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Board of Nursing



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Thursday, May 17, 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 8:38 a.m. on May 17, 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	Present	
Eric Sellers, RN	2 nd Congressional District	Present	
Jan Burdette, LPN	At-Large, LPN	Excused	
Sallie Beth Todd, RN, MSN-Ed	4 th Congressional District	Present	
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. Swisher made a motion to excuse Ms. Burdette. Mr. Lipsitz seconded the motion and it carried unanimously.

APPROVAL OF AGENDA:

Ms. Hazzard made a motion to approve the Agenda. Ms. Swisher 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) CE Broker Update
- c) ACONE Meeting Minutes
- d) Legislative Update
- e) Aiken Technical College Personnel Change
- f) ECPI- Charleston Campus Practical Nursing Program, New Director of Nursing
- g) Horry Georgetown Technical College, Changes to the Advanced Placement LPN to ADN Program
- h) 1st Quarter 2018 NCLEX Results
- i) RPP Quarterly Report

APPEARANCES:

ECPI GREENVILLE CAMPUS ASSOCIATE OF APPLIED SCIENCE (AAS) PROGRAM

Feasibility Study Application

Patti Wentz, Andrea Lipsmeyer and Barbara Larar appeared before the Board representing ECPI Greenville Campus' AAS Program as a result of the Feasibility Study Application that was submitted. The document has already been approved by the Advisory Committee on Nursing Education (ACONE). Ms. Wentz stated that she had her colleagues had previously appeared before ACONE at their February meeting. She further stated that ACONE asked for more information, which was presented at their April meeting. ACONE approved the application at that time. Ms. Larar, who is a member of university administration, spoke about the importance of the program and the support offered by university administration. The Board then asked when the program would begin. Ms. Larar responded that they are slated to start their first students in January 2019. Peter Kubas, the Nurse Education Consultant, then told the Board that after the Feasibility Application is approved, a full study is done. Mr. Kubas stated that the Board is notified six months prior to the school opening and then a survey team will go to the school to conduct the study.

Motions:

Ms. Swisher made a motion to approve the Feasibility Study and to move forward. Mr. Lipsitz seconded the motion and it carried unanimously.

WILLIAMSBURG TECHNICAL COLLEGE PN PROGRAM

Program Reaccreditation, Survey Report

Heather Anderson, Clifton Elliott, and Patricia Lee appeared before the Board representing Williamsburg Technical College's Practical Nursing Program for program reaccreditation, which is a five year survey mandated by the Board. A report was submitted to the Board by Board staff as a result of a visit by the survey team in March. The report was previously approved by ACONE and is before the Board for final approval. Dr. Heather Anderson stated that for each item listed in the survey report, documentation was submitted to ACONE and was approved. For example, one of the findings was that faculty meeting minutes needed to be longer in length and so they have started doing that. Dr. Anderson further listed several items that were found during the site visit and how they were addressed. Dr. Anderson stated that they have a good NCLEX score. Dr. Anderson spoke about a new faculty member and her training and experience and the development plan that she is under to gain more experience in pediatrics and the mentorship that she will begin as part of that development.

Motions:

Ms. Swisher made a motion to enter 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. 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 grant conditional status to the PN program with the stipulation that a person with strong pediatric background be hired or contracted to be a resource or mentor to the new faculty member discussed. Mr. Lipsitz seconded the motion and it carried unanimously.

WILLIAMSBURG TECHNICAL COLLEGE NEW ADN PROGRAM

Survey Report

Heather Anderson, Clifton Elliott, and Patricia Lee appeared before the Board representing Williamsburg Technical College to discuss plans to begin a New ADN Program as the result of a survey conducted by a survey team comprised of the Nurse Practice Consultant, members of the ACONE Committee and Dr. Baer. The report has been previously submitted and approved by ACONE. Dr. Anderson stated that if approved they would begin the program in August 2018 as outlined in their feasibility study and that two MSN instructors have already been hired and reviewed other steps taken towards the goal of opening in August.

