other issues; and making this type of transparency graph easy to locate on the Board's website

A motion was made by Rose Kearney-Nunnery to model the Virginia Board of Nursing Investigations Transparency graphs for South Carolina information and publish it on the Board's website by the November 2010 meeting. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

Ms. Bainer requested appointment of site survey teams needed to survey proposed nursing programs in the Columbia and Greenville areas.

NURSING
EDUCATION SITE
SURVEY TEAMS

Sylvia A. Whiting, Nancy Murphy and Ms. Bainer will serve on the site survey team in Columbia.

The site survey team for the Greenville area will be selected from the Advisory Committee on Nursing (ACON). A baccalaureate educator will be needed for this visit. Rose Kearney-Nunnery stated that if no one was available from ACON, she would serve as the BSN educator on the site survey team for the nursing program in the Greenville area.

Ms. Bainer provided information on a National Board on Certification and Recertification of Nurse Anesthetists (NBCRNA) refresher course for the certified registered nurse anesthetists (CRNA) who have been out of practice for multiple years. A provisional certification is issued while the CRNA completes the practicum portion of the refresher course. A temporary license is need in order for the CRNA to complete this portion of the refresher course to receive full re-certification. Discussion included but was not limited to provisional certification while in the refresher course; sponsor required by course; sponsoring physician possibly not

CRNA
CERTIFICATION &
RECERTIFICATION

aware of amount of time the CRNA has been out of practice; and peer preceptor not required by course.

A motion was made by Rose Kearney-Nunnery to approve issuing temporary licenses to certified registered nurse anesthetists (CRNA) participating in a refresher to include a peer preceptor, supervisor and sponsor. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

Joan Bainer reported that the Office of Licensure and Compliance (OLC) is not providing licensure statistics at this time due to their concerns about the accuracy of information from the current licensure system. OLC will be implementing a new licensure system soon.

OFFICE OF
LICENSURE &
COMPLIANCE
REPORT

To determine appropriate disciplinary actions, the Board reviewed Disciplinary Hearing Panel Reports along with transcripts and exhibits as well as memoranda of agreement stipulating to certain violations of the Nurse Practice Act. Respondents appeared before the Board to respond to questions. Representatives from the Recovering Professional Program (RPP) were also present to respond to questions from the Board in cases regarding their clients. No official actions were taken during executive sessions.

OFFICE OF
GENERAL COUNSEL-
HEARINGS

In Case #2007-446, a panel hearing was held on April 27, 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right. The Hearing Panel recommended that Respondent be publicly reprimanded, that Respondent's license shall remain suspended indefinitely; Respondent must undergo psychiatric evaluation by a Board approved psychiatrist, as previously ordered; and after evaluation is completed, Respondent must reappear before the Board and satisfactorily provide the Board with the results of the evaluation.

A motion was made by Trey Pennington in Case #2007-446 to go into executive session for the purpose of receiving legal counsel. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Trey Pennington in Case #2007-446 to return to the hearing. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Trey Pennington in Case #2007-446 to accept the Hearing Panel's findings of fact, conclusions of law and recommendation that Respondent be issued a public reprimand, that Respondent's license shall remain suspended indefinitely; Respondent must undergo psychiatric evaluation by a Board approved psychiatrist, as previously ordered by the Board; and After evaluation is completed, Respondent must reappear before the Board and satisfactorily provide the Board with the results of the evaluation.

MOTION

In Case #2009-340, a panel hearing was held on February 2, 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right. The Hearing Panel recommended the case be dismissed.

MOTION

A motion was made by Sylvia A. Whiting in Case #2009-340 to go into executive session for the purpose of receiving legal counsel. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Trey Pennington in Case #2009-340 to return to the hearing. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery in Case #2009-340 to accept the Hearing Panel's findings of fact, conclusions of law and recommendation that the case be dismissed. Trey Pennington seconded the motion. The motion carried unanimously. (Ms. Martin was absent for this case. Quorum was present at all times)

In Case #2008-51, a panel hearing was held on April 6, 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right. The Hearing Panel recommended Respondent be issued a public reprimand, successfully complete Board-approved legal aspects, ethics and medication administration courses with 6 months of the order and to pay a \$250 civil penalty with 60 days of the order.

