

South Carolina Department of Labor, Licensing and Regulation



**Board of Nursing** 

Governor

Nikki Haley

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## **JANUARY 27, 2011 BOARD OF NURSING MEETING MINUTES**

Recordings of past meetings can be viewed at http://www.llronline.com/granicus.asp.

Board President Sylvia Whiting called the January 27, 2011 Board of Nursing meeting to order at 8:31 a.m. Public meeting notice was properly posted at the board offices as well as on its website and provided to all requesting persons, organizations and news media in compliance with the S.C. Freedom of Information Act. A quorum was present at all timesSylvia A. Whiting, PhD, APRN-BC, President Congressional District 1PresentRose Kearney-Nunnery, RN, PhD, Vice-President Congressional District 2PresentCarrie Houser James, RN, MSN, NE-BC, CCE, Secretary Congressional District 6PresentC. Lynn Lewis, RN, EdD, MHS, President Congressional District 3Present	CALL TO ORDER PLACE OF MEETING & FOIA COMPLIANCE BOARD MEMBERS PRESENT & VOTING
Congressional District 1Rose Kearney-Nunnery, RN, PhD, Vice-PresidentPresentCongressional District 2PresentCarrie Houser James, RN, MSN, NE-BC, CCE, Secretary Congressional District 6PresentC. Lynn Lewis, RN, EdD, MHS, PresidentPresent	PRESENT &
Congressional District 2Carrie Houser James, RN, MSN, NE-BC, CCE, SecretaryCongressional District 6C. Lynn Lewis, RN, EdD, MHS, PresidentPresent	<u>VOTING</u>
Congressional District 6 C. Lynn Lewis, RN, EdD, MHS, President Present	
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Brenda Yates Martin, RNC, MN, CNAA Present Congressional District 5	
Trey Pennington, MBA, MS Present Public Member	
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 Sheridon Spoon, Assoc. General Counsel, Office of General Counsel Jocelyn Andino, Asst. General Counsel, Office of General Counsel Dwight Hayes, Legal Counsel, Licensure and Compliance Sherry Wilson, Manager, Licensure and Compliance Edye Lane, Hearing Counsel	<u>LLR STAFF</u> <u>PRESENT FOR</u> <u>CERTAIN ITEMS</u>
The January 27, 2011 Board of Nursing meeting agenda was presented to the Board for review and approval.	APPROVAL OF AGENDA
A motion was made by C. Lynn Lewis to approve the January 27, 2011 Board of Nursing meeting agenda as presented. Carrie Houser James seconded the motion. The motion carried unanimously.	<u>MOTION</u>

The following items were presented to the Board on Consent Agenda for review, approval or acceptance as	<b>2</b>	APPROVAL OF CONSENT AGENDA
<ul> <li>For Information: Budget (On Board Table for Review</li> <li>For Action: Request to Delay Publishing of Disciplina</li> <li>For Information: Recovering Professional Program (</li> <li>For Information: RPP Recidivism Statistics</li> <li>For Information: ECPI College of Technology Charle Notification of PN Program Nurse Administrator Cha</li> <li>For Information: Information from American Midwifer</li> <li>For Information: Office of General Counsel Case Loa</li> <li>For Information: Office of Investigations &amp; Enforcem</li> <li>For Acceptance: October 2010 Nursing Practice &amp; S Meeting Minutes</li> </ul>	ary Graphs RPP) Success Story eston Campus inge ry Certification Board ad Statistics ent Statistics	
A motion was made by Rose Kearney-Nunnery to a 2011 Consent agenda as presented. Trey Penningtor The motion carried unanimously.		<u>MOTION</u>
The November 18, 2010 Board of Nursing Meeting Mir the Board for review and approval.	nutes were presented to	APPROVAL OF MINUTES
A motion was made by Rose Kearney-Nunnery to approve the November 18, 2010 Board of Nursing Meeting Minutes with corrections. Trey Pennington seconded the motion. The motion carried unanimously.		MOTION
Ms. Bainer reported that the Senate confirmed G appointment of Catherine B. Templeton as the new Carolina Department of Labor, Licensing and Regulation	director for the South	ADMINISTRATOR'S REPORT
The current budget was placed on the Board member's table for their review. Ms. Bainer reported that the format would be changing. The Board had requested that they receive the more detailed format as other boards.		
The Board discussed 2011 Board and staff represent standing committees and task forces.	ntative assignments for	2011 COMMITTEE ASSIGNMENTS
A motion was made by Rose Kearney-Nunnery to ap committee and task forces as shown below. Trey Pe motion. The motion carried unanimously.		MOTION
<u>Committee/Task Force</u> Advanced Practice Committee Advisory Committee On Nursing Legislative Committee (Ad Hoc) Nursing Practice & Standards Committee RPP Advisory Committee Unlicensed Assistive Personnel (UAP) Task Force Nurse Practice Act /Collaboration Committee Staff will work with committees related to their areas.	Board Member/Staff Whiting / Felkel James / Bainer Pennington Martin / Felkel Pennington James, Lewis Kearney-Nunnery	