Motions:

Ms. Swisher made a motion to approve the ADN Program. Ms. Hazzard seconded the motion and it carried unanimously.

USC UPSTATE BACHELOR OF SCIENCE IN NURSING PROGRAM

Citation for 2017 NCLEX Pass-Rate Deficiency

Katherine Gibb and Felicia Jenkins appeared before the Board representing USC Upstate's Bachelor of Science in Nursing Program in response to a citation for 2017 NCLEX pass-rate deficiency. Dr. Gibb stated that they were previously before the Board as a result of the 2016 NCLEX scores and at that time they had implemented changes that they were expecting to see results from with the December 2017 class. Dr. Gibb stated that during the first quarter of 2018, the December graduates attained a 91.6% pass rate, which they had anticipated. Dr. Gibb stated that this was the first class that had the benefit of the ATI standardized testing throughout the program. Dr. Gibb stated that they had also started a program called Running Start for students who met the criteria for admission to the program but were at the lower end of the class. The

program requires extra tutoring sessions and frequent contact with faculty and mandated study hall. Dr. Gibb stated that as a result of that program the failure rate in the heavier nursing classes went down. Dr. Gibb stated that the ATI comprehensive includes a three-day live review with an NCLEX predictor and virtual ATI for five or six weeks with a virtual mentor. Dr. Gibb stated that they must receive the green light in order to test.

Motions:

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

RECOMMENDATIONS FROM THE NURSING PRACTICE AND STANDARDS COMMITTEE (NPSC)

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.

Advisory Opinions Reviewed: AO #19, #20, #21, and #65

Ms. Warner presented Advisory Opinions #19, #20, #21, and #65, which were reviewed by NPSC with no changes noted.

Motions:

Dr. Baer made a motion to approve AO #19, #20, #21, and #65 with no changes noted. Mr. Lipsitz seconded the motion.

Advisory Opinions Revised: AO #55 and #62

AO #55- Ms. Warner stated that changes were made to delete content that was not relevant to the question asked.

AO #62- Ms. Warner stated that the revision was to state the code rather than list the code in the opinion.

Motions:

Ms. Swisher made a motion to approve AO #55. Ms. Hazzard seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to approve AO #62. Dr. Baer seconded the motion and it carried unanimously.

New Advisory Opinions Formulated: AO #69 (Lidocaine Administration) and #70 (Schedule II Controlled Substances Prescribed by the APRN)

AO #69- Ms. Warner stated that Board staff had received a question about nurses administering Lidocaine for dermatological procedures. The NPSC met and determined that it was not within the scope of practice for the RN or LPN and an Advisory Opinion was drafted to that effect.

AO #70- Ms. Warner stated that AO #70 was developed and approved by NPSC but due to the new legislation concerning APRNs, they were advised that it was no longer needed. Because the AO was already approved by the NPSC, Ms. Warner asked for a motion to delete AO #70 as being no longer needed.

Motions:

Dr. Baer made a motion to approve AO #69. Ms. Todd seconded the motion and it carried unanimously.

Dr. Baer made a motion to delete AO #70. Mr. Lipsitz seconded the motion and it carried unanimously.

Position Statement Reviewed: Patient Abandonment

Ms. Warner stated that the Patient Abandonment Position Statement was reviewed by the NPSC with no changes noted.

Motions:

Mr. Sellers made a motion to approve the Patient Abandonment Position Statement. Ms. Hazzard seconded the motion and it carried unanimously.

RECOMMENDATIONS FROM THE HEALTHCARE COLLABORATIVE COMMITTEE

Lena Warner, Chairperson for the Healthcare Collaborative Committee (HCC), which is a committee comprised of representatives appointed by the Board of Nursing, Board of Medical Examiners, and Board of Pharmacy, appeared before the Board to information from the most recent HCC meeting.

