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Department of Labor, Licensing and Regulation

Board of Nursing



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Thursday, July 26, 2018

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 8:41 a.m. on July 26, 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 th Congressional District	Present	
Kay Swisher, RN, MSN	Board of Nursing Vice-President 3 rd Congressional District	Present	
Karen Hazzard, MSN, RN, NEA-BC	Board of Nursing Secretary 7 th Congressional District	Present	
Jacqueline L. Baer, RN, D-NP	1 st Congressional District	Excused	
Eric Sellers, RN	2 nd Congressional District	Present	
Jan Burdette, LPN	At-Large, LPN	Present	
Sallie Beth Todd, RN, MSN-Ed	4 th Congressional District	Excused	
Neil B. Lipsitz	Public Member	Present	
Vacancy	6 th Congressional District	Vacant	
Vacancy	At-Large, LPN	Vacant	
Vacancy	Public Member	Vacant	
Carol Moody, Administrator, Board of Nursing (Not Present)			LLR STAFF PRESENT
Adam Russell, Office of Advice Counsel			
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			
Tina Behles, Court Reporter			

EXCUSED ABSENCES:

Ms. Hazzard made a motion to excuse Ms. Todd and Dr. Baer. Ms. Swisher seconded the motion and it carried unanimously.

APPROVAL OF AGENDA:

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

APPROVAL OF CONSENT AGENDA:

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

Consent Agenda Items:

- a) Budget
- b) 2nd Quarter 2018 NCLEX Results
- c) February 2018 ACONE Meeting Minutes
- d) April 2018 ACONE Meeting Minutes
- e) Notification from Aiken Technical College Regarding Change in Dean
- f) Notification from Trident Technical College Regarding Change in Dean
- g) Notification from York Technical College Regarding Change in Dean
- h) Notification from Charleston Southern University Regarding Program Changes
- i) CE Broker Report

APPEARANCES:**CLEMSON UNIVERSITY****Notice of Substantive Changes**

Dr. John Whitcomb and Dr. Margaret Wetsel appeared before the Board representing Clemson University's Bachelor of Science in Nursing Program to discuss planned changes. Dr. Whitcomb stated that Clemson is expanding their undergraduate program and will transition to a new site of instruction. Dr. Whitcomb said that the curriculum used for the new site is the same as the curriculum is the same for the traditional students on the main campus. The Board inquired about the faculty size and Dr. Whitcomb stated that they had gradually increased their faculty by eight in preparation for the changes so that those faculty members could be familiar with the curriculum so that it would be seamless in terms of the teaching.

Motions:

Mr. Lipsitz made a motion to approve the request. 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 2016-134:

The Respondent appeared before the Board represented having executed a Memorandum of Agreement for the purpose of determining disciplinary action. The Respondent has also submitted a Reinstatement Application.

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.

Ms. Swisher made a motion to accept the Memorandum of Agreement and Stipulations with the issuance of the following sanctions: Continuance with RPP for five years; single-state license; worksite approval; quarterly reports once employed; narcotic use at the discretion of the Director of Nursing; issuance of a public reprimand; Critical Thinking and Ethics Courses; and \$500 issued at the Final Order. Ms. Burdette seconded the motion and it carried unanimously.

Case 2015-081:

The Respondent appeared before the Board represented by legal counsel 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. Ms. Hazzard 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 accept the Memorandum of Agreement, with five years monitoring with RPP, one year suspension with immediate stay and issuance of a public order. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2016-154 & 2016-545:

The Respondent appeared before the Board represented by legal counsel 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. Swisher seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Ms. Burdette made a motion to accept the Memorandum of Agreement with the coursework that has already been completed; continuation of the RPP contract; and a \$500 civil penalty due within six months of the Final Order.

