



South Carolina  
Department of Labor, Licensing and Regulation



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**Board of Nursing**

**APRIL 2, 2013 BOARD OF NURSING MEETING MINUTES**

<p>Board President Samuel McNutt called the Board of Nursing meeting to order at 8:33 a.m. on Tuesday, April 2, 2013. 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>&amp; FOIA COMPLIANCE</u></p>
<p>Samuel H. McNutt, RN, CRNA, MHSA, President .....Present Congressional District 5</p> <p>Carol A. Moody, RN, MAS, NEA-BC, Vice President .....Present Congressional District 4</p> <p>Amanda Baker, RN, MSN, CRNA, MNA, Secretary .....Present Congressional District 2</p> <p>Tara F. Hulseley, PhD, RN, CNE .....Present Congressional District 1</p> <p>W. Kay Swisher, RNC, MSN.....Excused Congressional District 3</p> <p>Lisa Cox Schafer, RN, MSN, NEA-BC .....Present Congressional District 6</p> <p>Karen R. Hazzard, MSN, RN, NE-BC.....Present Congressional District 7</p> <p>Anne Crook, PhD ..... Excused Public Member</p> <p>James E. Mallory, EdD .....Present Public Member</p> <p>Two Licensed Practical Nurse Vacancies</p>	<p><u>BOARD MEMBERS</u> <u>PRESENT &amp;</u> <u>VOTING</u></p>
<p>Nancy Murphy, Board Administrator Kathryn Nedovic, Program Coordinator I Theresa Richardson, Program Coordinator I Shannon Beaudry, Administrative Assistant Darra Coleman, Advice Counsel Erin Baldwin, Office of General Counsel</p>	<p><u>LLR STAFF</u> <u>PRESENT FOR</u> <u>CERTAIN ITEMS</u></p>
<p>Anne Crook and W. Kay Swisher were excused from the April 2, 2013 meeting.</p>	<p><u>EXCUSED ABSENCES</u></p>
<p>The April 2, 2013 Board of Nursing Meeting Regular Agenda was presented for the Board's review and approval.</p>	<p><u>APPROVAL OF AGENDA</u></p>

<p>A motion was made by Carol Moody to approve the Regular Agenda as presented. Karen Hazzard seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>MOTION</u></p>
<p>Darra Coleman introduced the regulatory review process per the governor's Executive Order No. 2013-02. She stated that the Executive Order tasked cabinet agencies with reviewing all statutes, regulations, rules and policies to identify potential burdens on South Carolina businesses.</p> <p>She stated that Governor Haley requested the Department of Labor, Licensing, and Regulation to conduct evaluations of the consistency of the discharge of its duties. She stated that all Boards were to look at their statutes, regulations, rules, and policies and examine their necessity, complexity, efficiency, effects, and unintended negative impacts.</p> <p>First, Darra Coleman asked to hear any suggestions, feedback or items of concern from the Board staff regarding internal processes.</p> <p>Nancy Murphy stated that the Board staff receives feedback/ concern regarding the physician supervision of no more than three APRNs, the 45 mile physician supervision rule and the scope of APRN practice/ practicing to the full extent of their educational preparation/ IOM recommendations. She mentioned that there have been some individuals who cite 40-33-34 of the Nurse Practice Act and 40-47-20 of the Medical Practice Act.</p> <p>Next, Darra Coleman asked to hear suggestions, feedback or items of concern from the Board members.</p> <p>Items that were noted by the Board members included but were not limited to ongoing challenges of APRNs, particularly as it pertains to the difference in the Nurse Practice Act and Medical Practice Act, as well as the scope of practice for APRNs, the influx of new education programs causing an issue with clinical sites and its effects on public safety, possibly changing the requirements for new programs to receive more specific input from clinical sites, simulation versus clinical experience, investigators lacking clinical experience/ knowledge, the improvement of delays in application processing, improved response time from Board staff, reviewing Advisory Opinions, ways to make nurses aware of Advisory Opinion changes, the collaborative task force to look at pain management and LPN representation on the Board.</p> <p>Finally, Darra Coleman invited members of the public to provide suggestions, feedback or items of concern.</p> <p>First, Jeannette Andrews, Dean of Nursing, USC Columbia, voiced concern about the APRN scope of practice as outlined in 40-33-34 of the Nurse Practice Act and reducing the burden on APRN practice. She also relayed concern regarding new nursing programs/ patient safety/ clinical experiences available.</p> <p>Next, Vicki Green, President, SCNA, submitted a letter via email addressing a specific list of laws that burden APRNs and impede the ability of APRNs to practice and open new businesses. She addressed concerns of advocacy and cited the IOM 2010 report. She stated that SCNA suggests the Joint Statement of the SC Board of Nursing and SC Board of Medical Examiners be stricken from the record of both Boards.</p>	<p><u>GOVERNOR'S EXECUTIVE ORDER NO. 2013-02</u></p>

