

# South Carolina Department of Labor, Licensing and Regulation

Board of Nursing

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Emily H. Farr Director

Governor

# CALL TO ORDER, PLACE OF MEETING & FOIA COMPLIANCE:

Samuel McNutt, President of the South Carolina State Board of Nursing called the January meeting to order at 8:30 a.m. on January 24, 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		
Samuel McNutt, RN, CRNA, MHSA	Board of Nursing President	Present	COMMITTEE MEMBERS PRESENT & VOTING
	5 <sup>th</sup> Congressional District		
Kay Swisher, RN, MSN	Board of Nursing Vice-President	Present	
	3 <sup>rd</sup> Congressional District	<u> </u>	
Karen Hazzard, MSN, RN, NEA-BC	Board of Nursing Secretary	Present	
	7 <sup>th</sup> Congressional District	<u> </u>	
Jacqueline L. Baer, RN, D-NP	1st Congressional District	Excused	
Eric Sellers, RN	2 <sup>nd</sup> Congressional District	Present	
Jan Burdette, LPN	At-Large, LPN	Excused	
Neil B. Lipsitz	Public Member	Present	
Vacancy	4 <sup>th</sup> Congressional District	Vacant	
Vacancy	<u> </u>	Vacant	
Vacancy	6 <sup>th</sup> Congressional District At-Large, LPN	Vacant	
Vacancy	Public Member	Vacant	
Vacancy Public Member Vacant Carol Moody, Administrator, Board of Nursing			
Adam Russell, Advice Counsel for the Board of Nursing			LLR STAFF PRESENT
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			
Tina Behles, Court Reporter			

## **EXCUSED ABSENCES:**

Ms. Hazzard made a motion to excuse Dr. Baer and Ms. Burdette. Mr. Sellers seconded the motion and it carried unanimously.

## **APPROVAL OF AGENDA:**

Ms. Swisher made a motion to approve the Agenda with the exception of moving the education component to the first appearance item. Mr. Sellers seconded the motion and it carried unanimously.

## **APPROVAL OF CONSENT AGENDA:**

Ms. Hazzard made a motion to approve the Consent Agenda. Mr. Sellers seconded the motion and it carried unanimously.

Consent Agenda Items:

- a) Budget
- b) 2017 4th Quarter NCLEX Results
- c) CE Broker Update
- d) RPP Quarterly Report
- e) Letter to Governor McMaster from the SCANA
- f) NCSBN News Release about the eNLC Implementation

## **APPEARANCES:**

# FLORENCE DARLINGTON TECHNICAL COLLEGE

## Follow-Up to Citation for 2016 NCLEX Pass-Rate Deficiency

Cary Dowdy, Associate Administrator for the Nursing program at Florence Darlington Technical College (FDTC) appeared before the Board to provide an update on the program. FDTC previously appeared before the Board in May 2017 and were asked to reappear before the Board once the 2017 NCLEX scores were available.

Ms. Dowdy stated that this deficiency and the nursing program are a priority for the school and listed some of the changes implemented to address the deficiency to include: faculty changes, implementation of a rigorous remediation program required for all students who are unsuccessful in any nursing course, changes to the curriculum to provide more balance, implementing HESI into all courses, adaptive testing and the requirement to hit course-level progress, implementation of a mid-curricular program exam after completion of the third semester for every cohort with enrollment in mandatory remediation for all students who are unsuccessful, mandating HESI exams to be ten percent of the course grade throughout the program, among other testing and monitoring changes.

Ms. Dowdy states that the cohort that graduated in May was not able to benefit fully from the changes that have been implemented, but that the August graduating class has shown significant improvement and that she believes that the upward trend will continue.

After the presentation, the Board had several follow-up questions. Ms. Dowdy assured the Board that the scores will continue to rise in part because the admission requirements were raised to require the program GPA to be 2.5 for admission, which was raised from 2.0. Further, previously an individual interested in admission to the Nursing program could repeat Biology and be eligible for admission so long as they were ultimately successful. Now, if any Biology course is failed more than twice, the individual is not eligible for

application. Ms. Dowdy also stated that they are now requiring a proficient score in reading, math and science on the TEAS exam, whereas before the individual needed only to be proficient overall. This has resulted in a decrease in admission for the prior two cohorts, and Ms. Dowdy stated that they are finding that only a third of the applicants are eligible for admission. Ms. Dowdy assured the Board that even with the decrease in admission, the school is committed to not making exceptions to the admission requirements going forward.