Case 2015-636 & 2016-591:

The Respondent appeared before the Board represented by counsel 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.*

Motion:

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

Case 2017-324:

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. Ms. Burdette 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 accept the Memorandum of Agreement with issuance of the following sanctions: one-year suspension with immediate stay; one-year probation; a public reprimand; a narcotic restriction after return to work at the discretion of the hiring Director of Nursing; a civil penalty in the amount of \$500 payable within one year from issuance of the order; completion of the Legal Aspects and Ethics classes within one year of the issuance of the order. Mr. Lipsitz seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to amend her prior motion to include continued RPP participation. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-335:

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

Motions:

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

Mr. Lipsitz made a motion to leave Executive Session. Ms. Burdette 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 with the following: a suspension with stay for one year; issuance of a public reprimand; single-state license; continued RPP contract; civil penalty of \$1,000 due within six months; and completion of the Legal Aspects and Ethics courses within six months of the Final Order. Ms. Swisher seconded the motion and it carried unanimously.

Case 2016-537:

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. 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. Sellers made a motion to accept the Memorandum of Agreement with a single-state license; continuation of RPP; one-year suspension with immediate stay; one year probation; public reprimand; completion of the Legal Aspects and Ethics courses within six months of the Final Order; and a civil penalty of \$500 payable within six months of the Final Order. Ms. Swisher seconded the motion and it carried unanimously.

Case 2017-555:

The Respondent appeared before the Board represented by legal counsel 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. 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.

Ms. Hazzard made a motion to accept the Memorandum of Agreement with issuance of the following sanctions: a one-year suspension with immediate stay; probation for one year; a public reprimand; a narcotic restriction at the discretion of the Director of Nursing; continuation of RPP; a civil penalty in the amount of \$500; completion of the Legal Aspects and Ethics courses, all due within six months of the Final Order.

Case 2015-138:

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.

Motion:

Ms. Hazzard made a motion to accept the Final Order Hearing Panel Recommendation. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2014-324:

The Respondent appeared before the Board having submitted a request to modify a prior Board Order. The Respondent has also submitted a Reinstatement Application.

Motions:

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

Ms. Swisher 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 deny the application due to the applicant not meeting the requirement for licensure due to no practice since 2008, and denial of the modification as the applicant failed to provide sufficient evidence for the reason for modification. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2017-609:

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. Sellers made a motion to leave Executive Session. Ms. Burdette 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 Memorandum of Agreement with Stipulation of Facts as presented; require a psychological fit for duty assessment by a Board-approved psychiatric provider; to suspend current licensure until return to the Board of Nursing with results of such assessment, and at that time issuance of sanctions as agreed upon. Ms. Swisher seconded the motion and it carried unanimously.

Case 2017-501:

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. Lipsitz seconded the motion and it carried unanimously.

Ms. Swisher 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 accept the Memorandum of Agreement and to defer any action by the Board until receipt of the finalized report from RPP. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2015-521:

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.

Motion:

Ms. Swisher made a motion to accept the Panel's Final Order Recommendation. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-015:

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.

Motion:

Mr. Sellers made a motion to adopt the Panel Hearing Recommendation: a finding that the Respondent did violate the Nurse Practice Act, specifically 40-33-110(A)(3) and 40-33-110(A)(20), as well as 40-1-110(1)(f) and 40-1-110(1)(g), with revocation of the license of the Respondent. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-549:

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.

Motion:

Mr. Lipsitz made a motion to accept the Panel Hearing Recommendation: a finding that the Respondent is in violation of 110(A)(14) and 110(1)(f) and that the Respondent remain suspended until such reenrolling with RPP and an appearance before the Board. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2015-578 & 2016-150:

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.

Motions:

Ms. Swisher made a motion to enter into Executive Session for the purpose of receiving legal counsel. Mr. Sellers 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.

Mr. Lipsitz made a motion to accept the Panel Recommendation with the exception of the narcotic restriction, which will be at the discretion of the Director of Nursing at the facility. Mr. Seller seconded the motion and it carried unanimously.

Case 2016-644:

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.

Motion:

Mr. Sellers made a motion to accept the Panel Recommendation: that the Privilege to Practice shall remain suspended until such time as the Respondent enrolls in RPP and appears before the Board. Ms. Burdette seconded the motion and it carried unanimously.

Case 2016-001:

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.

Motion:

Ms. Swisher made a motion to accept the Panel's Recommendation: that the license remain suspended until such time as the Respondent successfully enrolls in RPP and appear before the Board. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-077:

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. Ms. Swisher 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.

