



Henry D. McMaster  
Governor

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South Carolina  
Department of Labor, Licensing and Regulation

Board of Nursing



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**Thursday, September 27, 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 8:33 a.m. on September 27, 2018. Public notice was properly posed at the Board offices, as well as on its website. A copy was provided to all requesting persons, organizations and news media agencies in compliance with the SC Freedom of Information Act. A quorum was present at all times.

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

Carol Moody, Administrator, Board of Nursing	LLR STAFF PRESENT
Bob Horner, Advice Counsel for the Board of Nursing	
Christie Watson, Board of Nursing Program Assistant	
Jennifer Draper, Board of Nursing Administrative Coordinator	
Mindy Carithers, Nurse Practice Consultant, Board of Nursing	
Peter Kubas, Nurse Education Consultant, Board of Nursing	
Tina Brown, Assistant Disciplinary Counsel	
Shanika Johnson, Assistant Disciplinary Counsel	
Princess Hodges, Assistant Disciplinary Counsel	
Erin Baldwin, Assistant Disciplinary Counsel	
Prentiss Shealey, Assistant Disciplinary Counsel	
Rowland Alston, Assistant Disciplinary Counsel	
Megan Flannery, Assistant Disciplinary Counsel	
Mark Sanders, Chief Investigator, Office of Investigations and Enforcement	
Gary A. Haygood, Court Reporter	

Members of the public present as specified in the individual appearances.

**EXCUSED ABSENCES:**

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

**APPROVAL OF AGENDA:**

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

**APPROVAL OF CONSENT AGENDA:**

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

Consent Agenda Items:

- a) Budget
- b) CE Broker Update
- c) "A Study of Non-Disciplinary Consent Orders Effectiveness" from the Nursing Bulletin published by the NC Board of Nursing
- d) Notification from South University Regarding Change in South University Leadership
- e) Notification from ECPI Charleston PN Program Regarding Proposed Curriculum Revision
- f) Notification from Francis Marion University Regarding Change in Nursing Program Administrator
- g) Notification from Spartanburg Community College Regarding Change in Nursing Program Department Chair
- h) Notification from Florence-Darlington Technical College Regarding Change in Interim Assistant Vice President of Health Science Division
- i) Notification from Trident Technical College Regarding Change in Dean of Nursing Notification from the South Carolina Nurse's Association Regarding PAPIN

**APPROVAL OF MEETING MINUTES:**

Mr. Sellers made a motion to approve the January 2018 Meeting Minutes as presented. Ms. Swisher seconded the motion and it carried unanimously.

Ms. Swisher made a motion to approve the March 2018 Meeting Minutes as presented. Mr. Sellers seconded the motion and it carried unanimously.

Ms. Todd made a motion to approve the May 2018 Meeting Minutes as presented. Mr. Sellers seconded the motion and it carried unanimously.

**APPEARANCES:****FLORENCE-DARLINGTON TECHNICAL COLLEGE****Follow-Up to Prior Board Appearance Regarding Citation for NCLEX Deficiency**

Ms. Cary Dowdy and Dr. Dan Averette appeared before the Board representing Florence-Darlington Technical College's (FDTC) Associate Degree in Nursing. FDTC had deficient NCLEX ratings in 2016 and 2017. Ms. Dowdy states that the deficiency is a priority for FDTC and that changes have been made to address and

identify program issues including: continued faculty changes; a rigorous remediation program; required demonstration of competencies and commitment to remediation for all students who have been unsuccessful in any program course; alteration of the curriculum sequence to create a progressive and logical curriculum that is linked to the NCLEX and practice findings research; HESI integration into all courses; adaptive testing with the requirement that students obtain course level progress; implementation of a mid-curricular exam between the third and fourth semesters as an assessment for program progression with customized individual remediation for those who received a score below 850; the requirement to complete the individualized remediation by the end of the fourth semester to progress to the fifth semester implemented for the Fall 2018 semester; HESI benchmark exams are mandated at ten percent of the course grade with the benchmark set at 850; a capstone component for the program's senior course that counts as ten percent of the course grade and the NCLEX predictor component that counts as 20 percent of the course grade; medical/surgical course content and related courses have been assessed and changes made to align with the NCLEX; revision of the testing policy with new standards for test questions by program level and course; and formalized introduction to NCLEX testing with analysis evaluation and creation questions by the third semester. Ms. Dowdy stated that the May 2018 cohort is the first to benefit from the majority of these changes and that the scores for those graduates have improved.