MOTION

A motion was made by Brenda Yates Martin in Case #2008-51 to accept the Hearing Panel's findings of fact, conclusions of law and recommendation that Respondent be issued a public reprimand, successfully complete Board-approved legal aspects, ethics and medication administration courses with 6 months of the order and to pay a \$250 civil penalty with 60 days of the order. Trey Pennington seconded the motion. The motion carried unanimously.

In Case #2009-283, a panel hearing was held on April 6, 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right. The Hearing Panel recommended revocation of Respondent's license.

MOTION

A motion was made by Trey Pennington in Case #2009-283 to go into executive session for the purpose of receiving legal counsel. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Sylvia A. Whiting in Case #2009-283 to return to the hearing. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

A motion was made by Trey Pennington in Case #2009-283 to accept the Hearing Panel's findings of fact, conclusions of law and to indefinitely suspend Respondent's license, that Respondent undergo a Recovering Professional Program evaluation and return to the Board in November 2010. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

In Case #2008-284, a panel hearing was held on January 19, 2010. Respondent did not appear before the Board and was not represented by legal counsel. The hearing panel recommended that Respondent receive a public reprimand, that Respondent's license remain suspended until successful completion an ethics course and a legal aspects workshop; upon reinstatement, the Respondent's license should be placed on one year and that the Respondent pay a \$500 civil penalty.

A motion was made by Trey Pennington in Case #2008-284 to accept the Hearing Panel's findings of fact, conclusions of law and recommendation to issue Respondent a public reprimand, that Respondent's license remain suspended until successful completion an ethics course and a legal aspects workshop; upon reinstatement, the Respondent's license should be placed on one (1) year probation and that the Respondent pay a \$500 civil penalty. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case #2008-523, a panel hearing was held on April 22, 2010. Respondent did not appear before the Board and was not represented by legal counsel. The hearing panel recommended the Respondent receive a public reprimand, Respondent's license be indefinitely suspended, that prior to lifting the suspension, Respondent must appear before the Board, pay a civil penalty in the amount of \$1,000, successfully complete critical thinking, legal and ethics, documentation, and medication administration courses.

A motion as made by Sylvia A. Whiting in Case #208-523 to accept the Hearing Panel's findings of fact, conclusions of law and recommendation to issue Respondent a public reprimand, Respondent's license be indefinitely suspended, that prior to lifting the suspension, Respondent must appear before the Board, pay a civil penalty in the amount of \$1,000, successfully complete a critical thinking, legal and ethics, documentation, and medication administration courses. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

In Case #2007-267, a panel hearing was held on May 4, 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right. The Hearing Panel recommended that Respondent receive a public reprimand and successfully complete an assessment and critical thinking course.

A motion was made by Trey Pennington in Case #2007-267 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 Sylvia A. Whiting in Case #2007-267 to return to the hearing. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Trey Pennington in Case #2007-267 to dismiss the case. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

MOTION

In Case #2009-217, 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. Respondent was properly notified of the final order hearing.

A motion was made by Rose Kearney-Nunnery in Case #2009-217 to indefinitely suspend Respondent's license until Respondent is in compliance with the Recovering Professional Program (RPP) and the Board receives a RPP recommendation to return to practice. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

The Office of Licensure and Compliance brought licensees before the Board for violation of an agreement or order, unlicensed, request for release from probation and two application requests.

OFFICE OF
LICENSURE &
COMPLIANCE
HEARINGS/
LICENSURE
APPEARANCES

Queenester Ford, LPN appeared before the Board with her employing physician to request approval of a worksite where she would be supervised by a physician in lieu of a registered nurse.

A motion was made by Rose Kearney-Nunnery to approve the requested worksite due to the health situation of the Respondent and for Respondent to fulfill all requirements of the order except the registered nurse supervision. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

Respondent signed a Memorandum of Agreement admitting to unlicensed practice from May 2009 - June 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right.

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

MOTION

Respondent signed a Memorandum of Agreement admitting to unlicensed practice from May 2006 -February 2010. Respondent appeared before the Board with George Harper,

A motion was made by to Sylvia A. Whiting to issue Respondent a private reprimand and \$2,000 civil penalty payable within one year. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Respondent signed a Memorandum of Agreement admitting to unlicensed practice from May 2008 - January 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right.

A motion was made by to Carrie Houser James to issue Respondent a private reprimand and \$2,000 civil penalty payable within one year. Sylvia A. Whiting seconded the motion. The motion carried unanimously.

Respondent signed a Memorandum of Agreement admitting to unlicensed practice from May 2008 - March 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right.