Ms. Hazzard made a motion to accept the Memorandum of Agreement with issuance of a public reprimand; civil penalty in the amount of \$500 due within six months of the date of the Final Order; and acceptance of course as previously completed. Mr. Sellers seconded the motion and it carried unanimously.

APPLICATION APPEARANCE

Applicant One:

An applicant for licensure as a Registered Nurse by renewal appeared before the Board. *Prior to any testimony beginning, Ms. Swisher recused herself and completed the recusal form. Ms. Swisher rejoined the meeting at the conclusion of this appearance.*

Motion:

Ms. Hazzard made a motion to approve renewal of licensure. Mr. Sellers seconded the motion and it carried unanimously.

HEARINGS/DISCIPLINE CONTINUED

Case 2017-39:

The Respondent appeared before the Board represented by legal counsel 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. Ms. Burdette seconded the motion and it carried unanimously.

Mr. Sellers 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.

Ms. Swisher made a motion to accept the Memorandum of Agreement with issuance of a Letter of Caution. Ms. Burdette seconded the motion. Ms. Hazzard opposed the motion. The motion carried.

Case 2017-40:

The Respondent appeared before the Board represented by legal counsel 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. Ms. Burdette seconded the motion and it carried unanimously.

Mr. Sellers 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.

Ms. Swisher made a motion to accept the Memorandum of Agreement with issuance of a Letter of Caution. Ms. Burdette seconded the motion. Ms. Hazzard opposed the motion. The motion carried.

Case 2017-626:

The Respondent appeared before the Board represented by legal counsel 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. Sellers 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.

Ms. Swisher made a motion to accept the Memorandum of Agreement and issue a Letter of Caution. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-98:

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

Motions:

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

Ms. Swisher made a motion to leave Executive Session. Ms. Burdette 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 Memorandum of Agreement with a finding of violations of 40-33-110(A)(21; one-year suspension with stay; a public reprimand; a civil penalty in the amount of \$1,000; completion of the Legal Aspects, Ethics, and Disciplinary Actions: What Every Nurse Needs to Know courses, due within six months of the date of the Final Order. Mr. Sellers seconded the motion and it carried unanimously.

Case 2016-256:

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. Sellers 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.

Ms. Swisher made a motion to accept the Memorandum of Agreement with suspension of total licensure for two years; the Respondent must reappear before the Board for consideration of reinstatement of license post the two years suspension; with a public reprimand. Mr. Sellers seconded the motion and it carried unanimously.

Case 2017-522:

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: that the Respondent's license be revoked. Mr. Sellers seconded the motion and it carried unanimously.

Case 2015-198:

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.

Motions:

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. Burdette seconded the motion and it carried unanimously. It is noted that no official actions were taken while in Executive Session.

Ms. Burdette made a motion to dismiss the case. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2016-652:

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: that the Respondent did not violate the Nurse Practice Act and that the case be dismissed. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2015-174:

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

Motions:

Ms. Hazzard made a motion to enter into Executive Session for the purpose of receiving legal counsel.

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. Hazzard made a motion to issue a Letter of Caution. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2016-531 & 2016-540:

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

Motions:

Mr. Lipsitz 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. 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 accept the Memorandum of Agreement with one-year suspension with immediate stay; issuance of a public reprimand; completion of the RPP contract; and completion of the Legal Aspects and Ethics courses, to be completed within six months of the Final Order Hearing. Ms. Swisher seconded the motion and it carried unanimously.

Case 2017-350:

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. Burdette 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 accept the Memorandum of Agreement, to reinstate licensure with the requirement that the Respondent submit quarterly reports from a psychiatrist to the Board Administrator for a period of one year. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2016-620:

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. Ms. Swisher seconded the motion and it carried unanimously.

Ms. Burdette 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.

Mr. Lipsitz made a motion to accept the Memorandum of Agreement with issuance of a public reprimand; suspension for one year with stay; civil penalty of \$1,000; completion of the Legal Aspects, Ethics, and Critical Thinking courses, all to be completed within six months from the date of the Final Order. Mr. Sellers seconded the motion and it carried unanimously.

