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Department of Labor, Licensing and Regulation



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Board of Nursing

NOVEMBER 17, 2011 BOARD OF NURSING MEETING MINUTES

<p>Board Interim Vice President Lisa C Irvin called the Board of Nursing meeting to order at 8:40 a.m. on November 17, 2011. Public 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 times.</p>	<p><u>CALL TO ORDER</u> <u>PLACE OF MEETING</u> <u>& FOIA COMPLIANCE</u></p>
<p>Sylvia A Whiting, PhD, APRN-BC, President..... Excused Congressional District 1</p> <p>Amanda Baker, RN, MSN, CRNA, MNA..... Present Congressional District 2</p> <p>C Lynn Lewis, RN, MSN, EdD, NEA-BC Excused Congressional District 3</p> <p>Carol A Moody, RN, MAS, NEA-BC Present Congressional District 4</p> <p>Lisa C Irvin, RN, MSN, NEA-BC..... Present Congressional District 6</p> <p>Samuel H McNutt, RN, CRNA, MHSA Present Congressional District 5</p> <p>Anne Crook, PhD Present Public Member</p> <p>James E Mallory, EdD Present Public Member</p> <p>Two Licensed Practical Nurse Vacancies- Regions I & II</p>	<p><u>BOARD MEMBERS</u> <u>PRESENT &</u> <u>VOTING</u></p>
<p>Nancy Murphy, MS, RN, BC, CPM, Board Administrator Dean Grigg, Advice Counsel Lynne Rogers, Office of General Counsel</p>	<p><u>LLR STAFF</u> <u>PRESENT FOR</u> <u>CERTAIN ITEMS</u></p>
<p>The November 17, 2011 Board of Nursing Meeting Agenda was presented for the Board’s review and approval.</p> <p>A motion was made by Anne Crook to approve the agenda. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF AGENDA</u></p> <p><u>MOTION</u></p>

<p>The Consent Agenda was presented for the Board's review and approval.</p> <p>a. <i>Information: NCLEX RN & PN Summary Statistics for 07/01-09/30/11</i> b. <i>Acceptance: August 2011 Advisory Committee on Nursing Minutes</i> c. <i>Information: Nursing Panel Reviewers List</i> d. <i>Information: The First National Survey of Medication Aides</i> e. <i>Information: A Comparison of Regulatory Standards for Initial Registration/ Licensure of Internationally Educated Nurses in the United Kingdom, Australia, Canada and the United States</i> f. <i>Information: Nurses and Social Media: Regulatory Concerns and Guidelines</i> g. <i>Information: Case in Point: Falsifying Medical Records: A System Approach Investigation</i> h. <i>Information: Budget (On table for review)</i> i. <i>Information: Brief CEO Communiqué – Kathy Apple NCSBN</i></p> <p>A motion was made by Amanda Baker to approve the Consent Agenda. Anne Crook seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF CONSENT AGENDA</u></p> <p><u>MOTION</u></p>
<p>The September 29, 2011 meeting minutes were presented for the Board's review and approval.</p> <p>A motion was made by Samuel McNutt to approve the September 29, 2011 meeting minutes with corrections to Amanda Baker's credentials and to change Carolyn Moody to reflect Carol Moody. Amanda Baker seconded the motion. The motion carried unanimously.</p> <p>The October 11, 2011 meeting minutes were presented for the Board's review and approval.</p> <p>A motion was made by Samuel McNutt to approve the October 11, 2011 meeting minutes with corrections to Amanda Baker's credentials and to change Carolyn Moody to reflect Carol Moody. Anne Crook seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF MINUTES</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Rose Kearney-Nunnery, RN, PhD, Nursing Department Chair, University of South Carolina (USC)-Beaufort appeared before the Board regarding full approval of their Baccalaureate Degree Nursing Program.</p> <p>A motion was made by Anne Crook to accept the request for the University of South Carolina- Beaufort to be granted full approval status for their Baccalaureate Degree Nursing Program based on and concurrent with the CCNE (Commission on Collegiate Nursing Education) accreditation through June 2014. Samuel McNutt seconded the motion. The motion carried unanimously.</p>	<p><u>USC BEAUFORT</u></p> <p><u>MOTION</u></p>
<p>Betsy M McDowell, PhD, RN, CNE, Professor and Chair, Department of Nursing, Newberry College appeared before the Board regarding full approval of their Baccalaureate Degree Nursing Program.</p> <p>A motion was made by Samuel McNutt to move forward with granting</p>	<p><u>NEWBERRY COLLEGE</u></p> <p><u>MOTION</u></p>