The Board also asked a clarifying question regarding the NUR 267 course and the faculty change listed in the materials. Ms. Dowdy stated that the NUR 267 class was previously a clinical component and is now a preceptor-based component, which they feel is more appropriate so that the students can apply their critical thinking skills to learn to function as a nurse while still under supervision. Ms. Dowdy further stated that the students now experience a one on one clinical experience rather than the eight to one clinical experience that they received in the past.

The Board also asked about class size and Ms. Dowdy stated that there are currently 45 students in the fifth semester, 40 students in the fourth semester, 45 in the third semester, 52 enrolled to begin the Nursing program in the next semester. Ms. Dowdy stated that senior nursing students must take the RN exit exam through HESI and then must do remediation throughout the semester in addition to their capstone, their senior course and their preceptorship. Remediation must be completed at 100 percent, and then when completed the student takes another RN exit exam and that counts towards 20 percent of their grade. Ms. Dowdy also reviewed some of the training measures that they have implemented for their faculty to make curriculum more consistent.

### **Motions:**

Ms. Hazzard make a motion to enter into Executive Session for the purpose of receiving legal counsel. Mr. Lipsitz seconded the motion and it carried unanimously.

Ms. Swisher made a motion to leave Executive Session. Mr. Lipsitz seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

After resuming public session, the Board inquired about the school's accreditation through ACEN. Ms. Dowdy stated that ACEN is aware of their NCLEX pass rate and that quarterly reports are provided. Ms. Dowdy stated that FDTC was reaccredited through 2021 in October 2016.

Mr. Lipsitz made a motion to accept the material as information, and to move Florence-Darlington Technical College's Board approval from full to conditional, with a return appearance before the Board in September with the NCLEX results for the May graduating class. Ms. Swisher seconded the motion and it carried unanimously.

## **ECPI UNIVERSITY CHARLESTON CAMPUS PRACTICAL NURSING PROGRAM**

## Response to 5 Year Site Review

Joye McElroy and James Weaver appeared before the Board representing ECPI University's Practical Nursing Program in response to the 5 year site review conducted on August 9, 2017. The Site Report was approved by the Advisory Committee on Nursing Education (ACONE) and was provided in advance of the meeting to the Board Members for their review, along with a response to the Site Report provided by ECPI.

The Board inquired about clinical sites, the number of students enrolled in the program, and whether there are any planned changes to the program. Ms. McElroy stated that ECPI is very proud of their 100 percent NCLEX pass rate and that she believes that it is evident in their curriculum and the activities on campus. She further stated that she is pleased with the wide variety of clinical experiences available for students and that there are currently seventy-seven students enrolled in the program. No program changes are planned at this time.

Mr. Sellers made a motion to enter into Executive Session for the purpose of receiving legal counsel. Ms. Hazzard seconded the motion and it carried unanimously.

Mr. Sellers made a motion to leave Executive Session. Ms. Swisher seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Ms. Hazzard made a motion to accept the information as presented and to grant continuation of Board approval for the program. Mr. Sellers seconded the motion and it carried unanimously.

## **NEWBERRY COLLEGE BACHELOR OF SCIENCE IN NURSING PROGRAM**

# Follow-Up to Citation for 2016 NCLEX Pass-Rate Deficiency

Dr. Betsy McDowell, Dr. Timothy Ellison and Dr. Maurice Scherrens appeared before the Board representing Newberry College's Bachelor of Science in Nursing Program. Drs. McDowell, Ellison and Scherrens were previously before the Board at the September 2017 Board of Nursing Meeting and were asked to return to provide an update on the tasks and activities undertaken to improve NCLEX scores.

The Board asked Dr. McDowell to provide an update and Dr. McDowell began by reviewing the parts of the Newberry College action plan that have already been implemented. Dr. McDowell stated that Newberry College has implemented a boot camp spring training session, is now including NCLEX style questions in all nursing courses, utilizes ATI resources throughout the curriculum, has implemented formal NCLEX preparation and readiness activities thought the final semester of the nursing program, has converted to computerized testing for unit tests and final exams within all of their courses, and has been successful in maintaining their clinical partnership with Lexington Medical Center and low faculty turnover.