Case 2016-718:

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

Motion:

Mr. Sellers made a motion to adopt the Panel Hearing Recommendation: that the Respondent's license shall remain suspended until such time as she enrolls with RPP, complies with all the requirements set forth in RPP, receives a return to work from RPP, and appears before the Board; with the exception of changing the Respondent's presence to not present. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-200:

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 approve the Panel Recommendation: that the Respondent's license shall remain inactive and shall be suspended until such time as she appears before the Board, at which time the Board may determine whether to reactivate Respondent's license, lift the suspension, and/or impose conditions or restrictions on Respondent's practice as it deems appropriate. Ms. Swisher seconded the motion and it carried unanimously.

Case 2016-452:

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: that the Respondent shall remain suspended until such time as she appears before the full Board at which time the Board may impose any additional conditions or restrictions upon the Respondent's license. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-348:

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 suspend licensure with the requirement that the Respondent petition the Board and appear for reinstatement. Mr. Lipsitz seconded the motion and it carried unanimously.

Having no further business on the agenda for the day, Mr. Lipsitz made a motion to adjourn for the evening to reconvene the following morning at 8:30 a.m. Mr. Sellers seconded the motion and it carried unanimously.

Friday, July 27, 2018

Call to Order:

Samuel McNutt, President of the South Carolina State Board of Nursing called the March meeting back to order at 8:34 a.m. on July 27, 2018. A quorum was present at all times.

Excused Absences:

Ms. Swisher made a motion to excuse the absences of Mr. Sellers, Dr. Baer, and Ms. Todd. Ms. Hazzard seconded the motion and it carried unanimously.

Executive Session:

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

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

APPEARANCES:

ECPI COLUMBIA PN PROGRAM

Request for Full Approval from Initial Approval

Adrian Stauffer and James Rund appeared before the Board representing the Columbia campus of ECPI University's PN Program in a request for full approval from initial approval. Peter Kubas, the Nurse Education Consultant, stated that the Advisory Committee on Nursing Education had performed a site survey, which had passed ACONe and is before the Board for approval.

Motion:

Ms. Swisher made a motion to approve the full accreditation for the PN program. Mr. Lipsitz seconded the motion and it carried unanimously.

RECOMMENDATION FROM THE ADVISORY COMMITTEE ON NURSING EDUCATION

Position Statement on the Use of Simulation in Pre-Licensure Nursing Programs

Dr. Rachel Onello presented the Position Statement on the Use of Simulation in Pre-Licensure Nursing Programs that was developed by ACONe. Dr. Onello stated that she worked with Dr. Melanie Carson to revise the position statement based on the National Council of State Boards of Nursing's simulation study and the International Nursing Association clinical simulation learning standards of best practice. The position statement pulls from those standards that are international and widely accepted across the profession. Mr. Kubas stated that ACONe was also tasked with reviewing Chapter 91 and requests that the Board determine whether simulation should be addressed in the regulation.

Motions:

Ms. Swisher made a motion for the Advisory Committee on Nursing Education to develop suggested regulation on simulation within nursing education. Ms. Hazzard seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to accept the Position Statement on the Use of Simulation in Pre-Licensure Nursing Programs. Ms. Burdette seconded the motion and it carried unanimously.

APPLICATION APPEARANCES

Applicant One:

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

Motion:

Ms. Hazzard made a motion for approval. Ms. Burdette seconded the motion and it carried unanimously.

Applicant Two:

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

Motion:

Ms. Swisher made a motion to grant the privilege to practice to the applicant. Ms. Hazzard seconded the motion and it carried unanimously.

Applicant Three:

An applicant for licensure as an Advanced Practice 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. Ms. Hazzard 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.

Ms. Hazzard made a motion to grant endorsement pending the California Board of Nursing acceptance of the stipulated settlement and disciplinary order for public reproval. Ms. Burdette seconded the motion and it carried unanimously.

Applicant Four:

An applicant for licensure as an Advanced Practice Registered Nurse by reinstatement appeared before the Board.

Motions:

Ms. Hazzard made a motion to go into Executive Session for the purpose of receiving legal counsel with Board staff to stay. Ms. Burdette 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.

Ms. Hazzard made a motion to defer the request for reinstatement of APRN licensure pending RPP evaluation and a return appearance to the Board of Nursing. Ms. Swisher seconded the motion and it carried unanimously.

Applicant Five:

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

Motion:

Ms. Swisher made a motion to grant licensure. Ms. Burdette seconded the motion and it carried unanimously.