<p>full approval status based on and concurrent with the CCNE (Commission on Collegiate Nursing Education) accreditation through June 2016. Carol Moody seconded the motion. The motion carried.</p>	
<p>Peggy O Hewlett, PhD, RN, FAAN, Dean and Professor, University of South Carolina (USC)-Columbia, College of Nursing and Caroline Seigler at Palmetto Health System appeared to discuss the Designated Education Unit (DEU) Experimental Project status update report.</p> <p>A motion was made by Samuel McNutt to approve that University of South Carolina (USC)-Columbia-College of Nursing be allowed to continue and expand the DEU (Designated Education Unit) experimental clinical model in partnership with the Palmetto Health System and the Providence Hospitals under the existing agreement as approved by the South Carolina Board of Nursing, with the next report to the Board not being due until November 2013 unless any issues of concern occur before that time, and a recommendation for other programs to consider this model and to come before the Board. Anne Crook seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carol Moody to allow University of South Carolina (USC)-Columbia- College of Nursing to move forward with the experimental project of using associate degree nurse practitioners as clinical teachers in a future DEU (Designated Education Unit) model, and to report to the Board November 2012. Samuel McNutt seconded the motion. The motion carried unanimously.</p>	<p><u>USC – COLUMBIA – DEU</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Tara Hulsey, PhD, RN, CNE, Dean, Derry Patterson Wingo School of Nursing at Charleston Southern University appeared via telephone conference to discuss a request for baccalaureate program curriculum change.</p> <p>At its October 18, 2011 meeting, the Advisory Committee on Nursing (ACON) recommended that the Board approve the request.</p> <p>A motion was made by Carol Moody to move forward with the request to approve the baccalaureate program curriculum change as presented. Samuel McNutt seconded the motion. The motion carried unanimously.</p>	<p><u>CHARLESTON SOUTHERN UNIVERSITY</u> <u>*TELEPHONE CONFERENCE</u></p> <p><u>MOTION</u></p>
<p>Garrett Gillespie, Esq., Senior Legal Counsel, CVS Caremark and Brandy Dickson, ND, APRN, GSA District Manager of Operations appeared to discuss the number/ratio for nurse practitioners to practice with one physician.</p> <p>At its November 4, 2011 meeting, the Advanced Practice Committee recommended the Board interpret Section 40-33-34(C)(2) as the ratio being three FTE's per physician until definitive changes can be made in the Nurse Practice Act. The committee relayed and views this as a public safety and access to care issue.</p> <p>A motion was made by Carol Moody to enter executive session for the purpose of seeking legal advice. Samuel McNutt seconded the motion. The motion carried unanimously.</p>	<p><u>NUMBER/RATIO APRN'S TO PRACTICE WITH ONE PHYSICIAN</u></p> <p><u>MOTION</u></p>

<p>A motion was made by Carol Moody to leave executive session. James Mallory seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Carol Moody to deny the request to interpret the language as three FTE's and to abide by the language as it is currently written in Section 40-33-34(C)(2) of the Nurse Practice Act, which clearly states meaning no more than three nurse practitioners. James Mallory seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>Jessica Bryan, MHA, Practice Manager and Deana Grogran, NP at Bon Secours St. Francis Healthcare System appeared to request approval from the Board to supervise more than three nurse practitioners.</p> <p>Lisa C. Irvin recused herself from the vote. A quorum was still present.</p>	<p><u>BON SECOURS ST FRANCIS – REQUEST TO SUPERVISE MORE THAN THREE NURSE PRACTITIONERS</u></p>
<p>A motion was made by Carol Moody to enter executive session for the purpose of seeking legal advice. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Carol Moody to leave executive session. James Mallory seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Amanda Baker to approve the request for a waiver of three to one ratio during daily practice (Bon Secours St. Francis Healthcare System) providing they never exceed the one physician to three nurse practitioners ratio and that they must also appear before the Medical Examiners Board for its approval as well. Carol Moody seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>Jaclyn DiCesare, FNP at Northeast Family Practice, Sandra G Jones, APRN-BC, FNP-C, and Melissa E Augustine, MD at Palmetto Health appeared to request approval from the Board to supervise more than three nurse practitioners working at Northeast Family Practice and Celia Saxon Health Center.</p>	<p><u>NORTHEAST FAMILY/ PALMETTO HEALTH PRACTICE – REQUEST TO SUPERVISE MORE THAN 3 NPS</u></p>
<p>Samuel McNutt recused himself due to his relationship with the requestors. A quorum was still present.</p>	
<p>A motion was made by Anne Crook to approve the request for coverage in the absence of the primary physician (Palmetto Health) as a waiver. They must also appear before the Medical Examiners Board for its approval. Carol Moody seconded the motion. The motion carried.</p>	<p><u>MOTION</u></p>
<p>George Wright, COHN-S, Senior Director-Site Operations, Take Care Health appeared to request approvals from the Board for certain physicians to supervise more than three nurse practitioners. The request was for 1) the physician at 10 Parkway South be granted a waiver to collaborate with two additional nurse practitioners and 2) the physician at 525 Michelin Road site be granted a waiver to collaborate with two additional nurse practitioners.</p>	<p><u>TAKE CARE HEALTH SYSTEMS – REQUEST TO SUPERVISE MORE THAN 3 NPS</u></p>