MOTION

A motion was made by to Sylvia A. Whiting to issue Respondent a private reprimand and \$2,000 civil penalty payable within one year. Brenda Yates Martin seconded the motion. The motion carried unanimously.

Respondent signed a Memorandum of Agreement admitting to unlicensed practice from May 2008 until April 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right.

MOTION

A motion was made by to Brenda Yates Martin to issue Respondent a private reprimand and \$2,000 civil penalty payable within one year. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

Frances Carney, APRN appeared before the Board to request prescriptive authority while still on probation. Ms. Carney was aware of her right to legal counsel and waived that right. The Board asked Ms. Carney how she currently handled prescriptions for her patients in her present worksite. Ms. Carney stated that her supervising APRN writes the prescriptions for her patients. When asked if the patient is seen by the supervising APRN and if a patient relationship is established by the supervising APRN, Ms. Carney answered no.

MOTION

A motion was made by Rose Kearney-Nunnery to allow Frances Carney, APRN to be granted prescriptive authority as long as applicant complies with all probation and Recovering Professional Program (RPP) requirements and that applicant cannot be released from probation until the final positive quarterly employer report is received by the Board. Carrie Houser James seconded the motion. Trey Pennington and Brenda Yates Martin voted nay. Sylvia A. Whiting, Carrie Houser James and Rose Kearney-Nunnery voted yea. Motion carried.

MOTION

Crystal Metcalf, LPN appeared before the Board without legal counsel to request release from probation. Ms. Metcalf was aware of her right to legal counsel and waived that right.

A motion was made by Rose Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel in the matter of the Request of Crystal Metcalf, LPN to be released from probation. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Carrie Houser James for Request of Crystal Metcalf, LPN to be released from probation to return to the hearing. Trey Pennington seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Rose Kearney-Nunnery to not adjust the probation of Crystal Metcalf, LPN at this time. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

Kim W. Smith applicant for advanced practice registered nurse (APRN) licensure in South Carolina appeared before the Board to answer questions regarding her probation in North Carolina. Ms. Smith was aware of her right to legal counsel and waived that right.

A motion was made by Rose Kearney-Nunnery to approve advanced practice registered nurse (APRN) licensure in South Carolina for Kim W. Smith upon successful completion of probationary terms in North Carolina and no further disciplinary actions through that time. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

FRIDAY, JULY 30, 2010

The National Council of State Boards of Nursing (NCSBN) will hold its Annual Meeting / Delegate Assembly on August 9-13, 2010 in Portland, Oregon. Lynn Lewis, Board President and Joan Bainer, Board Administrator will serve as delegates. First alternate is Nancy Murphy and second delegate Rose Kearney.

NCSBN ANNUAL
MEETING /
DELEGATE
ASSEMBLY

Several of the meeting agenda items have been discussed by the Board throughout the year. Discussion included but was not limited to recommendations regarding NCSBN Bylaws revisions; NCSBN Mission Statement revision; 2011-2013 strategic initiatives, approval of College of Licensed Practical Nurses of British Columbia as an associate NCSBN member; adoption of proposed revisions to the NCSBN Model Practice Act and Administrative Rules; adoption of the Guiding Principles for Continued Competence; and the adoption of the proposed 2011 NCLEX-PN Test Plan; and that the certified nursing aide test is still under development and not on this meeting's agenda;.

A motion was made by Sylvia A. Whiting to adopt the recommendation of Board of Directors, Examination Committee and Leadership Succession Committee. Trey Pennington seconded the motion. The motion carried unanimously.

It was noted that the NCSBN By Laws state that nominees are appointed by acclamation if running unopposed. Nominations can be taken from the floor. All nominees are interviewed by the Leadership Succession Committee. Myra Broadway is running unopposed for President and will be elected by acclamation if there is no nomination from the floor at the meeting.

The Board agreed by consensus to have its delegates vote for Rose Kearney-Nunnery as Vice President; Randy Hudspeth as Treasurer; Joan Bainer and Emmaline Woodson for Director at Large and Brenda McDougall as Area III member.

Lynn Lewis serves on the NCSBN Disciplinary Review Committee. The Committee will have a video; model rules for sexual misconduct; and professional ethics. There was concern about social/electronic media regarding Health Insurance Portability and Accountability Act (HIPPA) and patient privacy which will probably be part of the Disciplinary Review Committee charges for next year. Other possible charges may include discussion on alternative discipline.