The Board then asked follow-up questions to include questions about the class size and graduation rate. Ms. Dowdy stated that they can accept up to 64 students and that the pass rate has typically been 80 percent but the summer semester had a 63 percent graduation rate. The Board then inquired whether the changes made to the program could have contributed to the decreased graduation rate. Ms. Dowdy stated that those changes, including increasing the passing grade from 75.5 to 78 without rounding hit a lot of students. The Board asked about pre-nursing courses and the weight for certain courses and whether there was a minimum GPA requirement of 3.0. Ms. Dowdy responded that they do not at this time, but that they have discussed making the Biology courses a specific GPA requirement and stated that they have recently implemented the policy that Biology courses could not be repeated more than once, with a withdrawal counting as an attempt. Ms. Dowdy stated that they have students who take online courses at other facilities and that is addressed in the weighted scale. Biology courses taken at FDTC, a four year university, or other certain technical colleges are given more weight. If they are taken online, then they are given less weight. There is not a certain cut-off on the weighted scale, so admission weighted scores are anywhere from 29 to 12 and they are looking at implementing a range or cutoff.

The Board then asked Ms. Dowdy to further elaborate on the remediation, which has caused complaints to the South Carolina Technical College System. Ms. Dowdy stated that and she stated that because not every course is offered every semester, a student may have to wait a semester before the course can be repeated. A contractual remediation plan was developed to prevent those students from failing out in future classes while they sit out for a semester. The plan includes students auditing classes that they weren't enrolled in and do not have to pay for, but the students still do a clinical skills checkoff and a drug dose calculation competency in order to fall back into their program sequence. The students feel like they are repeating courses that they have already passed.

The Board then asked about the 2.0 GPA and Ms. Dowdy stated that a 2.0 is required to continue in the program and that they decided on 2.0 rather than raising the GPA requirement because the plan is to eventually get to an 80 as a C and she feels like an 85 to pass is unfair to the students. The Board members then stated that their recommendation is a minimum 2.5 GPA to continue in the program. The Board then inquired about three new staff members without a background in nursing. Ms. Dowdy stated that they are all interim for now and that they are looking for qualified candidates. The Board followed-up with a question about turn-over and Ms. Dowdy stated that there has been turn-over, which has prevented a mentorship program that was planned. The Board then asked about plans for the faculty and Ms. Dowdy responded that they had faculty development in regards to course design, syllabus design and calendar design.

Ms. Dowdy then reviewed the changes that the school has made over the last few years. Dr. Averette discussed plans that he is working to implement that will further improve testing outcomes. Ms. Dowdy

reviewed some of the contact that she has made with other schools to determine how they use the predictor testing and remediation during the senior course to address deficiencies.

#### **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.

Dr. Baer made a motion to move Florence-Darlington Technical College's Board Approval status from full approval to conditional status, with a return to the January 2019 Board of Nursing Meeting with four things: a full report of 2018 NCLEX scores; a written action plan for pre-nursing students and a continuation plan; a curriculum vitae of all nursing faculty to include continuing education to date; and the college administration is to attend the meeting as well. Ms. Swisher seconded the motion and it carried unanimously.

#### **NEWBERRY COLLEGE**

##### **Follow-Up to Prior Board Appearance Regarding Citation for NCLEX Deficiency**

Dr. Betsy McDowell, Dr. Sid Parrish, and Dr. Maurice Scherrens appeared before the Board on behalf of Newberry College's Bachelor of Science in Nursing program. Dr. McDowell reviewed an action plan that was implemented to improve NCLEX performance. Dr. McDowell stated that in Fall 2017, the Department of Nursing joined in complete partnership with ATI. Dr. McDowell reviewed the portions of the action plan that were implemented in the Spring 2018 and beginning of Fall 2018, which include: the completion of a 2.5 week science mini course by all nursing majors; the virtual ATI was added to the last semester of the nursing program following the eight week ATI capstone program; ATI continues through graduation and ends when graduates are greenlighted by their virtual ATI tutor for NCLEX testing; an ATI live review in April; a Hurst review course on the Newberry College campus at no cost for Newberry College graduates; faculty development sessions with nursing faculty and clinical partners by ATI; the grading scale has been increased with a minimum C grade moving from a 75 to a 78 and the remaining grade ranges increasing accordingly; and admission criteria increased with the junior class entering Fall 2018. The NCLEX pass rate for all 13 first-time takers who graduated in May 2018 increased to 100 percent. Dr. McDowell states that they are committed to maintaining this benchmark of program excellence and plan to continue all strategies discussed previously with future classes. The Board asked Dr. McDowell about plans to support continued success and she stated that she believes that the changes that they have implemented should support continued success and the changes implemented in Fall 2018 should maintain that as well. Dr. McDowell and Dr. Scherrens then reviewed some of the changes that were made in previous semesters that were before the Board at prior appearances.