<p>A motion was made by Carol Moody to accept the waiver as put forth by Take Care Health to add two additional APRN's (nurse practitioners) to the two separate sites recognizing that they will never supervise more than three physically at one time. They must also appear before the Medical Examiners Board for its approval. Samuel McNutt seconded the motion. The motion carried.</p>	<p><u>MOTION</u></p>
<p>Judy J Malina, FNP at Healthstat appeared to request approval from the Board for Dr. Robert Hart, III to supervise more than three Nurse Practitioners and to request a waiver of mileage restriction.</p> <p>A motion was made by Samuel McNutt to grant the exception for the fourth (nurse) practitioner and for the mileage restriction. She must appear before the Medical Examiners Board for its approval. Amanda Baker seconded the motion. The motion carried.</p>	<p><u>REQUEST TO SUPERVISE MORE THAN 3 NPS & MILEAGE RESTRICTION WAIVER</u></p> <p><u>MOTION</u></p>
<p>The Nominating Committee submitted the following Slate of Board Officers for Board consideration and vote: Samuel McNutt-President, Carol Moody-Vice-President, and Lisa Irvin- Secretary for 2012.</p> <p>A motion was made by James Mallory to elect Samuel McNutt as Board President, Carol Moody as Board Vice-President, and Lisa Irvin as Board Secretary for the year 2012. The motion carried unanimously.</p>	<p><u>REPORT FROM NOMINATING COMMITTEE/ ELECTION OF OFFICERS</u></p> <p><u>MOTION</u></p>
<p>The discussion regarding the Legislative Committee was deferred until the required information is available for the decision making process.</p>	<p><u>LEGISLATIVE COMMITTEE</u></p>
<p>Nancy Murphy stated there has been a need for the Board to clarify Faculty qualifications as stated in Section 91.11(B)(2).</p> <p>A motion was made by Samuel McNutt to accept a DNP or a PHD in nursing as meeting the requirements of Section 91.11(B)(2) regardless of the baccalaureate preparation. Amanda Baker seconded the motion. The motion carried.</p>	<p><u>FACULTY QUALIFICATIONS</u></p> <p><u>MOTION</u></p>
<p>Nancy Murphy explained the guidelines for Administrator's approval for the non-routine licensure renewal application process. The Board was provided with a copy of the guidelines for its review.</p> <p>A motion was made by Carol Moody to accept the recommendation/procedure regarding the guidelines for Administrator's approval of non-routine licensure renewal application and to accept that when the Board President is not available to review and approve non-routine matter(s) and/or Criminal Background issues, the Vice-President will be able to review and approve these matters in his/her absence. Samuel McNutt seconded the motion. The motion carried.</p>	<p><u>GUIDELINES FOR RENEWAL NON-ROUTINE PROCESS</u></p> <p><u>MOTION</u></p>
<p>The Board was presented with the proposed changes to Regulations-Chapter 91-19 and 91-31. The Board was also provided with a copy of Title 40, Chapter 1-Engine Act to review for future proposed changes.</p> <p>A motion was made by Samuel McNutt to accept the clean-up changes to Regulations Chapter 91. Carol Moody seconded the motion. The</p>	<p><u>PROPOSED CHANGES TO REGULATIONS CHAPTER 91</u></p> <p><u>MOTION</u></p>

