

**SC DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF NURSING**  
**110 CENTERVIEW DRIVE, SUITE 202**  
**COLUMBIA, SOUTH CAROLINA 29210**

**BOARD MEETING MINUTES – NOVEMBER 21-22, 2002**

A regular meeting of the South Carolina Board of Nursing was held on November 21-22, 2002 in Room 108 of the Kingtree Building, 110 Centerview Drive, Columbia, South Carolina. Public notice of this meeting was posted at the Board of Nursing Offices, Kingtree Building, in the Lobby and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. A quorum was present at all times.	<b><u>PLACE OF MEETING AND FOIA COMPLIANCE</u></b>
Rose Kearney-Nunnery, Board President, called the meeting to order at 8:35 a.m. on Thursday, November 21, 2002 and at 9:00 a.m. on Friday, November 22, 2002. The mission of the Board was announced as follows: <i>The mission of the State Board of Nursing for South Carolina is the protection of public health, safety, and welfare by assuring safe and competent practice of nursing.</i>	<b><u>CALL TO ORDER</u></b>
Rose Kearney Nunnery, RN, PhD, President Sylvia Whiting, RN, PhD, CS, Vice-President Debra J. Newton, LPN, Secretary [Excused for Friday, November 22, 2002] Mattie Smalls Jenkins, LPN Brenda Y. Martin, RNC, MN James P. Rogers, Esquire, Public Member Keith A. Torgersen, RN, MSN, CRNA Suzanne Kanipe White, RN, MN, FAAN, FCCM, CNAA	<b><u>BOARD MEMBERS PRESENT AND VOTING</u></b>
Martha Summer Bursinger, RN, MSN, Administrator Robert Barnwell, RN, Program Nurse Consultant-Practice Nancy Murphy, RN, MSN, Program Nurse Consultant-Licensing Cynthia F. (Pat) Purvis, R.N., M.N., Program Nurse Consultant-Education Donald W. Hayden, Regulatory Compliance Manager Dottie Buchanan, Administrative Assistant Richard P. Wilson, Deputy General Counsel Karla McLawhorn, Litigation Counsel Shirley Robinson, Hearing Counsel	<b><u>BOARD AND LLR STAFF MEMBERS PRESENT FOR CERTAIN AGENDA ITEMS</u></b>
The November 21-22, 2002 Board of Nursing meeting agenda was presented to the Board for review and approval.	<b><u>APPROVAL OF AGENDA</u></b>
A motion was made to approve the agenda as presented. The motion received a second. The motion carried unanimously.	<b><u>MOTION</u></b>
The following items were adopted on the consent agenda:  2.1a Licensure Statistics 2.3a Recommended Membership Appointment(s) for ACON 2.4 <del>Board Member Vacancy Congressional District 3 [Removed]</del> 4.1 <del>Recovering Professionals Program Update Jack White [Removed]</del> 5.1 Summary Statistics on Advanced Practice	<b><u>APPROVAL OF CONSENT AGENDA</u></b>