Dr. McDowell further stated that their admission requirements were updated form a cumulative GPA of 2.75 to a pre-nursing GPA of 2.75 effective with the 2017 graduating class. The grading scale will be updated in the fall of 2018 for all nursing courses with the "C" grade to move from a score of 75 to 78 and the remaining grade ranges will be increased accordingly. Other changes planned to strengthen admission criteria include emphasizing the importance of a solid science background. The minimum pre-nursing GPA calculated on the 11 required pre-nursing courses will increase from a 2.75 to a 3.0 for acceptance into the nursing major. A minimum science subscore of 50 will be added to the current requirement of a minimum cumulative score of proficient on the ATI TEAS exam, and a minimum science GPA of 3.0 on the four required pre-nursing science courses of Human Anatomy and Physiology I and II, Microbiology, and Chemistry will be added to the admission criteria.

Based on the ATI comprehensive predictor exam, a content review based on the weak areas of the class as a whole was conducted, and included information about test-taking and anxiety control strategies.

After meeting with the Board in September 2017, Newberry College administration consulted with ATI staff as well as the nursing programs at Anderson University, Clemson University and Greenville Technical College to learn about approaches that those schools have utilized to foster NCLEX-RN success. Based on those meetings, Dr. McDowell stated that Newberry College has increased their usage of ATI practice and remediation activities and have established a complete partnership with ATI integration into all of their nursing courses. Some of the other activities and actions that have been adopted include handwritten reviews and three critical point assignments to promote student retention of information. Dr. McDowell further stated that to make the testing environment more reflective of the NCLEX exam, all unit tests and final exams are cumulative, administered on the computer with questions presented individually in random order without the ability to return to previous questions in a cubicle-style setting where possible, and timed. After the previous meeting with Board, departmental polices were set to implement deadlines of November 1st and April 1st for withdrawing from all nursing courses with the intent to return the following semester. Further, pre-scheduled

help sessions outside of normal class times were held during the fall semester instead of the occasional sessions that were held on an as needed basis in the previous semesters. Dr. McDowell stated that they have plans to further expand those sessions in spring semester.

Dr. McDowell stated that Newberry College also brought in a member of the ATI staff to provide a test-taking strategies workshop for all nursing students, including current seniors. A science mini course to begin with the ATI Anatomy and Physiology practice exam has been implemented during the first two and a half weeks of the semester. After completing student focused reviews, another assessment is held and faculty will use the results when making decisions regarding preparation and homework assignments in the applicable nursing courses. Going forward both the test-taking strategies workshop and the science mini course will be implemented into the program during the first semester of nursing programs for juniors and will be repeated as needed for remediation.

Dr. McDowell again reviewed some of the ways that ATI resources have been incorporated into the curriculum by reviewing information about the Nursing 420 course which includes the eight week ATI capstone program and progresses through to graduation and ends when the student's virtual ATI tutor provides the "green light" for testing. This makes students who are unsuccessful the first time on the NCLEX exam eligible for guaranteed remediation with a virtual ATI tutor free of charge. Newberry College is holding a comprehensive three day ATI live review midway through the virtual ATI program and prior to the ATI comprehensive predictor assessment. Newberry College will also host a Hurst review course at their campus free of charge following graduation. This course also includes 100 hours of remediation activities to be completed following the course and prior to taking the NCLEX. Students sign a contract agreeing to return to campus for the Hurst review and agreeing that they will not take the NCLEX exam until they have received the "green light" from their virtual ATI tutor.

Dr. McDowell shared that a four day faculty development workshop is planned for the spring to focus on test construction, administration and analysis, clinical reasoning to include Lexington Medical Center clinical instructors, and either simulation or active learning strategies.

After Dr. McDowell's presentation, the Board Members had follow-up questions. First, the Board inquired about ways in which these strategies were implemented for current seniors with a projected May graduation date, and Dr. McDowell responded that all of the students graduating in May will have the benefit of the items discussed during her presentation and are subject to the learning contract. The Board asked Dr. McDowell how she projects the class as a whole to perform on the NCLEX and she stated that there are 14 students in the May graduating class and all students are at or above the passing standard at the current time. The Board asked how Dr. McDowell thinks the information provided will increase scores given the low scores of the previous graduating classes. Dr. McDowell responded that their focus is getting students to pass the NCLEX the first time, rather than through subsequent attempts given their high success rate when students are unsuccessful the first time. The Board then asked Dr. McDowell what attributed to a high second time pass rate for students and about the remediation that occurs between the failure and the subsequent pass. Dr. McDowell stated that in the past students viewed successful completion of the program as an indicator of NCLEX success and that they thereby suspended NCLEX preparation. Dr. McDowell states that they are trying to change that mindset so that students understand that they must keep up the momentum of test preparation activities until they test. Dr. McDowell said that they are trying to emphasize the best-practice that Hurst states with a minimum of 100 hours of preparation activities between graduation and testing for all candidates, not just those that need remediation. She further stated that while they are encouraging students to take the test as soon as possible after graduation, that they are also emphasizing the importance of waiting for the "green light" from their ATI tutor prior to testing. The Board then inquired about extracurricular activities and made reference to feedback given during a prior Board of Nursing Meeting surrounding the issue of extracurricular activities. Dr. McDowell stated that based on that prior feedback, every semester students are reminded of the impact that extracurricular activities can have on program success and ultimately NCLEX testing success and that faculty tracks those activities and the subsequent NCLEX scores. She further stated