#### **Motions:**

Ms. Swisher made a motion to accept the information presented with a return to the January 2019 Board of Nursing Meeting with the full 2018 NCLEX report. Mr. Lipsitz seconded the motion and it carried unanimously.

#### **MARION COUNTY SCHOOL OF PRACTICAL NURSING**

##### **Request for Continuation of Board Approval (ADN Educated RN as Adjunct Clinical Instructor)**

Prior to the meeting date, school administration contacted Board Administrator, Ms. Moody to request a continuance because of the flooding in the Pee Dee region.

#### **Motions:**

Ms. Swisher made a motion to grant continuance. Mr. 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 2017-149:**

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 go into Executive Session for the purpose of receiving legal counsel. Ms. Todd 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 the no official actions were taken while in Executive Session.

Dr. Baer made a motion to accept the Memorandum of Agreement with the issuance of a public reprimand for violation of Practice Act Section 40-33-110(A)(13) and continuation with the Recovering Professionals Program. Mr. Sellers seconded the motion and it carried unanimously.

### **Case 2017-395:**

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action. *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. Lipsitz made a motion to go 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. Todd seconded the motion and it carried unanimously. It is noted the no official actions were taken while in Executive Session.

Mr. Sellers made a motion to accept the Memorandum of Agreement with the issuance of a public reprimand and the following sanction: completion of the Legal Aspects, Medication Errors, Documentation, and Critical Thinking courses to be completed within six months of the issuance of the final order; a civil penalty in the amount of \$250 to be paid within six months of the final order.

### **Cases 2018-263 & 2017-594:**

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 go into Executive Session for the purpose of receiving legal counsel. Ms. Todd 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 the no official actions were taken while in Executive Session.

Ms. Todd made a motion to accept the Memorandum of Agreement with issuance of a public reprimand and the following sanction: suspension for a period of one year with immediate stay; probation for one year; completion of the Legal Aspects and Ethics courses within six months of the issuance of the order; continuation with the Recovering Professionals Program.

### **Case 2017-215:**

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

#### **Motions:**

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

Mr. Sellers made a motion to accept the Memorandum of Agreement with a finding that the Respondent did violate four sections of the Nurse Practice Act as stipulated in the MOA. The Respondent will remain suspended and may appear before the Board after the outcome of the pending trial. Ms. Swisher seconded the motion and it carried unanimously.

### **Case 2017-407:**

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

#### **Motions:**

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

Ms. Swisher made a motion for reissuance of licensure and to accept the Memorandum of Agreement with a finding of a violation of sections (A)(7), (10) and (13) of the Nurse Practice Act and issuance of the following: suspension for a period of two years with immediate stay; two years probation; narcotic restriction until reappearance before the Board; continuation with the Recovering Professionals Program; restrictions for clinical sites; all work sites must be approved prior to returning to work. Mr. Lipsitz seconded the motion and it carried unanimously.

### **Case 2018-247:**

The Respondent appeared before the Board having submitted a request to modify a prior Board Order. *Prior to any testimony beginning, Mr. Sellers recused himself and completed the recusal form. Mr. Sellers rejoined the meeting at the conclusion of this hearing.*

#### **Motions:**

Ms. Swisher made a motion to go into Executive Session for the purpose of receiving legal counsel. Ms. Todd 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 the no official actions were taken while in Executive Session.

Ms. Todd made a motion for the Respondent to submit to one hair follicle drug test. If the test is negative, the Respondent will be released from the Recovering Professionals Program. Mr. Lipsitz seconded the motion and it carried unanimously.

### **Case 2015-634:**

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

#### **Motions:**

Ms. Todd made a motion to go 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 the no official actions were taken while in Executive Session.

Ms. Swisher made a motion to lift the suspension on the license. Dr. Baer 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 accept the 29 Dismissals. Mr. Sellers seconded the motion and it carried unanimously.

Ms. Swisher made a motion to approve 53 Formal Complaints. Mr. Sellers seconded the motion and it carried unanimously.

Ms. Swisher made a motion to approve 24 Letters of Caution. Ms. Sellers seconded the motion and it carried unanimously.