<p>5.2 Minutes of October 17, 2002 Nursing Practice and Standards Committee Recommended Membership Appointment(s) for NPSC</p> <p>5.5 ANCC processing of APRN applications Letter from Joel W. Collins DOT – For Information</p> <p>6.1 Minutes of October 10, 2002 Disciplinary Review Committee (DRC) [Removed] Approval of New Panel Member for DRC – Kathryn A. Becker, RN Unlicensed Practice [Removed]</p> <p>Approval of New Panel Member for IRC – Vickie A. Darnell, RN, MSN</p> <p>7.1 For Info: NCLEX-PN/RN Summary Stats for July 1, to Sept. 30, 2002 For Ratification: Licensure Recommendations</p> <p>8.2 For Information: Licensure Announcements</p> <p>A motion was made to adopt the Consent Agenda with the removal of items: 6.1- Minutes of the October 10, 2002 Disciplinary Review Committee Meeting, 2.4- Board Member Vacancy-Congressional District 3, 4.1- Recovering Professionals Program Update, and 6.3- Unlicensed Practice. The motion received a second. The motion carried unanimously.</p>	<p><b><u>MOTION</u></b></p>
<p>The September 26-27, 2002 Board Meeting minutes were presented to the Board for review and approval.</p> <p>A motion was made to approve the minutes of the September 26-27, 2002 Board Meeting as presented. The motion received a second. The motion carried unanimously.</p>	<p><b><u>APPROVAL OF MINUTES</u></b></p> <p><b><u>MOTION</u></b></p>
<p style="text-align: center;"><b><u>ADMINISTRATOR'S REPORT</u></b></p>	
<p>Ms. Bursinger reported that as of November 20, 2002, approximately 22, 504 nurses have renewed with about 4,053 of those nurses renewing on-line. The Board asked Ms. Bursinger to look into the possibility of offering incentives for on-line renewal such as a reduced renewal fee. The bank charges a \$1.25 convenience fee for the use of credit cards. They also asked if the Board could absorb this cost instead of the licensee paying the additional charge. Ms. Bursinger will discuss these options with the Department of Labor, Licensing and Regulation (LLR) Administration for the next renewal period.</p>	<p><b><u>LICENSURE UPDATE</u></b></p>
<p><b><u>Practitioner Remediation and Enhancement Partnership (PREP) Program</u></b></p> <p>Ms. Bursinger reported that Providence Hospital has renewed their interest in participating in the Practitioner Remediation and Enhancement Partnership (PREP) Program. James Walker of the South Carolina Hospital Association has approached hospitals and has three facilities that may be interested in participating. Ms. Bursinger is working with long-term care facilities on participation.</p>	<p><b><u>SPECIAL PROJECTS</u></b></p>
<p><b><u>Patient Safety Summit</u></b></p> <p>The National Council of State Boards of Nursing (NCSBN) held their Patient Safety Summit on November 12, 2002 before the Citizen Advocacy Center (CAC) Annual Meeting held on November 13-15, 2002 in San Francisco. Discussion included that inability to read, write and speak English can be a problem with immigrant nurses.</p>	
<p><b><u>Citizen Advocacy Center (CAC) Annual Meeting</u></b></p> <p>David Swankin reported that the PEW Report is asking for safety with less regulation. The mission of all regulatory boards is to protect the public. It is important</p>	

to have all parties working together on the revision of the Nurse Practice Act.

NCSBN Multi-State Compact

The S.C. Board of Nursing voted to join the Multi-State Compact (Compact) at their July 2002 meeting. There are currently 18 member states in the Compact. Information on the costs of participating in the compact and on recruitment/retention is not yet available. Compact states are reporting that the sharing of discipline is increasing. There is concern about knowing which nurses are working in your state from other compact states. The Maryland Board of Nursing requires Compact nurses to register with their office so they have a list of nurses working in the state. Information regarding the Compact has been submitted to the Rita McKinney, Director of the Department of Labor, Licensing and Regulation for review. South Carolina Hospital Association representatives met with Ms. McKinney to express their support of the Compact. She was very receptive to the idea but has not yet made a decision. There is still concern on the fiscal and staffing impact of the Compact.

James Walker, South Carolina Hospital Association, offered to hold forums with other associations and to develop a template of Compact legislation for the Board's review and endorsement. Legislative committee will address fiscal impact and constitutionality when the legislation is introduced. Board staff will draft a letter to Rita McKinney, Director of the Department of Labor, Licensing and Regulation requesting the Agency's position on Mr. Walker's offer to assist in this legislative effort.

Ms. Bursinger reported that Jeannie Bramlet appeared before the Advisory Committee on Nursing (ACON) meeting to discuss Homeland Security in regards to weapons of mass destruction. The American Red Cross and Department of Health and Environmental Control representatives will appear at the December 2002 ACON meeting to continue discussion on emergency preparedness.