that for the two recent cohorts there has not been a high correlation between the extracurricular activities and the subsequent NCLEX score.

## **Motions:**

Ms. Swisher made a motion to enter into Executive Session for the purpose of receiving legal counsel. Ms. Hazzard seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to leave Executive Session. Mr. Seller seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

After resuming public session, the Board inquired about the school's accreditation through CCNE and whether or not they were aware of the pass rate. Dr. McDowell stated that CCNE was aware of the current pass rate, but that Newberry College falls within their requirements that at least 80 percent of graduates pass within one year of graduation, and clarified that CCNE looks at all test takers, not just first time test takers. Dr. McDowell stated that Newberry College was reaccredited effective in 2015 for ten years.

Ms. Swisher made a motion to accept the information presented and to continue conditional status with a return appearance before the Board in September with the NCLEX results for the May graduating class. Mr. Sellers seconded the motion and it carried unanimously.

## **PRACTICE**

# **Updates from the Nursing Practice and Standards Committee**

Lena Warner, Chairperson for the Nursing Practice and Standards Committee (NPSC) appeared before the Board to present Advisory Opinions and Position Statements that were reviewed and/or revised by the committee.

### **Position Statements:**

Assisting with Medications- Ms. Warner stated that this Position Statement was reviewed with no changes.

Delegation of Nursing Tasks to Unlicensed Assistive Personnel- Ms. Warner stated that there was a slight editorial change for consistency to read "State Board of Nursing for South Carolina." The phrase "the issues surrounding delegation are complex and multifaceted" was deleted because the committee felt that it was unnecessary.

## **Advisory Opinions:**

AO 11- Ms. Warner stated that there were slight editorial changes that were made for consistency and reviewed the other revisions that were made for clarity.

AO 28- Ms. Warner stated that there were slight editorial changes for consistency to read "State Board of Nursing for South Carolina" and correction of a typo.

AO 30- Ms. Warner stated that the Advisory Opinion was reviewed with no changes noted.

AO 47- Ms. Warner stated that editorial changes were made for consistency to include use of the word "acknowledges" rather than "has determined." "The OSHA Respiratory Protection standard in accordance with" was also updated to make the response flow better. The RN was able to approve the client for an ongoing respirator if there were no changes in their condition after their medical evaluation was also updated.

AO 55- Ms. Warner stated that they have deferred this Advisory Opinion to a subsequent meeting.

Ms. Warner than provided an update on the status of the reviews and stated that there were Advisory Opinions in the Advanced Practice Committee and Advisory Committee on Nursing Education to be updated and that

NPSC has some school nurse related Advisory Opinions to complete once a school nurse representative joins the committee.

### **Motions:**

Ms. Hazzard made a motion to approve all of the Position Statements and Advisory Opinions as presented with the exception of Advisory Opinion 55, which has been deferred. Mr. Sellers seconded the motion and it carried unanimously.

# **EDUCATION REPORT**

Peter Kubas, Nurse Education Consultant for the Board of Nursing appeared before the Board to present his Education Report.

# Request for Acceptance of Pharmacological Continuing Education for RN Renewal

Ms. Kubas stated that the Board has Pharmacology education requirements and that he is recommending that the Accreditation Counsel for Pharmacy Education, the American Psychological Association and the National Association for Pediatric Nurse Associates and Practitioners, which are cohorts of either the ACCME or ANCC be added to the list of approved providers, which is posted on the Board's website.

### **Motions:**

Ms. Hazzard made a motion to approve the three designations as submitted. Mr. Lipsitz seconded the motion and it carried unanimously.