### **HEARINGS/DISCIPLINE CONTINUED**

### **Case 2016-535:**

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action. *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. Lipsitz made a motion to go 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. Ms. Todd seconded the motion and it carried unanimously. It is noted the no official actions were taken while in Executive Session.

Mr. Sellers made a motion accept the Memorandum of Agreement with issuance of a public reprimand and the following sanctions: suspension for a period of one year with immediate stay; one year probation; continuation with the Recovering Professionals Program; completion of the Legal Aspects and Ethics courses within six months of the final order; a \$500 civil penalty payable within six months of the final order. Dr. Baer seconded the motion and it carried unanimously.

**Case 2016-763:**

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

**Motions:**

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

Mr. Sellers made a motion to grant the modification request; to require worksite approval for any change in clinical site; grant extension of the civil penalty by one year from the date of the Final Order. Dr. Baer seconded the motion and it carried unanimously.

**Case 2016-461:**

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 issuance of a Letter of Caution. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2017-327:**

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

Mr. Lipsitz made a motion for dismissal. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2017-362:**

The Respondent appeared before the Board represented by legal counsel having executed a Stipulation of Facts agreeing to the circumstances surrounding certain events for the purpose of determining whether the Respondent violated the Nurse Practice Act, and appropriate sanction if so.

**Motions:**

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



**Case 2018-26:**

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. Todd recused herself and completed the recusal form. Ms. Todd rejoined the meeting at the conclusion of this hearing.*

**Motions:**

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

Dr. Baer made a motion to accept the Memorandum of Agreement with the issuance of a public reprimand and the following disciplinary sanctions: completion of the Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking courses within six months of the date of the order; a fine of \$1,500 payable within six months of the date of the order; and Board staff is instructed to process the pending application. Ms. Swisher seconded the motion and it carried unanimously.

**Case 2015-420:**

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 go 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 the no official actions were taken while in Executive Session.

Ms. Todd made a motion to accept the Memorandum of Agreement with the issuance of a public reprimand and the following disciplinary sanctions: suspension for the period of one year with immediate stay, probation for one year; a civil penalty in the amount of \$1,500 due within six months of the order; completion of the Legal Aspects, Ethics, and Critical Thinking courses with six months of the issuance of the order. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2017-332:**

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 go into Executive Session for the purpose of receiving legal counsel with the Board Administrator to stay. Mr. Sellers seconded the motion and it carried unanimously.

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

Mr. Lipsitz made a motion to accept the Memorandum of Agreement with the issuance of a public reprimand and the following sanctions: suspension for a period of one year with immediate stay; probation for one year; civil penalty in the amount of \$500 due within six months of the date of the order; completion of the Legal Aspects, Ethics, and Critical Thinking Courses within six months of the date of the order. Ms. Swisher seconded the motion and it carried unanimously.

**Case 2005-82:**

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

**Motions:**

Ms. Swisher made a motion to go into Executive Session for the purpose of receiving legal counsel with the Board Administrator to stay. 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 the no official actions were taken while in Executive Session.

Dr. Baer made a motion to deny the request. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2017-403:**

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 go into Executive Session for the purpose of receiving legal counsel with the Board Administrator to stay. Mr. Sellers 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 the no official actions were taken while in Executive Session.

Ms. Todd made a motion to accept the Memorandum of Agreement with issuance of a public reprimand and the following sanctions: suspension for the period of one year with immediate stay; probation for one year; a civil penalty in the amount of \$1,000 payable within 12 months of the order; completion of the Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking courses within six months of the date of the order. Ms. Swisher seconded the motion and it carried unanimously.

**Case 2011-335:**

The case came before the Board for the purpose of a Final Order Hearing. The Respondent was not present for the hearing, nor was her legal 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 Hearing Panel's recommendation for dismissal. Mr. Lipsitz seconded the motion and it carried unanimously.

**Case 2015-704:**

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. Swisher recused herself and completed the recusal form. Ms. Swisher rejoined the meeting at the conclusion of this hearing.*

**Motions:**

Mr. Lipsitz made a motion to go 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 the no official actions were taken while in Executive Session.

Dr. Baer made a motion to accept the Memorandum of Agreement with dismissal. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2015-165:**

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 go 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 the no official actions were taken while in Executive Session.

Dr. Baer made a motion to accept the Memorandum of Agreement with issuance of a Letter of Caution. Mr. Lipsitz seconded the motion and it carried unanimously.

**Case 2015-676:**

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

**Motions:**

Ms. Todd made a motion to go 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. Todd seconded the motion and it carried unanimously. It is noted the 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. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2017-380:**

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 go 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 the no official actions were taken while in Executive Session.