MARCH 2011 BOARD STRATEGIC PLANNING RETREAT
<u>MOTION</u>
<u>PROPOSED</u> LEGISLATION FOR DEA DRUG PERMITS
<u>MOTION</u>
LONG TERM CARE INFORMATION RELATED TO IOM <u>REPORT</u>
MEDICATION ASSISTANT-C
<u>MOTION</u>

Joan Bainer introduced Ron Cook who heads up the Drug Diversion Team for the Office of Investigations and Enforcement. She also introduced Susan Hicks who assists Mark Sanders also in the Office of Investigations and Enforcement.	OFFICE OF INVESTIGATIONS & ENFORCEMENT (OIE)
Fortis College representatives Glenda P Sims, Director of Nursing; Charlotte Stoudmire, Regional Dean of Nursing; Paul Wright, Campus President; Syreeta Mill, Clinical Coordinator appeared before the Board to discuss the Site Survey Report for the proposed Associate Degree Nursing (ADN) Program at Fortis College-Columbia. The Board Site Survey Team completed its visit on October 20, 2010. The Board was provided with a copy of the survey report and response materials submitted by Fortis College. Discussion included but was not limited to: faculty position descriptions and educational preparation; program faculty plans; student enrollment; transferability of credits for students moving on to higher nursing degrees; and differences in the local nursing program policies versus those of Fortis corporate.	FORTIS COLLEGE
A motion was made by C. Lynn Lewis to go into executive session for the purpose of receiving legal counsel. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.	<u>MOTION</u>
A motion was made by Rose Kearney-Nunnery to leave executive. C. Lynn Lewis seconded the motion. The motion carried unanimously. No official actions were taken during executive session.	MOTION
A motion was made by C. Lynn Lewis to grant initial approval status for the proposed Fortis College - Columbia Associate Degree Nursing Program contingent upon receipt of the following: 1) job description for adjunct/ clinical faculty; 2) Executed clinical agreements with Kershaw Health and Spartanburg Regional Health Services District; 3) documentation that differentiates policy differences between the program and the parent institution e.g. attendance and 4) Update on faculty hires/ recruitment plan to be received no later than March 1, 2011. Rose Kearney-Nunnery seconded the motion. The motion passed with one nay vote by Carrie Houser James.	<u>MOTION</u>
Nurse Practice Act - Section 40-33-20 (52) "Readily available" means the physician must be in near proximity and is able to be contacted either in person or by telecommunications or other electronic means to provide consultation and advice to the nurse practitioner, certified nurse-midwife, or clinical nurse specialist performing delegated medical acts. When application is made for more than three NP's, CNM's, or CNS's to practice with one physician, or when a NP, CNM, or CNS is performing delegated medical acts in a practice site greater than forty-five miles from the physician, the Board of Nursing and Board of Medical Examiners shall each review the application to determine if adequate supervision exists.	APRN REQUEST FOR EXEMPTION FROM 45 MILE REQUIREMENT – CONNER
Ruth Conner, FNP works for MUSC College of Nursing and conducts prostate, breast and cervical cancer screenings on the Hollings Cancer Center Mobile Health Unit to underserved communities. She requests the practice radius be extended to include the entire state, or at least a 200 mile radius. Ms. Conner's physician preceptor is Ann Rodden, MD.	

A motion was made by Carrie Houser James to grant Ruth S. Conner exemption from the 45 mile from supervising physician to 200 miles within the state. The motion did not receive a second.       MOTION         A motion was made by Rose Kearney-Nunnery to grant Ruth S. Conner exemption from 45 miles from her supervising physician to 75 miles from her supervising physician contingent upon approval by the Board of Medical Examiners. Carrie Houser James seconded the motion. The motion carried unanimously.       MOTION         Joan Bainer reported that in March 2009, the Board voted to obtain criminal background checks (CBC) on 10% of the current licensee population each year. Sheridon Spoon explained that CBCs be discontinued on current licensees until and if necessary changes are made in the law. CBCs will continue to be obtained for new licensees and reinstatements.       BACKGROUND CHECKS OF CURRENT LICENSEES         Discussion included but was not limited to Compact requirement, confidence that licensees have been checked; statutory requirement for CBC to be run by facilities on all healthcare providers; baseline CBCs run by various groups but are not portable; and public safety.       MOTION         Rose Kearney-Nunnery asked what percentage of the current nurse licensure population has had a CBC run by the Board. She also asked if the Nurse Licensure Compact Administrators needed to be notified of this action. Joan Bainer will follow up on these questions.       ADVISORY OPINIONS         Birddie Felkel presented the following new, reviewed or revised advisory opinions and recommendations from Nursing Practice and Standards Committee.       Advisory Opinion #55: What is the role and scope of responsibilities for the registered nurse (RN) to administer Fentany! intravenously for pain management?		
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licensed registered nurse (RN) to perform an OSHA Respiratory evaluation	and Standards Committee in coordination with Advanced Practice Committee to clarify that Advisory Opinion #25-addresses sedation not pain management	
	licensed registered nurse (RN) to perform an OSHA Respiratory evaluation	
The Nursing Practice and Standards Committee recommends revising the language to match Federal OSHA guidelines.		