<p>motion carried.</p> <p>A motion was made by Samuel McNutt to accept the amendment changes to Board Regulations Chapter 91-19, to add the advanced practice registered nurse and 91-31 fees regarding the change to add and reflect the bi-annual (renewal) period as presented. Amanda Baker seconded the motion. The motion carried.</p>	<p><u>MOTION</u></p>
<p>At its October 13, 2011 meeting, the Nurse Practice and Standards Committee (NPSC) discussed can a nurse in a school setting provide a student with scheduled and rescue doses of oral or IM Midazolam for seizure control. The committee recommended the Board say no given current FDA and manufacturer warnings.</p> <p>At its September 2010 meeting, the Board decided the administration of <i>intranasal Versed</i> (Midazolam) in a school setting for treatment of status epileptics was not within the scope of practice of a nurse.</p> <p>A motion was made by Samuel McNutt to approve Nurse Practice and Standards Committee request as submitted. Carol Moody seconded the motion. The motion carried.</p>	<p><u>MIDAZOLAM – SCHOOL SETTING</u></p> <p><u>MOTION</u></p>
<p>At its October 13, 2011 meeting, the NPSC reviewed the #2 footnote on the Advisory Opinion Nursing Management of Invasive Devices Cardiovascular System RN and recommended that it be changed to read “Tip location shall be determined radiographically or by FDA approved technologies prior to initiation of infusion therapy” and recommends Board approval.</p> <p>A motion was made by Carol Moody to approve the request as submitted. Amanda Baker seconded the motion. The motion carried.</p>	<p><u>NURSING MANAGEMENT OF INVASIVE DEVICES CARDIOVASCULAR SYSTEM</u></p> <p><u>MOTION</u></p>
<p>At its October 13, 2011 meeting, the NPSC recommended the Board approve the proposed Advisory Opinion #57 on Foot and Nail Care as presented.</p> <p>A motion was made by Carol Moody to approve the request as documented. Samuel McNutt seconded the motion. The motion carried.</p>	<p><u>PROPOSED ADVISORY OPINION #57 FOOT AND NAIL CARE</u></p> <p><u>MOTION</u></p>
<p>At its October 13, 2011 meeting, NPSC reviewed Advisory Opinion #3 on Pronouncement of Death and recommended no changes.</p> <p>A motion was made by Carol Moody to approve the request (Advisory Opinion #3 on Pronouncement of Death) as submitted without changes. Samuel McNutt seconded the motion. The motion carried.</p>	<p><u>ADVISORY OPINION #3 PRONOUNCEMENT OF DEATH (MD)</u></p> <p><u>MOTION</u></p>
<p>At its October 13, 2011 meeting, the NPSC recommended the Board approve the proposed Advisory Opinion #56 on the Savi Device as presented.</p> <p>A motion was made by Samuel McNutt to approve the request (Advisory Opinion #56 on Savi Device) as submitted. Carol Moody seconded the motion. The motion carried.</p>	<p><u>ADVISORY OPINION #56 – SAVI DEVICE</u></p> <p><u>MOTION</u></p>

<p>At its October 13, 2011 meeting, the NPSC reviewed the position statement for Assisting with Medications and recommend the Board approve it as submitted with revisions as noted.</p> <p>A motion was made by Samuel McNutt to approve the request (Assisting with Medications Position Statement) as submitted. Anne Crook seconded the motion. The motion carried.</p>	<p><u>POSITION STATEMENT ASSISTING WITH MEDICATIONS</u></p> <p><u>MOTION</u></p>
<p>The Board was provided with the Resolutions Committee Report with recommendations from its meetings held since the last Board meeting. The Disciplinary Sanctions Guidelines were used in making these recommendations.</p> <p>A motion was made by Samuel McNutt to approve the Dismissals as recommended by the Resolutions Committee. Amanda Baker seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Anne Crook to approve the Formal Complaints as recommended by the Resolutions Committee. James Mallory seconded the motion. The motion Carried unanimously.</p> <p>A motion was made by Amanda Baker to approve the Letter of Caution as recommended by the Resolutions Committee. Carol Moody seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carol Moody to enter executive session for legal advice in case 2011-82. Samuel McNutt seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carol Moody to leave executive session. Samuel McNutt seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Anne Crook to decline the request to approve the reconsideration/dismissal for case 2011-82. Samuel McNutt seconded the motion. The motion carried with one nay.</p>	<p><u>RESOLUTIONS COMMITTEE REPORT</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>There was no action taken on the OIE Statistic report.</p>	<p><u>OIE STATISTICS</u></p>
<p>Respondents appeared before the Board to request modifications to their consent agreements or Board orders. The Board reviewed memoranda of agreement stipulating to violations of the Nurse Practice Act to determine disciplinary actions.</p> <p>In Case 2011-355, Respondent requested to modify their consent agreement. Respondent appeared before the Board and waived the right for legal representation.</p> <p>A motion was made by Carol Moody to enter executive session for legal advice in case 2011-355. Samuel McNutt seconded the motion. The motion carried unanimously.</p>	<p><u>OGC HEARINGS</u></p> <p><u>MOTION</u></p>

A motion was made by Samuel McNutt to leave executive session. Amanda Baker seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Samuel McNutt to grant the request by modifying the consent agreement from one year to eight months already completed. The Board recognized all conditions of the consent agreement as being met and issued a multi-state license with the respondent still having to manage Virginia multi-state requirements. Carol Moody seconded the motion. The motion carried unanimously.