The NCSBN Chemical Dependency Committee will disband in October 2010. The committee has developed a book that will be published by NCSBN. The book is a combination of guidelines and reference. The current reference is for nurse managers. The new publication will cover all levels of nursing.

The Board received a letter from one of the larger healthcare facilities expressing concern that nurses do not have to report convictions until their next renewal which could possibly be up to two years.

CONCERN
REGARDING
DISCLOSURE OF
MISCONDUCT

Sheridon Spoon explained that Section 40-33-111(A) of the Nurse Practice Act obligates the employer and nurse to report misconduct if they have knowledge of the misconduct within 15 days. This includes misconduct in another state. Section 40-33-110 gives details on the types of conduct that would require investigation and possible discipline by the Board. When an employer, supervisor or co-worker of a nurse calls our office, they are referred to Section 40-33-111(A). If a licensee calls regarding their own misconduct, they are referred to Sections 40-33-110(A) (4), (5), (6) and (22). Section 40-33-110(A)(22) addresses failure to report incompetent or unprofessional practice of a licensed nurse to the appropriate authorities, including the Board. This may be interpreted as reporting oneself. 40-33-110(A)(26) addresses failure to timely notify the Board of changes in information required in an original or renewal application. In this instance, timely is generally accepted as 30 days. Licensees are encouraged to self report at the time of the incident rather than waiting until the next renewal.

Articles will be published in the Palmetto Nurse encouraging nurses and their employers to read the Nurse Practice Act; obligation of the employer, supervisor or co-worker to report misconduct; and self-reporting misconduct. Trey Pennington will write an article on how the Health Insurance Portability and Accountability Act (HIPPA) and patient privacy relate to various types of media such as the internet, texting, and faxing.

Frank Sheheen, Director of the Recovering Professionals Program (RPP) appeared before the Board to provide a comprehensive audit related to the licensees currently under monitoring agreements at RPP as requested by the Board of Nursing. This request originated from the Disciplinary Review Committee and its concerns about worksite monitoring. Mr. Sheheen reviewed the document with the Board. He gave an update on the licensees included in the report as well as new participants.

RPP
COMPREHENSIVE
AUDIT OF
LICENSEES-PHASE I

REASSESSMENT OF
EVIDENCE BASED
MINIMUM
STANDARDS -
PHASE II

Discussion included but was not limited to disciplined nurses not being able to obtain employment; some disciplined nurses not being able to obtain licensure due to the current economic situation; RPP has 380 nurses in the program with approximately 20% not able to obtain employment; the possibility of quarterly reports being provided electronically; the new licensure system sending courtesy notices to RPP and the Board that quarterly reports are due; information coming back to Board at September meeting; as well as Ms. Bainer, Mr. Sheheen and Birdie Felkel reviewing the current quarterly report form for revisions.

A motion was made by Rose Kearney-Nunnery to accept the Recovering Professional Program comprehensive audit of licensees as information and to proceed with the review existing minimum standards established by the South Carolina State Board of Nursing and evidenced based research in collaboration with Recovering Professional Program with a report in September. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Lynn Lewis explained that the discussion of Collaborative Clinical Placement is about clinical capacity.

COLLABORATIVE
CLINICAL
PLACEMENT

Discussion included but was not limited to current faculty shortages; increased shortage as current faculty ages; shared faculty between schools; adjunct faculty percentage requirements in regulation; probable increase in requests for faculty exceptions; faculty salaries; partnerships with healthcare facilities; Florida model electronically brokering clinical placements for all schools in their state; flexibility of Board and regulations over the next few years; effectiveness of Colleagues in Caring and statewide master plan; possible use of a portion of license renewal fees used for legislative initiatives; possible report from workforce data center and One Voice/One Plan to the Board in November; and proactive nontraditional, innovative education modalities.

Dr. Lewis stated that she and Ms. Bainer had previously discussed the Board being a partner to bring players to the table such as the S.C. Hospital Association and S.C. Organization of Nurse Leaders.

The Board discussed current vacancies on the Board as well as appointments pending before the Senate. Current members are currently serving on expired terms. President Lewis stressed the importance of having a quorum to complete Board business.

QUORUM
CONCERNS

A motion was made by Sylvia A. Whiting to adjourn the meeting at 10:50 a.m. on July 30, 2010. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION TO
ADJOURN