The Board requested that ACON review and make recommendations regarding emergency preparedness, including terrorism and bioterrorism, and the Board's current emergency policy.

Alice Wyatt joins the ACON as new president of the South Carolina Nurses Association. A list of ACON members and most recent minutes will be presented at the January 2003 Board meeting.

Ms. Bursinger reported that the National Council of State Boards of Nursing (NCSBN) has not endorsed the Phoenix On-Line Nursing Education Program. The Arizona Board of Nursing neither endorses nor does not endorse this program.

The Board asked Ms. Bursinger to gather more information on the program to see if it is NLN approved, has a clinical portion, offers multiple options, etc.

**PRESIDENT'S REPORT**

The Nomination Committee comprised of Ms. Martin and Mr. Torgersen presented the following slate of officers for Board consideration and vote: President - Rose Kearney-Nunnery, Vice-President - Sylvia Whiting; and Secretary – Suzanne White. All nominees agreed to serve if elected.

**ADVISORY  
COMMITTEE ON  
NURSING**

**PHOENIX ON-LINE  
NURSING EDUCATION  
PROGRAM**

**BOARD OFFICER  
ELECTION**

A motion was made to elect Rose Kearney-Nunnery as President -, Sylvia Whiting as Vice-President, and Suzanne White as Secretary. The motion received a second. The motion carried unanimously.	<b><u>MOTION</u></b>
<b><u>REPORTS/UPDATES</u></b>	
The Board held a Public Forum on Wednesday, November 21, 2002 at the Fire Academy. Comments were received in the areas of:  Minimum Standards and Site visits for Nursing Education Programs Need for Board Approval of curriculum changes Title protection for "Nurse" Continued Competence Fee Structure Convenience Fee for On-Line Renewal Differentiated Practice	<b><u>WRITTEN COMMENTS – PRACTICE ACT REVISION</u></b>
Mr. Wilson reported that a draft copy of the nurse practice act would be provided to the Nurse Practice Act Revision Committee by November 27, 2002 with comments due by December 11, 2002. The draft will be sent to the Board and the Advisory Committee on Nursing on December 13, 2002 or sooner for their review and comment. The Advisory Committee on Nursing will review the draft at their December 17, 2002 meeting. Some regulations will be moved into the statute, as statute carries more weight. However, there are parts that will remain in the regulations. It is important that the draft be shared to receive input from everyone. Problems with the revisions will be addressed prior to introduction to the legislature.  Public meetings to receive input will be held regionally. The locations and a draft of the revised Nurse Practice Act will be posted on the Board's web site. Meetings will be held on the following dates:	
Date                              Location                              Board Member Attending January 23, 2003                Florence                              Kearney-Nunnery, Torgersen, Martin January 24, 2003                Charleston                              Kearney-Nunnery, Whiting, Jenkins January 31, 2003                Columbia                              Everyone February 6, 2003                Greenville                              White, Newton	
Stephanie Burgess reported that the task force is working on Draft 27. She will be meeting with Mr. Wilson and Mr. Barnwell to work out areas needing further work. Ms. Burgess will appear before the Board of Medical Examiners in February 2003 to discuss the final draft.	<b><u>APRN REVISION UPDATE</u></b>
The Board reviewed draft language for the continued competency section of the Nurse Practice Act. The Board asked that the following changes be made: <ul style="list-style-type: none"><li>• "biennially" be added in (B) and (B)(1).</li><li>• Add (B)(5) to read, "self-assessment of identified competency based on number of practice hours.</li><li>• Add "number of hours practiced" to (B)(4) and (C)(4)</li></ul>	<b><u>CONTINUED COMPETENCY</u></b>
<b><u>NURSE CONSULTANT –PRACTICE</u></b>	
Advisory Opinion 44 The Nursing Practice and Standards Committee was asked by medical center representatives whether "it is within the scope of practice for an RN to place Cytotec	<b><u>RECOMMENDED NEW/REVISED ADVISORY OPINIONS</u></b>

(misoprostol) intravaginally for induction of labor in a patient with a viable fetus?" A task force was formed to research the issue. The Committee found that use of Cytotec intravaginally for induction of labor with a viable fetus should be performed only by the provider (physician or CNM), because the medication is formulated only for oral administration, becomes a dosage accuracy problem when broken for intravaginal insertion, is primarily indicated for treatment of gastrointestinal ulcers and has been associated with a significant number of ruptured uterus, miscarriage and bleeding. The Committee voted unanimously to recommend that this practice question be addressed by a new advisory opinion.