MOTION

In Case 2011-350, Respondent requested to modify their consent agreement. Respondent appeared before the Board and waived the right for legal representation.

A motion was made by Anne Crook to accept the request for modification and the consent agreement order as being completed and to re-instate the license. James Mallory seconded the motion. The motion carried unanimously.

MOTION

In Case 2011-354, Respondent requested to modify their consent agreement. Respondent appeared before the Board and waived the right for legal representation.

A motion was made by Carol Moody to accept the modification as submitted, with following provisions: the respondent shall be granted the request to work the evening shift without oversight of another RN Supervision - On-Site/On Shift at all times. Samuel McNutt seconded the motion. The motion carried unanimously.

MOTION

In Case 2011-351, Respondent requested to modify their Board order. Respondent appeared before the Board and waived the right for legal representation.

A motion was made by Carol Moody to enter executive session for legal advice in this matter. Samuel McNutt seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Samuel McNutt to leave executive session. James Mallory seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Anne Crook to accept the modification as submitted, re-instate licensure and remove all narcotic restrictions and all quarterly report restrictions. Samuel McNutt seconded the motion. The motion carried unanimously.

MOTION

In Case 2011-352, Respondent requested to modify their consent agreement. Respondent appeared before the Board and waived the right for legal representation.

Carol Moody recused herself from the vote. A quorum was still present. A motion was made by Samuel McNutt to accept the modification as

MOTION

submitted, with following provisions: the respondent shall be granted the request to work any shift without RN Supervision - On-Site/On Shift at all times and remove all quarterly report restrictions. James Mallory seconded the motion. The motion carried unanimously.

In Case 2011-353, Respondent requested to modify their Board order. Respondent appeared before the Board and waived the right for legal representation.

A motion was made by Carol Moody to accept the modification as submitted, with following provisions: the respondent shall be granted the request to work any shift without RN Supervision - On-Site/On Shift at all times and remove all quarterly report restrictions. Samuel McNutt seconded the motion. The motion carried unanimously.

MOTION

In Case 2010-511, Respondent entered into a Memorandum of Agreement. Respondent did not appear before the Board. This case was continued until respondent appears before the Board.

In Case 2011-373, Respondent requested to modify their Board order. Respondent appeared before the Board and waived the right for legal representation.

Carol Moody recused herself from the vote in Case #2011-373. A quorum was still present.

MOTION

A motion was made by Samuel McNutt to accept the modification as submitted and re-instate license. Amanda Baker seconded the motion. The motion carried unanimously.

Applicants for licensure by examination or endorsement appeared to respond to questions regarding their application, criminal background check and responses to criminal conviction questions.

APPLICANT HEARINGS

D.b.1 -Applicant for reinstatement/reactivation as a licensed practical nurse appeared before the Board to respond to questions regarding their criminal background check. Applicant was not represented by counsel.

A motion was made by Samuel McNutt to allow applicant to endorse into South Carolina as a Compact licensed practical nurse, complete at least three years of probation requirements as stated by Rhode Island to include RN Supervision – On Site/On Shift at all times, no Home Based Care employment, no Staffing Agency employment, no Tele-nursing or Tele-health employment, and submit quarterly reports from employer as stated. All RPP stipulations have been met and are not needed (See Rhode Island order). Anne Crook seconded the motion. The motion carried unanimously.

MOTION

D.b.2 –Applicant failed to appear regarding his/her endorsement application. The appearance was continued until applicant could appear before the Board.

D.b.3 –Applicant for licensure by endorsement as a licensed practical

nurse appeared before the Board to respond to questions regarding answering yes to the question regarding discipline by an employer for job performance.

A motion was made by Samuel McNutt to allow applicant to endorse into South Carolina as a Compact licensed practical nurse, complete at least three years of probation requirements as stated by Kentucky to include no employment in a managerial or supervisory position, applicant may not work overnight hours without onsite supervision nor be scheduled to work more than 88 hours per two week period if employed in a nursing position, RN Supervision– On Site/On Shift at all times, no Home Based Care employment, no Staffing Agency employment, no Tele-nursing or Tele-health employment, submit quarterly reports from employer, and complete Clinical requirements. Applicant has no RPP stipulations to be met (See Kentucky order). Carol Moody seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Samuel McNutt to adjourn the meeting at 4:23 p.m. on November 17, 2011. Amanda Baker seconded the motion. The motion carried unanimously.

MOTION TO ADJOURN