# **APRN Certification- Updated List of ANCC Certifications**

Mr. Kubas then reviewed the changes and additional certifications available from the Board-approved national certifying bodies for Advanced Practice Registered Nurses. Mr. Kubas presented a list of certifications which includes those newly added to the Board for their approval.

## **Motions:**

Ms. Hazzard made a motion to approve the highlighted ANCC certifications as presented. Mr. Sellers seconded the motion and it carried unanimously. Note: for ease of review by the Board Members, in the document provided for their review the additional courses discussed are highlighted.

## **Continuing Education Review Applications**

Mr. Kubas provided three Continuing Education Review Applications to the Board for feedback. Mr. Kubas stated that those individuals completing the application had received continuing education from an organization that is not currently Board-approved. Mr. Kubas states that the applications all revolve around the area of transplant nursing. Two of the individuals included a conference from the International Transplant Nurse Society and the other attended a conference from the Georgia Transplant Foundation, which falls under the International Transplant Nurse Society. In a statement as to what constitutes continuing education, the ANCC notes that it is the progression of the profession of nursing, whether in academics, whether it is clinical and whether it is research. Based on that definition, Mr. Kubas recommends approving these continuing education courses.

# **Motions:**

Ms. Swisher made a motion to approve the Continuing Education Review Applications. Ms. Hazzard seconded the motion and it carried unanimously.

## **New Comparative Spreadsheet for NCLEX Scores**

Mr. Kubas reviewed a document that was created to track scores by educational institution across an eight year time period for the Board Member's reference.

## **Investigative Review Committee Courses**

Mr. Kubas reviewed the background reasoning for the appearance which is to clarify those courses that the IRC can impose for sanctioning purposes. Mr. Kubas noted that at times anger management and patient abuse classes are assigned but that there is not a Board-approved provider of those courses. Mr. Kubas is requesting that the Board review the courses available through the National Council of State Board of Nursing and to determine that those are the only courses that will be imposed as a sanction.

#### **Motions:**

Mr. Lipsitz made a motion to approve the courses available through the National Council of State Board of Nursing. Ms. Hazzard seconded the motion and it carried unanimously.

# **APPLICATION APPEARANCES**

## **Applicant One**

An applicant for licensure as a Licensed Practical Nurse by examination appeared before the Board.

#### **Motions:**

Mr. Lipsitz made a motion to grant approval for licensure. Ms. Hazzard seconded the motion and it carried unanimously.

## **Applicant Two**

An applicant for licensure as a Licensed Practical Nurse by examination appeared before the Board.

#### Motions:

Ms. Hazzard made a motion to enter into Executive Session for the purpose of receiving legal counsel. Mr. Lipsitz seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to leave Executive Session. Mr. Sellers seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Ms. Hazzard made a motion to defer a decision on the application until resolution of the criminal charges that are pending and that the applicant return before the Board at that time for consideration. Mr. Sellers seconded the motion and it carried unanimously.

## **Applicant Three**

An applicant for licensure as a Registered Nurse by examination appeared before the Board.

#### Motions:

Ms. Swisher made a motion to approve the applicant for licensure. Mr. Lipsitz seconded the motion and it carried unanimously.

# **Applicant 4**

An applicant for licensure as a Licensed Practical Nurse by endorsement appeared before the Board.

Ms. Swisher made a motion to grant licensure for the applicant. Mr. Sellers seconded the motion and it carried unanimously.

# **Applicant 5**

An applicant for licensure as a Registered Nurse by endorsement appeared before the Board.

#### Motions:

Ms. Swisher made a motion to enter into Executive Session for the purpose of receiving legal counsel. Mr. Lipsitz seconded the motion and it carried unanimously.

Ms. Swisher made a motion to leave Executive Session. Mr. Lipsitz seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

## **Applicant 6**

An applicant for licensure as a Registered Nurse by reactivation appeared before the Board.

#### Motions:

Ms. Swisher made a motion to enter into Executive Session for the purpose of receiving legal counsel. Ms. Hazzard seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to leave Executive Session. Ms. Swisher seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Ms. Swisher made a motion to grant reactivation of the applicant's license. Ms. Hazzard seconded the motion and it carried unanimously.

## **PRESIDENT'S REPORT**

## Approval for Attendance at NCSBN Round-Table

Board President, Mr. McNutt brought forward a request from Dr. Baer to attend the APRN Roundtable in April. Ms. Moody stated that if the Board approves the travel, she will request a waiver from National Council to cover the expense.