Applicant Six:

An applicant for licensure as a Registered Nurse by renewal 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. Hazzard seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to grant renewal of licensure with the condition that any worksite or setting must be approved by the Board of Nursing. Ms. Burdette seconded the motion and it carried unanimously.

Applicant Seven:

An applicant for licensure as a Registered Nurse appeared before the Board for a worksite matter.

Motions:

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

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. Hazzard made a motion to release the applicant from the terms of her Consent Agreement.

Applicant Eight:

An applicant for licensure as a Registered Nurse by renewal 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.

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.

Ms. Hazzard made a motion to grant renewal of licensure with the condition that any worksite or setting must be approved by the Board of Nursing.

Applicant Nine:

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

Motion:

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

Applicant Ten:

An applicant for licensure as a Registered Nurse by renewal 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.

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.

Ms. Hazzard made a motion to grant licensure with the condition that any worksite or setting be approved by the Board of Nursing.

Applicant Eleven:

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

Motion:

Ms. Swisher made a motion to grant licensure. Ms. Hazzard seconded the motion and it carried unanimously.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT

P.C. Faglie, 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. Swisher made a motion to approve the 16 Dismissals. Ms. Hazzard seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to approve 35 Formal Complaints. Mr. Lipsitz seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to approve Letters of Caution with changes noted. Ms. Burdette seconded the motion and it carried unanimously.

REPORT FROM THE ODC/OIE WORK GROUP

Prentiss Shealey from the Office of Disciplinary Counsel appeared before the Board in closed session to give an update on the work group.

Motions:

Ms. Swisher made a motion to add three additional panel members. Ms. Hazzard seconded the motion and it carried unanimously.

Ms. Swisher made a motion to accept the recommendation for Final Order Hearings. Ms. Burdette seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to approve the new complaint forms. Ms. Burdette seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to approve the changes to the website. Ms. Burdette seconded the motion and it carried unanimously.

RECOMMENDATIONS FROM THE NURSING PRACTICE & STANDARDS COMMITTEE

Nurse Practice Consultant, Mindy Carithers, appeared before the Board to present recommendations to Advisory Opinions reviewed and/or revised by the Nursing Practice and Standards Committee.

Advisory Opinions Reviewed: #7, 31, 33, 37, 44, 45, 50, 51, 59

Advisory Opinions # 7, 31, 33, 37, 44, 45, 50, 51, and 59 were reviewed with no changes noted.

Motion:

Ms. Hazzard made a motion to approve the Advisory Opinions as stated with no changes noted. Mr. Lipsitz seconded the motion and it carried unanimously.

Advisory Opinions Revised: #5, 27, 41 & 57

AO #5: Revision to include licensed independent practitioner credentialed in anesthesia, as opposed to anesthesiologist.

Motion:

Ms. Hazzard made a motion to edit back in licensed physician, comma, and then approve as presented. Ms. Swisher seconded the motion.

AO #27: Revision to clean up and make it more comprehensive for what needed to occur.

AO #41: Edited to spell out the medications and the route for induction of labor.

AO #57: Edited to clarify at the request of several long term care facilities that clipping is the same as trimming.

Motion:

Ms. Swisher made a motion to approve the changes presented. Ms. Burdette seconded the motion and it carried unanimously.

EDUCATION REPORT

Request from Josef Sinly and Associates for Board-Approval as a Credentialing Service for Foreign Exchange Students Applying for Licensure in South Carolina

Nurse Education Consultant, Peter Kubas, appeared before the Board to present a request for Board-Approval as a credentialing service for foreign exchange students applying for licensure received from Josef Sinly and Associates. Mr. Kubas stated that he had called several other states that currently use Josef Sinly and Associates and that the other Boards are pleased and find the customer service better and the rates cheaper. Mr. Kubas said that utilizing Josef Sinly and Associates would allow applicants to choose.

Motion:

Mr. Lipsitz made a motion to approve the request. Ms. Hazzard seconded the motion and it carried unanimously.

Having no further business on their agenda, Mr. Lipsitz made a motion to adjourn the July meeting of the South Carolina State Board of Nursing. Ms. Swisher seconded the motion and it carried unanimously.