Mr. Lipsitz made a motion to accept the Memorandum of Agreement with issuance of a Letter of Caution. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2018-68:**

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action. *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. Lipsitz made a motion to go 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. Todd seconded the motion and it carried unanimously. It is noted the no official actions were taken while in Executive Session.

Mr. Sellers made a motion accept the Memorandum and dismiss the case. Mr. Lipsitz seconded the motion and it carried unanimously.

**Case 2015-524:**

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: issuance of a public reprimand; probation for a period of one year; a fine of \$500 due within six months of the date of the order; and completion of the Ethics and Legal Aspects courses within six months of the date of the order. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2016-261 & 2016-579:**

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 of permanent revocation. Ms. Swisher seconded the motion and it carried unanimously.

**Case 2016-60:**

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 approve the panel recommendation: an evaluation by the Recovering Professionals Program and compliance with all recommendations; and suspension until appearance before the Board of Nursing. Ms. Todd seconded the motion and it carried unanimously.

**Case 2016-252:**

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 of permanent revocation. Mr. Lipsitz seconded the motion and it carried unanimously.

**Case 2016-741:**

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: reenrollment in the Recovering Professionals Program and continued suspension of licensure until the Respondent is in compliance with RPP and appears before the Board of Nursing. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2016-219:**

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: issuance of a public reprimand and continuation of the lapsed licensure status until the Respondent appears before the Board. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2017-37:**

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 Respondent's privilege to practice should be revoked. Mr. Lipsitz seconded the motion and it carried unanimously.

**Case 2016-316:**

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 Respondent's license remain suspended indefinitely until appearance before the Board of Nursing for review. Mr. Sellers seconded the motion and it carried unanimously.

**Case 2016-129:**

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 approve the panel's recommendation: that the Respondent remain suspended for a term of two years with immediate stay of six months and completion of the Documentation, Ethics and Legal Aspects courses within those six months. Respondent must provide documentation that she has completed the courses within six months. If she does not the stay of her suspension will be lifted and the Respondent must appear before the Board of Nursing before practicing. Ms. Swisher 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, September 28, 2018****CALL TO ORDER:**

Samuel McNutt, President of the South Carolina State Board of Nursing called the March meeting back to order at 8:28 a.m. on September 28, 2018. A quorum was present at all times.

**EXCUSED ABSENCES:**

Ms. Swisher made a motion to excuse Ms. Hazzard and Ms. Burdette from the meeting. Mr. Lipsitz seconded the motion and it carried unanimously.

**APPLICATION APPEARANCES:****Applicant One:**

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

**Motion:**

Mr. Lipsitz made a motion to grant licensure. Dr. Baer 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 applicant the opportunity to take the NCLEX. Ms. Todd seconded the motion and it carried unanimously.

**Applicant Three:**

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

**Motion:**

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

**Applicant Four:**

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

**Motion:**

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

**Applicant Five:**

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

**Motion:**

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

**Applicant Six:**

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. Sellers 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 licensure. Ms. Todd seconded the motion and it carried unanimously.

**Applicant Seven:**

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

**Motions:**

Dr. Baer 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. 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 reinstatement and to instead require the applicant to take a Board approved refresher course and instructed Board staff to issue a temporary license for the clinical portion of the refresher course. After the refresher course is completed, the applicant should reappear before the Board to address the prior disciplinary action that is still pending. Mr. Sellers seconded the motion and it carried unanimously.

**Applicant Eight:**

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

**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. Swisher made a motion to leave Executive Session. Mr. Lipstiz 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 licensure. Ms. Todd seconded the motion and it carried unanimously.

**Applicant Nine:**

An Advanced Practice Registered Nurse with a pending application for Prescriptive Authority appeared before the Board.

**Motions:**

Mr. Lipsitz 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.

Mr. Sellers made a motion to accept the application for prescriptive authority. Ms. Todd seconded the motion and it carried unanimously.

**JUST CULTURE UPDATES FROM THE OFFICE OF DISCIPLINARY COUNSEL**

Staff from the Office of Disciplinary Counsel appeared before the Board in Closed Session to discuss updates to the Matrix as well as other updates since the prior meeting. This appearance was conducted in Closed Session so that Board Members and Staff could confer with Advice Counsel as needed. All motions and public discussion occurred on the record.

**Motions:**

Ms. Swisher made a motion to go into closed session. Mr. Sellers seconded the motion and it carried unanimously.