## **Motions:**

Mr. Sellers made a motion to approve the request. Mr. Swisher seconded the motion and it carried unanimously.

# **Recommendations for the NPSC from the Nominations Committee**

The Nominations Committee met to review applications from three candidates who were interested in open positions on the Nursing Practice and Standards Committee. The Nominations Committee has approved those candidates and now the recommendations are going forward for full Board approval. Mr. McNutt presented Ms. Tracy Freeman, Ms. Heather Anderson, and Ms. Victoria Ladd for consideration.

# **Motions:**

Mr. Sellers made a motion to approve the applications for the NPSC from Ms. Freeman, Ms. Anderson and Ms. Ladd. Ms. Hazzard seconded the motion and it carried unanimously.

## **ADMINISTRATOR'S REPORT**

Board Administrator, Ms. Carol Moody, appeared before the Board to present her Administrator's Report.

# **Renewals Update**

Ms. Moody provided an update on the E-blast that will be sent out to remind licensees to renew their licenses. She further updated the Board on the updates to the online renewal application and the calls and emails from licensees that are already being received. Ms. Moody further reviewed the process for disciplined licensees and those licensees who need to complete a paper renewal application, rather than the online renewal application. Ms. Moody stated that after the renewal period ends, the online renewal application will remain available for 30 days to allow for late renewals, which will incur an additional fee. Anyone renewing their license after that time will need to complete a reinstatement application. Those licensees who practice after the end of the renewal period and prior to completing renewal/reactivation will be subject to additional fees and/or discipline as a result of practicing without a license while their license was in lapsed status.

## **Enhanced Nurse Licensure Compact (eNLC) Update**

Ms. Moody provided an update on the eNLC, which was implemented on January 19<sup>th</sup>. Legislation has been introduced or is pending in several additional states. Ms. Moody reminded the Board that applicants who do not meet the uniform licensure requirements under the compact may still be eligible for a single-state license. Ms. Moody further stated that Florida and Georgia, who were not members of the NLC but have joined the eNLC, have not automatically updated all of the licensees to a multi-state license and both have instituted some process that licensees must initiate to have their licenses converted. Ms. Moody then spoke about the question surrounding participation in a substance use, alcohol and/or drug monitoring program that will be added to the application in order to meet the eNLC requirements.

#### Statement of Economic Interest

Ms. Moody reviewed the requirement to complete the yearly Statement of Economic Self Interest with the Board Members.

# OFFICE OF INVESTIGATIONS AND ENFORCEMENT

Mr. Mark Sanders, Chief Investigator in the Office of Investigations and Enforcement appeared before the Board to present the Investigative Review Committee Report. Due to the information that is contained in the report, the appearance is conducted in Closed Session to meet the statutory requirement that disciplinary actions remain confidential.

#### Motions:

Ms. Hazzard made a motion to approve the 39 dismissals as presented. Mr. Sellers seconded the motion and it carried unanimously.

Ms. Swisher made a motion to approve the 64 Formal Complaints presented. Mr. Lipsitz seconded the motion and it carried unanimously.

Ms. Swisher made a motion to approve the 18 Letters of Caution presented. Ms. Hazzard seconded the motion and it carried unanimously.

## **HEARINGS/DISCIPLINE**

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.

#### Case # 2016-724:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

### **Motions:**

Ms. Swisher made a motion to enter into Executive Session for the purpose of receiving legal counsel. Mr. Lipsitz seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to leave Executive Session. Ms. Hazzard seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Mr. Sellers made a motion to adopt the Memorandum of Agreement and issue a Letter of Caution. Ms. Hazzard seconded the motion and it carried unanimously.

#### Case #2017-31:

The Respondent appeared before the Board with her attorney having submitted a request to modify a prior Board Order.

## **Motions:**

Ms. Hazzard made a motion to enter into Executive Session for the purpose of receiving legal counsel. Mr. Lipsitz seconded the motion and it carried unanimously.

Mr. Sellers made a motion to leave Executive Session. Mr. Lipsitz seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Ms. Hazzard made a motion to reinstate licensure subject to continued RPP (Recovering Professional Program) compliance. Ms. Swisher seconded the motion and it carried unanimously.