<p>Finally, Lesley Rathbone, President Elect, American Association of Birth Centers, spoke from the point-of-view of a certified nurse midwife (CNM). She discussed the success rate of midwife centers, demand by consumers for births at these centers and saving money by using a midwife center to deliver. She stated that the Nurse Practice Act currently restricts her practice and keeps her from growing her business.</p>	
<p>A motion was made by Lisa Schafer to go into executive session for the purpose of receiving legal counsel. Carol Moody seconded the motion. The motion carried unanimously. Nancy Murphy and Kate Nedovic were asked to stay for the executive session.</p> <p>A motion was made by Lisa Schafer to leave executive session. Carol Moody seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p style="text-align: right;"><u>MOTION</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>At its July 26, 2012 meeting, the Board met with South Carolina State University (SCSU) to discuss their plan for voluntarily closing their generic nursing degree program. At the July 26, 2012 meeting, the Board made the ruling to accept the proposal for voluntary closure with the following modifications to SCSU's proposal:</p> <ul style="list-style-type: none"> <li>• Withdraw nursing as a major degree option, effective Fall 2012, which means to cease matriculation of incoming freshmen and rising sophomores with intended major of nursing, effective Fall 2012</li> <li>• For all rising juniors and seniors: <ul style="list-style-type: none"> <li>○ Review all previous ATI scores for nursing courses taken in the previous academic year to ensure a minimum of Level 2 performance in all courses; and</li> <li>○ Review all academic records for these students to ensure compliance with all stated admission criteria for upper division admission.</li> <li>○ Following reviews, any students who have not satisfied the minimum score of 2 on the ATI and stated admission criteria for upper division shall not progress in the nursing program.</li> </ul> </li> </ul> <p>Based on these recommendations, the Board recommended that voluntary closure be moved to December 2014. The Board asked that SCSU return to the Board in September to provide an update and a written report detailing the following:</p> <ul style="list-style-type: none"> <li>• Efforts to assist in the transfer of students</li> <li>• List of names of all students who transferred to approved nursing programs</li> <li>• Efforts to maintain custody and control of existing student records</li> </ul> <p>On August 13, 2012, SCSU requested a follow-up meeting for the Board to discuss the impact of the academic audit of students admitted into the Upper Division in the College of Nursing.</p>	<p style="text-align: right;"><u>SOUTH CAROLINA STATE</u> <u>UNIVERSITY – NURSING</u> <u>PROGRAM STATUS</u> <u>UPDATE</u></p>

At the August 15, 2012 meeting, the Board modified the July 26, 2012 ruling as follows:

- 1) All Upper Division students who scored below the national mean on the ATI Pharmacology exam are required to repeat the Pharmacology class in the Fall 2012 semester. These students must re-test by the end of the Fall 2012 semester and achieve the national mean or higher in order to progress in the nursing program; and
- 2) All Upper Division students who scored below Level 2 on any ATI exam, other than Pharmacology, are required to remediate through specific programs to be offered by SCSU and re-test in all deficient areas by the end of the Fall 2012 semester. Students must achieve a Level 2 on all content areas tested in order to progress in the nursing program.

All other terms set forth in the Board's July 26, 2012 ruling remain in effect.

At the September 2012 Board of Nursing meeting, Dr. Cynthia Warrick, Interim President, South Carolina State University and Stanley Harris, Interim Chair, Department of Nursing appeared before the Board to present the written report as requested in the July meeting and answer the Board's questions.

The Board voted to accept the information presented by SCSU and to have the school return to the Board in January 2013 to thoroughly present their findings and progression.