Mr. Lipsitz made a motion to leave closed session. Ms. Todd seconded the motion and it carried unanimously.

Mr. Sellers made a motion to approve the three complaint forms: the employer complaint form; the public complaint form; and the drug diversion complaint form. Dr. Baer seconded the motion and it carried unanimously. The Board then listed the edits that would be made.

Mr. Lipsitz made a motion to allow the forms to be placed on the Board's website. Ms. Todd seconded the motion and it carried unanimously.

Ms. Swisher made a motion to approve the "Should I File a Complaint Form" with requested changes. Mr. Sellers seconded the motion and it carried unanimously. The Board members then reiterated the requested changes.

Ms. Todd made a motion to approve the "Final Order Form." Mr. Lipsitz seconded the motion and it carried unanimously.

Mr. Sellers made a motion to approve the "Revised SC Board of Nursing Analysis Form" with changes. Ms. Swisher seconded the motion and it carried unanimously. The Board then listed the changes needed.



Dr. Baer made a motion to approve the launching of the new website with the addition of the Just Culture information. Mr. Sellers seconded the motion and it carried unanimously.

#### **APPLICATION APPEARANCES CONTINUED**

##### **Applicant Ten:**

An applicant for licensure as a Licensed Practical 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. Todd 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. Todd made a motion to grant renewal for LPN licensure limited to non-clinical practice. Mr. Sellers seconded the motion and it carried unanimously.

#### **RECOMMENDATIONS FROM THE NURSING PRACTICE AND STANDARDS COMMITTEE (NPSC)**

Mindy Carithers, Nurse Practice Consultant and facilitator of 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 Opinion: Nursing Management of Invasive Devices**

Ms. Carithers presented changes to the Respiratory Systems Chart.

##### **Motions:**

Mr. Sellers made a motion to approve the changes to the Respiratory Systems Chart. Ms. Todd seconded the motion and it carried unanimously.

#### **EDUCATION REPORT**

Nurse Education Consultant, Peter Kubas appeared before the Board to present the Education Report.

##### **Regulation 91; Article 5 “The Board Adopts the Most Current Edition of the ANA’s Code of Ethics”**

##### **Motion:**

Ms. Swisher made a motion to adopt the most recent edition of the Code of Ethics. Mr. Lipsitz seconded the motion and it carried unanimously.

##### **Missed Clinical Time Due to Natural Disaster**

##### **Motion:**

Mr. Sellers made a motion to approve the response that the Advisory Committee On Nursing Education recommended with the addition that the simulation hours should be no more than fifty percent. Ms. Todd 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.

### **SLED Audit**

Ms. Moody provided an update on the recent audit of Criminal Background Checks that was conducted by the State Law Enforcement Division.

### **Called Meetings (October 29; December 13)**

Ms. Moody asked for approval of the proposed called meeting dates of October 29, 2018 and December 13, 2019.

### **Motion:**

Mr. Sellers made a motion to approve the called meeting dates. Ms. Todd seconded the motion and it carried unanimously.

### **Approval of 2019 Meeting Dates**

Ms. Moody presented proposed 2019 meeting dates for approval.

### **Motion:**

Mr. Sellers made a motion to approve the 2019 meeting dates. Ms. Todd seconded the motion and it carried unanimously.

Dr. Baer made a motion to redact a Respondent's name from the record. Mr. Sellers seconded the motion and it carried unanimously.

### **Enhanced Nurse Licensure Compact Updates**

Ms. Moody provided an update on the eNLC, to include additions to the compact as well as Rules Committee updates.

## **PRESIDENT'S REPORT**

### **Annual Meeting Update**

Eric Sellers, Board Designee for District Two, provided an update to Board Members about some of the presentations and meetings that he and Dr. Baer attended at the annual meeting.

### **APRN Fees/Lapsed National Certification**

Mr. McNutt presented materials for the Board's approval.

### **Motion:**

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

### **Panel Hearing Member Nomination**

Mr. McNutt presented Brad Harmon, CRNA, as a recommendation as a Panel Hearing member.

#### **Motion:**

Mr. Sellers made a motion to approve. Dr. Baer seconded the motion and it carried unanimously.

### **Nominating Committee for 2019 Board Officers**

Mr. McNutt asked for volunteers for the Nominating Committee. Mr. Lipsitz and Ms. Todd agreed to serve as the Nominating Committee.

#### **Motion:**

Mr. Sellers made a motion to approve Mr. Lipsitz and Ms. Todd as the Nominating Committee.

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