<u>Advisory Opinion #9b</u> : What is the scope of responsibility of the licensed practical nurse (LPN) in the administration of peripheral and central intravenous therapies and procedures?	
Revised: Paragraph 1: deleted extended and replaced with <i>expanded,</i> in accordance with SC Nurse Practice Act.	
<u>Advisory Opinion #5</u> : What is within the role and scope of responsibility of the registered nurse (RN) in the administration of epidural, intrathecal and peripheral nerve therapies?	
Nursing Practice and Standards Committee reviewed this advisory opinion and recommends no revisions.	
A motion was made by Rose Kearney-Nunnery to approve new Advisory Opinion #55 as as recommended by Nursing Practice and Standards and Advanced Practice Committees as well as revisions to Advisory Opinions #9B and #47 as well as the review with no recommended changes to Advisory Opinion #5 as recommended by Nursing Practice and Standards Committee Carrie Houser James seconded the motion. The motion carried unanimously.	<u>MOTION</u>
Birddie Felkel provided the Board with resumes for James Gregory MSN, RN, CNS, CEN for Emergency/ Critical Care and for Elizabeth Shatten, APRN, BC, MSN for Adult Psychiatry/ Mental Health to serve as expert reviewers. She reported she is seeking expert reviewer candidates for acute care, administration, cardiology, geriatrics, family practice and long term.	EXPERT REVIEWERS
A motion was made by Rose Kearney-Nunnery based on credentials to approve James Gregory MSN, RN, CNS, CEN as an expert reviewer in the areas of Emergency and Critical Care nursing. C. Lynn Lewis seconded the motion. The motion carried unanimously.	MOTION
A motion was made by Carrie Houser James based on credentials to approve Elizabeth Shatten, APRN, BC, MSN as an expert reviewer in the areas of Adult Psychiatry and Mental Health. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.	<u>MOTION</u>
The Board was provided with the Resolutions Committee Report with recommendations from its meetings held since the last Board meeting. The Disciplinary Sanctions Guidelines is used in making these recommendations.	RESOLUTIONS COMMITTEE REPORT
A motion was made by Rose Kearney-Nunnery to approve Formal Complaints (Keys #5 - #35) as recommended by the Resolutions Committee. Carrie Houser James seconded the motion. The motion carried unanimously.	<u>MOTION</u>
A motion was made by Rose Kearney-Nunnery to approve Dismissals (Keys #1 - #4) as recommended by the Resolutions Committee. Trey Pennington seconded the motion. The motion carried unanimously.	<u>MOTION</u>
The Board was provided with the Resolutions Committee recommendation regarding Key #11 which was originally reported at the September Board Meeting.	ITEM #11 FROM SEPTEMBER BOARD MEETING REPORT

A motion was made by Rose Kearney-Nunnery to approve a Formal Complaint Key #11 was originally reported at the September Board Meeting. as recommended by the Resolutions Committee. C. Lynn Lewis seconded the motion. The motion carried unanimously.	MOTION
At the January 2011 meeting, the Nurse Practice and Standards Committee reviewed the nomination for Lena A. Warner, RN, MN to serve as pediatric representative on the committee and found she meets the requirements.	NPSC MEMBER APPOINTMENT
A motion was made by Rose Kearney-Nunnery appoint Lena A. Warner, RN, MN to serve as Nurse Practice and Standards Committee pediatric representative. Carrie Houser James seconded the motion. The motion carried unanimously.	<u>MOTION</u>
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 violations of the Nurse Practice Act. Respondents appeared before the Board. Recovering Professional Program representatives were also present to respond to questions.	OGC HEARINGS
In Case #2009-427, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent appeared and was represented by Anne Bell Fant, Esquire.	
A motion was made by C. Lynn Lewis to go into executive session for the purpose of receiving legal counsel in Case #2009-427. Carrie Houser James seconded the motion. The motion carried unanimously.	MOTION
A motion was made by Rose Kearney-Nunnery to leave executive session. Brenda Yates Martin seconded the motion. The motion carried unanimously. No official actions were taken during executive session.	<u>MOTION</u>
A motion was made by C. Lynn Lewis to go into executive session for the purpose of receiving legal counsel in Case #2009-427. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.	MOTION
A motion was made by C. Lynn Lewis 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 Carrie Houser James in Case #2009-427 to issue a private reprimand, require Board-approved Legal Aspects and Ethics courses to be completed within six months. Brenda Yates Martin seconded the motion. The motion carried unanimously.	<u>MOTION</u>
In Case #2010-25, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent appeared and was represented by Allissa DeCarlo, Esquire.	
A motion was made by C. Lynn Lewis to go into executive session for the purpose of receiving legal counsel in Case #2009-427. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.	MOTION