Revised Joint Advisory Opinion Issued by the South Carolina Boards of Medical Examiners, Nursing and Pharmacy Regarding Over-The-Counter Medications and Herbal Supplements in Schools

Ms. Warner stated that an existing Joint Advisory Opinion was updated to include the reference to herbal supplements due to questions about the administration in the public school setting. Ms. Warner stated that the Joint Advisory Opinion says that RNs and LPNs are allowed to administer or allow self-administration of over-the-counter medications or herbal supplements commercially available for retail sale in South Carolina in a school setting with parental consent, but that if the medication is prescribed that it has to be treated like any other prescription.

Motions:

Mr. Lipsitz made a motion to approve the joint Advisory Opinion. Dr. Baer seconded the motion and it carried unanimously.

Humana Collaborative Practice Protocol

Ms. Warner presented a Collaborative Practice Protocol from Humana Pharmacy, which was approved by the HCC and has subsequently been approved by the Boards of Pharmacy and Medical Examiners. Ms. Warner stated that the agreement allows the pharmacist to work with physicians in adjusting mainly Statin medications with review of lab work and consultation with the physician prior to adjustment.

Motions:

Dr. Baer made a motion to approve the Humana Collaborative Practice Protocol. Ms. Todd seconded the motion and it carried unanimously.

Ketamine Protocol Updates

Ms. Warner provided updates on the Ketamine Protocols that were before the HCC.

GHS- Ms. Warner stated that Greenville Hospital System reported on the results for their program, without any issues and that GHS has rolled out IV push in all GHS EDs and PACUs.

SRHS- Ms. Warner stated that Spartanburg Regional Healthcare System appeared before the HCC wanting to roll out the same type of Ketamine Program that GHS has for the use of acute pain management. Ms. Warner stated that they specifically were looking to begin IV push in the Emergency Department and that the HCC had limited the model to the PACU and ED.

PH- Ms. Warner stated that Palmetto Health presented a model for the use of IV Ketamine as low-dose Ketamine infusion and not IV push.

Motions:

GHS- Mr. Lipsitz made a motion to approve. Dr. Baer seconded the motion. Ms. Swisher abstained from voting. The motion passed successfully with all other Board members voting in the affirmative.

SRHS- Dr. Baer made a motion to approve. Mr. Sellers seconded the motion. Ms. Swisher abstained from voting. The motion passed successfully with all other Board members voting in the affirmative.

PH- Ms. Hazzard made a motion to approve. Dr. Baer seconded the motion. Ms. Swisher abstained from voting. The motion passed successfully with all other Board members voting in the affirmative.

PRESIDENT'S REPORT**Public Health Emergency Plan Committee**

Board President, Sam McNutt, stated that he had received an invitation to represent the Board on the newly formed Public Health Emergency Plan Committee. Mr. McNutt stated that they are in the early stages and that he would provide further updates as they became available.

Fiscal Year 2018-2019 Travel Budget

Mr. McNutt presented the 2018-2019 Travel Budget developed by Board Staff for approval.

Motions:

Ms. Hazzard made a motion to present the Fiscal 2019 budget as presented. Ms. Swisher seconded the motion and it carried unanimously.

Travel to 2018 NCSBN Mid-Year Conference

Mr. McNutt stated that he would be unable to attend the 2018 NCSBN Mid-Year Conference and asked for a substitute for himself and for Ms. Moody, the Board Administrator, who may also be unable to attend.

Motions:

Mr. Sellers made a motion to approve one board member and one staff member to attend the conference and to pursue funding through NCSBN for an additional staff and/or Board member to attend. Ms. Hazzard seconded the motion and it carried unanimously.

PRACTICE REPORT**Renewals**

Mindy Carithers, the Board Nurse Practice Consultant, provided an update on the end of renewals. She spoke about measures taken to help individuals who were having difficulty renewing

eNLC Commission Teleconference

Ms. Carithers was able to fill-in for the Board Administrator regarding the final rules for the eNLC. Ms. Carithers stated that there were a few verbiage changes made in the final version but that overall the rule making was already in place.

Staffing Update

Ms. Carithers provided an update about recent staffing changes and the on-boarding of a new staff member.

