

**South Carolina Board of Nursing**

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Samuel McNutt, President of the South Carolina State Board of Nursing called the January meeting to order at 8:33 a.m. on December, 2018. Public notice was properly posed at the Board offices, as well as on its website. A copy was provided to all requesting persons, organizations and news media agencies in compliance with the SC Freedom of Information Act. A quorum was present at all times.

Member	Representing		COMMITTEE MEMBERS PRESENT & VOTING
Samuel McNutt, RN, CRNA, MHSA	Board of Nursing President 5 <sup>th</sup> Congressional District	Present	
Kay Swisher, RN, MSN	Board of Nursing Vice-President 3 <sup>rd</sup> Congressional District	Present	
Karen Hazzard, MSN, RN, NEA-BC	Board of Nursing Secretary 7 <sup>th</sup> Congressional District	Present	
Jacqueline L. Baer, RN, D-NP	1 <sup>st</sup> Congressional District	Present	
Eric Sellers, RN	2 <sup>nd</sup> Congressional District	Excused	
Jan Burdette, LPN	At-Large, LPN	Excused	
Sallie Beth Todd, RN, MSN-Ed	4 <sup>th</sup> Congressional District	Present	
Neil B. Lipsitz	Public Member	Present	
Vacancy	6 <sup>th</sup> Congressional District	Vacant	
Vacancy	At-Large, LPN	Vacant	
Vacancy	Public Member	Vacant	

Carol Moody, Administrator, Board of Nursing (Not Present)	LLR STAFF PRESENT
Bob Horner, Advice Counsel for the Board of Nursing	
Christie Watson, Board of Nursing Program Assistant	
Jennifer Draper, Board of Nursing Administrative Coordinator	
Mindy Carithers, Nurse Practice Consultant, Board of Nursing	
Peter Kubas, Nurse Education Consultant, Board of Nursing	
Tina Brown, Assistant Disciplinary Counsel	
Shanika Johnson, Assistant Disciplinary Counsel	
Princess Hodges, Assistant Disciplinary Counsel	
Erin Baldwin, Assistant Disciplinary Counsel	
Prentiss Shealey, Assistant Disciplinary Counsel	
Rowland Alston, Assistant Disciplinary Counsel	
Megan Flannery, Assistant Disciplinary Counsel	
Mark Sanders, Chief Investigator, Office of Investigations and Enforcement	
Gary Haygood, Court Reporter	

**EXCUSED ABSENCE:**

Motion to excuse Mr. Sellers from the meeting. Motion carried.

#### **APPROVAL OF AGENDA:**

Motion to approve agenda with addition of case 2018-46 to the agenda. Motion carried.

#### **OFFICE OF INVESTIGATIONS AND ENFORCEMENT:**

Chief Investigator Mark Sanders presented the Investigative Review Committee Report for approval.

Motion to approve 14 Dismissals. Motion carried.

Motion to approve 17 Formal Complaints. Motion carried.

Motion to approve 12 Letters of Caution.

#### **ADMINISTRATOR'S REPORT:**

Motion to approve Ms. Carithers to attend the EBAS Conference. Motion carried.

Motion to approve Mr. Lipsitz to represent the Board at the Seizure Safety meeting. Motion carried.

Motion to authorize legal counsel and the Board officers to prepare an Advisory Opinion related to 40-33-42.

Motion carried.

Motion to table approval of the Advisory Opinion related to APRN Schedule II Narcotics until the January meeting. Motion carried.

Motion to table the revision of the Joint Pain Management Guidelines until the January meeting. Motion carried.

Motion to allow legal counsel to update the Discipline Sanction Guidelines. Motion carried.

#### **CLEMSON UNIVERSITY:**

Dr. John Whitcomb and Dr. Ann Wetsel appeared before the Board to request approval of an additional location in a study abroad program. After reviewing the information provided in advance of the meeting and hearing the testimony of Dr. Whitcomb and Dr. Wetsel, the Board asked follow-up questions and a motion was made to approve the request. The motion carried.

#### **DISCIPLINARY HEARINGS:**

Respondents appeared before the Board to determine disciplinary actions. Hearings are conducted in Closed Session to meet the statutory requirement that disciplinary actions remain confidential.

2015-486: Motion to approve the Panel Hearing Recommendation. Motion carried.