## Case # 2015-548:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

## **Motions:**

Ms. Hazzard made a motion to enter into Executive Session for the purpose of receiving legal counsel. Mr. Sellers seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to leave Executive Session. Ms. Swisher seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Mr. Lipsitz made a motion to accept the Memorandum of Agreement and to issue the following sanction: on year probation with stay, one year narcotics restriction after returning to work, a \$500 fine and the Legal Aspects and Ethics Courses available through NCSBN, contingent upon continuation with RPP, with the courses to be completed and the fine to be paid within six months of the issuance of the order. Mr. Sellers seconded the motion. Ms. Hazzard opposed the motion, however the motion carried with majority support.

After completing the hearing, the Board noted that the application for licensure submitted by the Respondent was no longer valid as the application process was not completed within one year.

### Case #2016-722:

The Respondent appeared before the Board for the purpose of a Final Order Hearing. The Board reviewed the Final Order Hearing Recommendation from the Panel Hearing.

Mr. Lipsitz made a motion to dismiss the action. Mr. Seller seconded the motion and it carried unanimously.

#### Case #2014-456 & 2015-55:

The Respondent appeared before the Board for the purpose of a Final Order Hearing. The Board reviewed the Final Order Hearing Recommendation from the Panel Hearing. *Prior to any testimony beginning, Ms. Swisher recused herself and completed the recusal form. Ms. Swisher rejoined the meeting at the conclusion of this hearing.* 

#### **Motions:**

Mr. Sellers made a motion to adopt the panel recommendation. Ms. Hazzard seconded the motion and it carried unanimously.

## Case # 2015-267:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

## **Motions:**

Ms. Swisher made a motion to accept the panel's recommendation. Mr. Sellers seconded the motion and it carried unanimously.

## Case #: 2015-418:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

#### **Motions:**

Mr. Lipsitz made a motion to accept the panel recommendation. Ms. Swisher seconded the motion and it carried unanimously.

#### Case # 2016-792:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

## **Motions:**

Ms. Swisher made a motion to accept the panel's recommendation. Mr. Sellers seconded the motion and it carried unanimously.

### Case # 2016-171 & 2016-667:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

Ms. Hazzard made a motion to accept the Final Order Hearing panel recommendations as presented. Ms. Swisher seconded the motion and it carried unanimously.

## Case # 2014-568 & 2016-314 & 2016-664:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

### **Motions:**

Mr. Sellers made a motion to accept the panel recommendation. Ms. Hazzard seconded the motion and it carried unanimously.

#### Case # 2014-279 & 2015-75 & 2015-108:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

## **Motions:**

Ms. Hazzard made a motion to accept the Final Order Hearing panel recommendation as presented. Mr. Lipsitz seconded the motion and it carried unanimously. Please note: the Hearing Panel recommended a revocation in this action.

### Case # 2015-177:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

### **Motions:**

Ms. Swisher made a motion to accept the panel's recommendation. Ms. Hazzard seconded the motion and it carried unanimously.

#### Case 2013-340 & 2014-141:

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was she represented by counsel. After determining that proper notice was provided, the Board proceeded with the hearing in her absence. The Board reviewed the Final Order Recommendation from the Panel Hearing.

## **Motions:**

Mr. Lipsitz made a motion to accept the panel's recommendation. Ms. Swisher seconded the motion and it carried unanimously.

### OFFICE OF DISCIPLINARY COUNSEL PRESENTATION OF DISCIPLINARY CASE STATUS

Members of the Office of Disciplinary Counsel appeared before the Board to provide an update on the status of outstanding cases and discuss ways to resolve pending cases as soon as possible. This discussion was

conducted during Closed Session due to some of the confidential information discussed to meet the statutory requirement that the disciplinary process remain confidential.

### **Motions:**

Ms. Hazzard made a motion to enter into Executive Session for the purpose of receiving information, legal counsel, on the disciplinary process. Ms. Swisher seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to leave Executive Session. Mr. Lipsitz seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Ms. Swisher made a motion to move forward with forming a subcommittee comprised of Board Members, Board staff and members of the Office of Disciplinary Counsel and the Office of Investigations and Enforcement to look at the disciplinary process. Mr. Sellers seconded the motion and it carried unanimously.

Mr. Sellers, Mr. Lipsitz and Ms. Swisher volunteered to serve as Board Member representatives on the subcommittee. Ms. Hazzard volunteered to be the alternate.

Having no further business on their agenda, Mr. Lipsitz made a motion to adjourn the January meeting of the South Carolina State Board of Nursing at 5:00 p.m. Mr. Sellers seconded the motion and it carried unanimously.