EDUCATION REPORT

Continuing Education Review Applications

Complications Resulting from Long Lie Times After a Fall

NAB Spring Conference 2016: Let Your Low Flow

The Art of Caring: Pruitt Health 2017 Christmas Conference

The Board reviewed applications for approval of continuing education that were not previously approved by the Board. The applications were submitted by individuals through CE Broker for one-time approval.

Motions:

Mr. Sellers made a motion to deny the requests for approval. Dr. Baer 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 report on progress made by the Work Group. This appearance was conducted in closed session in accordance with the requirement that discipline information related to names, case facts and investigation facts remain confidential.

Motions:

Dr. Baer made a motion to approve a document submitted to be created and posted to the LLR website. Ms. Hazzard seconded the motion and it carried unanimously.

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. Swisher made a motion to approve 12 Dismissals. Dr. Baer seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to approve 55 Formal Complaints. Ms. Swisher seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to approve 21 Letters of Caution. Ms. Sellers 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 2016-743:

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 accept the final order hearing recommendation. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2016-437:

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

Motion:

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

Case 2003-72:

The Respondent appeared before the Board represented by counsel 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.

Ms. Hazzard 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.

Dr. Baer made a motion to deny the request for modification, but to grant a temporary license for the clinical portion of the refresher course to be completed within one year. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2017-688:

The Respondent appeared before the Board represented by counsel having submitted a request to modify a prior Board Order. *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:

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

Dr. Beer made a motion to reinstate licensure to a single-state license with a public reprimand and a \$2,000 civil penalty payable within one year to include a one year, with a one year suspension with stay and one year probation with quarterly reports from the employer effective from the date of the order. Mr. Sellers seconded the motion and it carried unanimously.

Case 2015-004:

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 final hearing recommendation. Mr. Sellers seconded the motion and it carried unanimously.

Case 2015-310:

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. Hazzard made a motion to accept the hearing panel's final order recommendation. Mr. Sellers seconded the motion and it carried unanimously.

Case 2016-35:

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. *Prior to any testimony beginning, Mr. Lipsitz recused himself and completed the recusal form. Mr. Lipsitz rejoined the meeting at the conclusion of this hearing.*

Motion:

Ms. Hazzard made a motion to accept the hearing panel's recommendations as presented. Ms. Swisher seconded the motion and it carried unanimously.

Case 2015-637:

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's recommendation. Dr. Baer seconded the motion and it carried unanimously.

Case 2015-613:

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. *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:

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

Case 216-692:

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.

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.

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.

Dr. Baer made a motion to accept the panel's recommendations. Mr. Sellers seconded the motion and it carried unanimously.

Case 2015-60:

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 issue a Letter of Caution. Ms. Swisher seconded the motion and it carried unanimously.

Case 2016-178:

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. Swisher seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to accept the MOA with the findings of fact violation of 40-33-110(A)(1) and issuance of the following sanctions: a public reprimand and completion of the legal aspects and ethics courses to be completed within six months of the date of the order. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-678:

The Respondent appeared before the Board represented by counsel having submitted a request to modify a prior Board Order. *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:

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

Dr. Baer made a motion to reinstate licensure to a single-state license with revocation of prescriptive authority to include a public reprimand, one year suspension with stay, one year probation with quarterly reports and a \$2,000 fine to be paid within one year. Mr. Sellers seconded the motion and it carried unanimously.

Case 2006-427:

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

Motion:

Ms. Swisher made a motion to grant temporary licensure for the purpose of the clinical portion of the refresher course. Dr. Baer seconded the motion and it carried unanimously.

Case 2016-632:

The Respondent appeared before the Board represented by counsel having submitted a request to modify a prior Board Order. *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 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.

Dr. Baer made a motion to accept the modification to eliminate the set schedule, but to limit the work hours to a maximum of 40 hours per week with worksite approval by the Board of Nursing should the Respondent decide to change employment. Ms. Hazzard seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to lift the supervision requirement. Mr. Sellers seconded the motion and it carried unanimously.