2017-52 & 2017-54: Motion to deny the request for modification. Motion carried. Motion to accept the Memorandum of Agreement with the issuance of the following sanctions: public reprimand; compliance with RPP; completion of the following courses: Legal Aspects, Ethics, and Critical Thinking, to be completed within six months; all prior conditions of the previous Consent Agreement remain in effect. Motion carried.\*

Held- Motion to accept the Memorandum of Agreement with a finding of violations of 40-33-110(A)(3) and (A)(9) and revocation of licensure.\*

2018-46: Motion to accept the Memorandum of Agreement with the following sanctions: continuance with RPP and full compliance; suspension with immediate stay; a \$500 civil penalty; completion of the Legal Aspects and Ethics courses, all due within six months of the date of the order. Motion carried.\*

Baker- Motion to accept the Memorandum of Agreement and lift the current suspension with the following sanctions: public reprimand; suspension for one year with immediate stay; continued compliance with RPP; civil penalty in the amount of \$500 due within six months of the order; completion of the following courses within six months of the date of the order: Legal Aspects and Ethics. The license will be single-state. Motion carried.\*

2016-725: Motion to grant request for modification. Motion carried with one member opposed.

2017-007: Motion to accept the Panel Hearing Recommendation as a Final Order. Motion carried.

2017-47: Motion to accept the Final Order Hearing Panel Recommendation as presented. Motion carried.

2017-426: Motion to accept the Hearing Panel's Final Order Recommendation. Motion carried.

2018-346: Motion to accept the Memorandum of Agreement with the following sanctions: public reprimand with probation; quarterly reports and worksite approval for one year; controlled substance restriction at the discretion of the director of nursing for two years; suspension with immediate stay for one year; continuance with RPP; civil penalty in the amount of \$500 due within six months; completion of the Legal Aspects and Ethics courses within six months. The license will be single-state. Motion carried.\*

2016-437: Motion to accept the modification request to include supervision by the RN, the APRN, the MD and the DO, with denial of all other modification requests. Motion carried.\*

2014-326: Motion to deny the request for modification. Motion carried.\*

2017-388: Motion to accept the Memorandum of Agreement with the finding of a violation of 40-33-110(A)(10) and the issuance of the following disciplinary sanctions: a public reprimand; a suspension for one year; evaluation by RPP and compliance with their recommendations with a minimum of one year of monitoring; civil penalty in the amount of \$2,000 to be paid within 12 months of the order; completion of the following courses within six months of the order: Legal Aspects; Ethics; Medication Errors; Documentation; Critical Thinking. After the suspension of one year is completed, the Respondent may reappear before the Board for consideration of reinstatement of licensure. Motion carried.\*

2017-122: Motion to dismiss. Motion carried. *Dr. Baer recused from this matter.*

2018-15: Motion to issue a Letter of Caution. Motion carried.\*

2017-340: The Respondent was not present for the scheduled hearing. Motion to postpone the hearing until the Respondent is present and complies with the previous Board Ordered Evaluation. Motion carried.

Lawyer- Motion to accept the Memorandum of Agreement with the issuance of the following disciplinary sanctions: private reprimand; civil penalty in the amount of \$250 due within six months of the order; completion of the following courses within six months of the order: Legal Aspects, Ethics, Documentation, and Critical Thinking. Motion carried.\*

2018-201: Motion to issue a Letter of Caution. Motion carried.

2018-46: Motion to accept the Memorandum of Agreement with the following sanctions: a one year suspension with immediate stay; issuance of a public reprimand; civil penalty in the amount of \$1,000 due within one year; completion of the following courses within one year: Legal Aspects, Ethics, and Critical Thinking. Motion carried.\*

2018-217: Motion to accept the Memorandum of Agreement with a finding of violation of 40-1-110(1)(f) and issuance of the following sanctions: suspension with immediate stay; public reprimand; civil penalty in the amount of \$500 due within six months; completion of the following courses due within six months: Legal Aspects, Ethics, Documentation, and Critical Thinking. Motion carried.\*

#### **WAIVED FINAL ORDER HEARINGS:**

2015-466: Motion to accept the Panel's Recommendation. Motion carried.

#### **ADMINISTRATIVE REVIEW REPORT:**

Ashley Thompson, Assistant Disciplinary Counsel, presented the Administrative Review Report for the Board's review and approval.

2016-789: Motion to accept the Letter of Caution. Motion carried.

2018-80: Motion to issue a Letter of Caution. Motion carried.

2016-479: Motion to accept recommendation to dismiss. Motion carried.

2015-135: Motion to issue a Letter of Caution. Motion carried.

2017-676: Motion to accept the Letter of Caution. Motion carried.

2017-218: Motion to accept the Letter of Caution. Motion carried.

2017-396: Motion to accept the Letter of Caution. Motion carried.

2017-150: Motion to accept the Letter of Caution. Motion carried.

Motion to adjourn. Motion carried.

\* Indicates that the Board entered into Executive Session for the purpose of receiving legal counsel. No official actions were taken while in Executive Session.