A motion was made to approve Advisory Opinion 44 as presented. The motion received a second. The motion carried unanimously.

**MOTION**

**Advisory Opinion 10 a & b**

At the September 2002 Board Meeting, the Board reviewed major rewrites recommended for Advisory Opinion 10ab, which address the scope of practice for both the registered nurse (RN) and licensed practical nurse (LPN) with administration of peripheral and central therapies/procedures. The Board returned the advisory opinion to the Committee for review. The Committee removed the word "central" from Advisory Opinion 10b regarding LPNs and added "Central line therapies/procedures require that an RN must be immediately available on site for supervision."

A motion was made to approve Advisory Opinion 10ab as presented. The motion received a second. The motion carried unanimously.

**MOTION**

**REGULATORY COMPLIANCE MANAGER**

The Board reviewed and discussed the Minutes of the October 10, 2002 Disciplinary Review Committee (DRC).

**DISCIPLINARY REVIEW COMMITTEE**

A motion was made to approve the October 10, 2002 Disciplinary Review Committee (DRC) Minutes with the removal of Dr. Whiting and Ms. Jenkins names as being in attendance. The motion received a second. The motion carried unanimously.

**MOTION**

The Board reviewed cases and recommendations from the hearing panel. Respondents appeared before the Board.

**CERTIFIED PANEL REPORTS**

6.2a LPN – Respondent was properly notified but did not appear and was not represented by counsel. In their Conclusions of Law, the Hearing Panel found that Respondent was in violation of S.C. Code Ann. §§40-33-935(a), (b), (g); 40-40-1(i) and Regulations 91-19 (c)(2), (c)(3)(c), and (c)(3)(f). The Hearing Panel Recommended that Respondent's license be placed on two-years probation with the condition of entering the Recovering Professionals Program (RPP).

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendations of the hearing panel. The motion received a second. The motion carried unanimously.

**MOTION**

6.2b LPN – Respondent was properly notified but did not appear and was not represented by counsel. In their Conclusions of Law, the Hearing Panel found that Respondent was in violation of S.C. Code Ann. §40-33-935(g) and Regulation 91-

19(c)(2). The Hearing Panel recommended that Respondent receive a Private Reprimand before Respondent is allowed to renew the lapsed license, Respondent must attend a refresher course on medication administration and a legal aspects workshop.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendations of the hearing panel. The motion received a second. The motion carried unanimously.

6.2c LPN – Respondent was properly notified. Respondent appeared without counsel to respond to questions from the Board. In their Conclusions of Law, the Hearing Panel found that Respondent was in violation of S.C. Code Ann. §40-33-935(g) and Regulation 91-19(c)(2) and (c)(3)(b). The Hearing Panel recommended that the Respondent be issued a Public Reprimand and be required to successfully complete a Board approved medication course.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendations of the hearing panel. The motion received a second. The motion carried unanimously.

6.2d LPN – Respondent was properly notified. Respondent appeared without counsel to respond to questions from the Board. In their Conclusions of Law, the Hearing Panel found that Respondent was in violation of S.C. Code Ann. §40-33-935(g) and Regulation 91-19(c)(3). The Hearing Panel recommended that Respondent's licensed be placed on six months probation, attend an anger management course, and work in a board approved setting with on-site/on-shift registered nurse supervision, no home health and quarterly employer reports.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendations of the hearing panel. The motion received a second. The motion carried unanimously.