Case 2016-463:

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

Mr. sellers made a motion to accept the MOA and find violations of Code 40-33-110(A)(10), 40-33-110(A)(13), 40-33-110(A)(18), and 40-1-110(1)(F) with the following discipline: Continuance of RPP and report to the Board if there is a worksite change. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2017-600:

The Respondent appeared before the Board represented by counsel having submitted a request to modify a prior Board Order, having also submitted a Petition for Reinstatement.

Motions:

Dr. Baer made a motion to enter into Executive Session. 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.

Dr. Baer made a motion to reinstate license on the condition that the Petitioner re-enroll with RPP, compliance with all requirements set forth by RPP to include inpatient evaluation and receipt of a Return to Work letter from RPP. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2013-535:

The Respondent appeared before the Board represented by Legal Counsel having executed a Stipulation of Facts for the purpose of determining whether a violation of the Nurse Practice Act exists, and what disciplinary action should be taken if so.

Motions:

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

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.

Mr. Sellers made a motion to accept the statements of fact with the following discipline: public reprimand, completion of the critical thinking and legal aspects courses within six months of the Final Order, \$500 fine payable within six month of the Final Order, with a return before the Board for license reinstatement. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2017-192:

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 issue a Letter of Caution. Dr. Baer seconded the motion and it carried unanimously.

Case 2017-184:

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. 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 require continued participation in RPP, one-year suspension with immediate stay, issuance of a public reprimand, one-year probation, a \$500 civil penalty, and completion of the legal aspects and ethics courses all to be completed within six months of the date of the order. Ms. Todd seconded the motion and it carried unanimously.

Case 2017-133:

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

Motion:

Ms. Swisher made a motion to accept the Memorandum of Agreement with a Letter of Caution. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2017-372:

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

Motion:

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

Ms. Swisher made a motion to amend her motion to accept the Memorandum of Agreement with stipulations, issue a Letter of Caution, and reinstate licensure. Ms. Hazzard seconded the motion and it carried unanimously.

Case 2016-489:

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.

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.

Mr. Lipsitz made a motion to accept the MOA, with continued participation with RPP, quarterly reports, public reprimand and the legal aspects and ethics courses to be completed within six months of the date of the order. Mr. Sellers seconded the motion and it carried unanimously.

Case 2016-573:

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

Motion:

Ms. Hazzard made a motion for dismissal. Ms. Swisher seconded the motion and it carried unanimously.

Case 2016-776 and 2017-519:

The Respondent appeared before the Board having executed a Stipulation of Facts for the purpose of determining whether a violation of the Nurse Practice Act exists, and what disciplinary action should be taken if so.

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. Mr. Lipsitz seconded the motion and it carried unanimously.

Ms. Hazzard made a motion to accept the SOF with findings of violations of Sections 110(A)(9), 110(A)(18), 40-1-110(1)(f) and issue the following sanctions: one year suspension with immediate stay, public reprimand, one-year probation, \$500 civil penalty and completion of the legal aspects, ethics, medication errors, and documentation courses all due within six months of the issuance of the order. Mr. Sellers seconded the motion and it carried unanimously.

Case 2017-657:

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

Motion:

Dr. Baer made a motion to issue a Letter of Caution. 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. Ms. Swisher seconded the motion and it carried unanimously.

Friday, May 18, 2018

CALL TO ORDER:

Samuel McNutt, President of the South Carolina State Board of Nursing called the March meeting back to order at 8:35 a.m. on May 18, 2018. A quorum was present at all times.

EXCUSED ABSENCES:

Mr. Sellers made a motion to excuse Ms. Burdette from the meeting. Ms. Hazzard 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 of RN licensure. Mr. Lipsitz seconded the motion and it carried unanimously.

Applicant Two:

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

Motion:

Ms. Hazzard made a motion for reactivation of RN licensure. Mr. Lipsitz seconded the motion and it carried unanimously.

Applicant Three:

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

Motion:

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

Applicant Four:

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

Motion:

Mr. Sellers made a motion to grant licensure by endorsement. Mr. Lipsitz seconded the motion and it carried unanimously.