A motion was made by C Lynn Lewis to leave executive session. Carrie MOT Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.	<u>ION</u>
A motion was made by Rose Kearney-Nunnery in Case #2009-427 to issue a <u>MOT</u> private reprimand and require completion of a Board approved Legal Aspects class within three months. Carrie Houser James seconded the motion. The motion carried unanimously.	<u>-10N</u>
The Board was notified that the Respondent in Case #2010-285 was unable to appear at the hearing due to circumstances beyond her control.	
A motion was made by Rose Kearney-Nunnery to grant a continuance in Case <u>MOT</u> # 201-285 to the March 2011 Board meeting. Brenda Yates Martin seconded the motion. The motion carried unanimously.	<u>-ION</u>
In Case #2010-183, Respondent signed a Memorandum of Agreement and waived right to a panel hearing. Respondent appeared before the Board. Respondent was aware of his/her right to legal counsel and waived that right.	
A motion was made by C. Lynn Lewis to go into executive session for the purpose of receiving legal counsel in Case #210-183. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.	<u>-ION</u>
A motion was made by Rose Kearney-Nunnery to leave executive session. <u>MOT</u> Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.	<u>-ION</u>
A motion was made by Brenda Yates Martin in Case #2010-183 to issue a <u>MOT</u> public reprimand and require completion of a Board approved classes in Legal Aspects, Ethics and Boundaries within one year. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.	<u>-10N</u>
The Office of Licensure and Compliance (OLC) brought licensees before the Board to discuss completion of portions of or entire conditions of their orders or consent agreements as well as one applicant for licensure by examination.	<u>CES</u>
Licensee currently under a consent agreement with the Board appeared to provide a report requested by the Board and was represented by Desa Ballard, Esquire.	
A motion was made by Trey Pennington to accept the report with no further action on the order. Sylvia A. Whiting seconded the motion. The motion failed with one abstention by Carrie Houser James and a nay vote by Rose Kearney-Nunnery.	<u>-ION</u>
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.	<u>-ION</u>

A motion was made by Brenda Yates Martin to leave executive. Trey Pennington seconded the motion. The motion carried unanimously. No official actions were taken during executive session.	MOTION
A motion was made by Trey Pennington to accept the report as information pursuant to previous order and issue a private reprimand for noncompliance with the consent agreement. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.	<u>MOTION</u>
A licensee currently under final order of the Board appeared to request modification of the order. Respondent was aware of his/her right to legal counsel and waived that right.	
A motion was made by Rose Kearney-Nunnery that based on the facts and past performance that all conditions of the final order are deemed as being met. Trey Pennington seconded the motion. The motion carried unanimously.	MOTION
Respondent appeared before the Board to request the suspension on his/her license be lifted. Respondent was aware of his/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. Trey Pennington seconded the motion. The motion carried unanimously.	MOTION
A motion was made by Carrie Houser James to leave executive. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.	MOTION
Dean Grigg, Hearing Advice Counsel, explained that a suspension can only be lifted if there is no probably cause for the suspension.	
A motion was made by Trey Pennington for the suspension to remain in place. Carrie Houser James seconded the motion. The motion carried unanimously.	MOTION
An applicant for licensure by examination appeared before the Board to discuss "yes" answers on the application.	
A motion was made by Rose Kearney-Nunnery to allow applicant to take the National Council Licensure Examination - Practical Nurse and upon successful completion be licensed as a licensed practical nurse. Brenda Yates Martin seconded the motion. The motion carried unanimously.	<u>MOTION</u>
A motion was made by Brenda Yates Martin to adjourn the meeting at 4:30 p.m. on January 27, 2011. Carrie Houser James seconded the motion. The motion carried unanimously.	MOTION TO ADJOURN

The recording of this meeting can be viewed at <u>http://www.llronline.com/granicus.asp</u>.