6.2e LPN - Respondent was properly notified but did not appear and was not represented by counsel. In their Conclusions of Law, the Hearing Panel found that Respondent was in violation of S.C. Code Ann. §40-33-935(g) and Regulation 91-19(c)(3)(k). The Hearing Panel recommended that Respondent's license be revoked.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendations of the hearing panel. The motion received a second. The motion carried unanimously.

The Board reviewed and discussed four consent agreements issued for unlicensed practice since the September 2002 Board Meeting.

A motion was made to approve the Unlicensed Practice as presented. The motion received a second. The motion carried unanimously.

#### NURSE CONSULTANT – EDUCATION

Ms. Martin recused herself from discussion and voting as she serves on the York Technical College Advisory Committee. Denise Roberts of the Lancaster Vocational Center appeared before the Board as well as Mary Anne Laney, Carolyn Stewart and

**MOTION**

**MOTION**

**MOTION**

**MOTION**

**UNLICENSED PRACTICE**

**MOTION**

**LANCASTER VOCATIONAL CTR PN PROGRAM CLOSING /**

Gena Misle from York Technical College. Ms. Stewart reported that in July 2003 the Lancaster Vocational Center Practical Nursing Program is voluntarily closing due to budget cuts. York Technical College is proposing to offer their practical nursing program as a satellite program in Lancaster. The curriculum offered at this location will be the same as the practical nursing program of the Associate Degree Nursing Program with the substitution of BIO 112 Basic Anatomy and Physiology for BIO 210 Basic Anatomy and Physiology I as well as substituting AHS 125 Allied Health Sciences for BIO 211 Basic Anatomy and Physiology II.

A motion was made to approve satellite campus following the closing of Lancaster Vocational Center Practical Nursing Program with York Technical College offering practical nurse programs. The motion received a second. The motion carried unanimously.

A motion was made to allow substitution of two biology courses in this practical nursing program. The motion received a second. The motion carried unanimously.

**YORK TECHNICAL  
COLLEGE SATELLITE  
PN PROGRAM**

**MOTION**

**MOTION**

Dr. Whiting recused herself from voting to speak to the Board as Interim Chair, Department of Nursing at South Carolina State University. It was noted that a quorum was still present. In attendance from South Carolina State University (SCSU) were: Interim University President Ernest A. Finney, Jr., Dr. Leola Adams, Dean-School of Applied Professional Services, John Wilson, Chairman of Academic Affairs Committee, and Dr. Sylvia Whiting. In 2001, the SCSU nursing education program was placed given conditional approval in 2001, which will expire January 2003. In May and July 2002, the Board deferred action on SCSU NCLEX pass rate deficiencies until their November 2002 Meeting pending results on additional graduates. President Finney stated that SCSU administration and board of trustees are aware of the importance of this program. SCSU has entered into a cooperative agreement with the Medical University of South Carolina and the support of the community. Tom Dandridge, President of the Regional Medical Center reported that they have invested \$150,00 in the program offering scholarships. John Wilson, Chairman of the Academic Affairs Committee and member of the SCSU Board of Trustees, reported that his Committee and the Board of Trustees give their full support to this program. Several current and graduates of SCSU spoke in support of the program and changes being made. Dr. Adams, Dean, School of Applied Professional Sciences reported that they have two options at this time. Option 1: SCSU would modify the program, current students would continue with the curriculum they began adding targeted experiences to pass the NCLEX; there will be new comprehensive testing with continued testing and remediation until a student is ready to attempt the NCLEX. Option 2: SCSU would voluntarily close the current program to transition to modified program. Dr. Adams explained that Option 2 would have an immediate and long term effect on the nursing shortage; SCSU faculty would be lost; student morale would be down; and the Commission on Higher Education would require 5 years to produce first graduates under the new program. Dr. Adams asks the Board to strongly consider Option 1.

The Board asked Mr. Wilson, Board Counsel, what choices they have under current law. Mr. Wilson explained that the law allows for only one conditional approval.