Applicant Five:

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

Motions:

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

Dr. Baer made a motion to grant temporary licensure for the purpose of completing the clinical portion of the refresher course with enrollment in the RPP Program for evaluation and monitoring. Mr. Sellers seconded the motion and it carried unanimously.

Applicant Six:

An applicant for licensure as a Registered Nurse by reinstatement appeared before the Board. It is noted that there is a pending or prior disciplinary action concerning this applicant.

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.

Dr. Baer made a motion for evaluation with RPP prior to reinstatement of licensure and probation for one year with quarterly reports. Ms. Hazzard seconded the motion and it carried unanimously.

Applicant Seven:

An applicant for licensure as a Registered Nurse by renewal appeared before the Board. It is noted that there is a pending or prior disciplinary action concerning this applicant.

Motion:

Ms. Swisher made a motion to approve renewal of the license. 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 2017-311:

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

Motion:

Mr. Lipsitz made a motion to dismiss with a Letter of Caution. Dr. Baer seconded the motion and it carried unanimously.

Case 2016-467:

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.

Ms. Hazzard 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.

Dr. Baer made a motion to issue a Letter of Caution. Mr. Sellers seconded the motion and it carried unanimously.

Case 2017-441:

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. Todd 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 issuance of a public reprimand, a civil penalty in the amount of \$200 and completion of the legal aspects, medication errors, documentation and critical thinking courses all to be completed within six months of the date of order. Mr. Sellers seconded the motion and it carried unanimously.

Case 2015-113:

The Respondent appeared before the Board represented by legal counsel having executed a Memorandum of Agreement for the purpose of determining disciplinary action. *Prior to any testimony beginning, Ms. Hazzard recused herself and completed the recusal form. Ms. Hazzard rejoined the meeting at the conclusion of this hearing.*

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. Todd made a motion to accept the memorandum of Agreement without a finding of a violation of the Nurse Practice Act and the issuance of a Letter of Caution. Mr. Lipsitz seconded the motion and it carried unanimously.

Case 2017-383:

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:

Mr. Lipsitz made a motion to Dismiss with a Letter of Caution. Dr. Baer seconded the motion and it carried unanimously.

IMPLEMENTATION OF LEGISLATIVE CHANGES REGARDING APRN PRACTICE

Darra Coleman, Chief Advice Counsel, and Rebecca Leach, Legislative Liaison, appeared before the Board with Dr. Stephanie Burgess and Dr. Deborah Hopla to discuss implementation of S.345, which is related to the APRN Scope of Practice. Ms. Coleman presented documents that had been updated for Board approval.

Motions:

Mr. Lipsitz made a motion to approve the proposed written practice agreement for the non-nurse midwives with authorization to post the document on the Board website. Mr. Sellers seconded the motion and it carried unanimously.

Ms. Swisher made a motion denying a separate guidance document for nurse midwives and that Ms. Coleman would communicate to the individual that she use the document approved for non-nurse midwives as a guidance in developing a written practice agreement that comports with the requirements of 40-33-34 or the requirements of their PNP's. Ms. Hazzard seconded the motion and it carried unanimously.

Dr. Baer made a motion to approve the changes to the Change of Practice Form as discussed. Ms. Todd seconded the motion and it carried unanimously.

Dr. Baer made a motion to adopt the changes to the Prescriptive Authority application. Ms. Swisher seconded the motion and it carried unanimously.

Ms. Hazzard made a motion that Ms. Coleman be allowed to submit the application packet to the Board President and Vice-President for their approval to post to the website. Ms. Todd seconded the motion and it carried unanimously.

Ms. Swisher made a motion to allow Ms. Coleman to collaborate with the Nurse Practice Consultant as well as the stake-holders present to review and update Advisory Opinions # 2, 3, 58, 60, 62, 66, 67, and 68 to reflect the changes in regulation with submission for approval to the Board President and Vice-President prior to posting the changes to the Board website. Ms. Hazzard seconded the motion and it carried unanimously.

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