At the January 2013 meeting, SCSU presented a report on student ATI scores. The Board asked that SCSU update their report with the revised number of students who will progress, specific information regarding the student pharmacology ATI score in relation to the pharmacology national mean and present it at the March 2013 meeting.

Dr. Cynthia Warrick, Interim President and Stanley Harris, Interim Chair, Department of Nursing, South Carolina State University appeared before the Board to present their revised report on student ATI exam scores.

Discussion included but was not limited to all students subsequently making a sufficient ATI score, SCSU's enhanced efforts and training, faculty shortage, the number of students who took the ATI, making the ATI score spreadsheet easier to read/understand, ATI using the same exam every time, the number of students not progressing in the program and progression policy.

	<u>HEARINGS/APPLICATIONS</u>
<p>The Board reviewed initial and reinstatement licensure applications with “yes” responses to questions regarding criminal convictions and discipline in another state. The Board also reviewed applications for reinstatement of disciplined licenses.</p>	
<p>The Board also reviewed Memoranda of Agreement stipulating to violations of the Nurse Practice Act to determine disciplinary actions.</p>	
<p>An applicant for licensure as a registered nurse by endorsement appeared before the Board regarding the criminal background check information received by the Board and his/her “yes” response to questions on the application regarding criminal convictions. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Lisa Schafer to go into executive session for the purpose of receiving legal counsel. Carol Moody seconded the motion. The motion carried unanimously.</p>	<u>MOTION</u>
<p>A motion was made by Carol Moody to leave executive session. Karen Hazzard seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<u>MOTION</u>
<p>A motion was made by Amanda Baker to grant RN licensure by endorsement. Tara Hulsey seconded the motion. The motion carried unanimously.</p>	<u>MOTION</u>
<p>An applicant for licensure as a registered nurse by examination appeared before the Board regarding the criminal background check information received by the Board and his/her “yes” response to questions on the application regarding criminal convictions. Respondent was represented by Mark W. Hardee, Esq.</p>	
<p>A motion was made by Carol Moody to allow the applicant to be licensed. Tara Hulsey seconded the motion. The motion carried unanimously.</p>	<u>MOTION</u>
<p>An applicant for licensure as a licensed practical nurse by examination appeared before the Board regarding the criminal background check information received by the Board and his/her “yes” response to questions on the application regarding criminal convictions. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Lisa Schafer to grant the applicant a license. Carol Moody seconded the motion. The motion carried unanimously.</p>	<u>MOTION</u>
<p>An applicant for licensure as a licensed practical nurse by reinstatement from suspension cancelled. Respondent did not appear and was not represented by legal counsel.</p>	
<p>An applicant for licensure as a registered nurse by reinstatement from suspension appeared before the Board regarding his/her application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Carol Moody to go into executive session for the purpose of receiving legal counsel. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<u>MOTION</u>

<p>A motion was made by Lisa Schafer to leave executive session. Carol Moody 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 Tara Hulseley to allow the applicant to take the NCLEX-RN and be licensed as an RN upon passing with the stipulation that the RPP contract is completed. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>An applicant for licensure as a registered nurse by reinstatement appeared before the Board regarding the criminal background check information received by the Board and his/her "yes" response to questions on the application regarding criminal convictions. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Lisa Schafer to grant a temporary license for 90 days, in order to complete the refresher course, with the stipulation that it may be extended by the administrator if additional time is needed to complete the refresher course, Tara Hulseley seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>In Case #2010-466, Respondent signed a Memorandum of Agreement (MOA) and waived the right to a panel hearing. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p>	
<p>A motion was made by Carol Moody to go into executive session for the purpose of receiving legal counsel. Karen Hazzard 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. Lisa Schafer seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>
<p>In Case #2010-466, a motion was made by Tara Hulseley to reject the MOA, as it does not provide adequate information to determine if the respondent violated the Nurse Practice Act specific to the standard of care. Carol Moody seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Lisa Schafer to adjourn the meeting at 12:56 p.m. on Tuesday, April 2, 2013. Carol Moody seconded the motion. The motion carried unanimously.</p> <p>NOTE: These minutes are a brief summary of the meeting and a record of the motions and official actions taken by the Board.</p>	<p><u>MOTION TO ADJOURN</u></p>