Mr. Rogers stated that the NCLEX is the measure of minimal competency for practice and that the Board also has responsibility for the program. He further stated that nothing about closing the programs fulfills the Board's mission of ensuring safe

**SOUTH CAROLINA  
STATE UNIVERSITY  
(SCSU)**

<p>and effective nursing practice because of NCLEX.</p> <p>A motion was made to go into executive session to receive legal counsel. The motion received a second. The motion carried unanimously.</p> <p>A motion was made to return to public session. The motion received a second. The motion carried unanimously.</p> <p>Motion: Due to current restrictions of regulation, we reluctantly accept Option 2. We recognize major modification of the nursing curriculum that has occurred and the Nursing Board will waive the 18-month requirement of 91-24A. We will formally request LLR (SC Department of Labor, Licensing and Regulation) to petition the Commission on Higher Education to similarly waive their time requirements for implementation of a new curriculum for fall 2003. The motion received a second. The motion carried unanimously.</p>	<p><b><u>MOTION</u></b></p> <p><b><u>MOTION</u></b></p> <p><b><u>MOTION</u></b></p>
<p>Midlands Technical College is requesting approval to employ a faculty member without a master's degree in nursing. Midlands Technical College requests to hire Becky Norman-Eck, a bachelor's prepared nurse, as full-time faculty at their school. Ms. Norman-Eck has a bachelor's of arts in psychology from Western Connecticut State University and a bachelor's of science in nursing from the University of South Carolina. She has been accepted in the Duke University master's program beginning in January 2003. With Board approval, as condition of her employment, Ms. Norman-Eck will be required to take at least three courses a year, receive a "B" or higher on all course work and carry a full time faculty load. Her responsibilities would include clinical, some classroom teaching and she will be paired with a faculty mentor and not responsible for coordinating a course.</p> <p>A motion was made to approve Becky Norman-Eck as a faculty member at Midlands Technical College provided she take at least three courses a year and receive a "B" or higher on all course work. The motion received a second. The motion carried unanimously.</p>	<p><b><u>MIDLANDS TECHNICAL COLLEGE ADN- FACULTY APPROVAL</u></b></p> <p><b><u>MOTION</u></b></p>
<p style="text-align: center;"><b><u>NURSE CONSULTANT – LICENSING</u></b></p>	
<p>The summary of licensure recommendations approved by the Administrator and Program Nurse Consultant since the September 2002 Board meeting were approved on the Consent Agenda as well as the announcement of non-routine application reviewed and approved by the Administrator and Program Nurse Consultant.</p>	<p><b><u>LICENSURE RECOMMENDATIONS/ ANNOUNCEMENTS</u></b></p>
<p style="text-align: center;"><b><u>FRIDAY, NOVEMBER 22, 2002</u></b></p>	
<p>9.1 NCLEX-PN Candidate. Candidate was properly notified and appeared without counsel to respond to questions from the Board.</p> <p>A motion was made to allow candidate to take the NCLEX-pn and be licensed as a licensed practical nurse in South Carolina. The motion received a second. The motion carried unanimously.</p>	<p><b><u>SPECIAL APPEARANCES</u></b></p> <p><b><u>MOTION</u></b></p>
<p>9.2 NCLEX-PN Candidate. Candidate was properly notified and appeared without counsel to respond to questions from the Board.</p>	

A motion was made to allow candidate to take the NCLEX-PN and be licensed as a licensed practical nurse in South Carolina with a public agreement placing license on one year probation, Board approved work setting with on-shift registered nurse supervision, no home health, no locum tenem, traveling or per diem employment and quarterly employer reports. The motion received a second. The motion carried unanimously.	<b><u>MOTION</u></b>
A motion was made to adjourn the meeting at 10:45 a.m. on November 22, 2002. The motion received a second. The motion carried unanimously.	<b><u>ADJOURNMENT</u></b>
Respectfully Submitted, Dottie Buchanan, Administrative Assistant	