



**South Carolina Board of Nursing**

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**JANUARY 24-25, 2019 MEETING MINUTES**

**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 January 24, 2019. 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	Excused 01/24 Present 01/25	
Jan Burdette, LPN	At-Large, LPN	Excused	
Sallie Beth Todd, RN, MSN-Ed	4 <sup>th</sup> Congressional District	Present	
Neil B. Lipsitz	Public Member	Present	
Vacancy	6 <sup>th</sup> Congressional District	Vacant	
Vacancy	At-Large, LPN	Vacant	
Vacancy	Public Member	Vacant	

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

**EXCUSED ABSENCE:**

Motion to excuse Ms. Burdette and Mr. Sellers. Motion carried.

**APPROVAL OF AGENDA:**

Motion to approve the agenda with the removal of the Joint Position Statement Regarding APRNs Prescribing and the Revised Joint Prescribing Guidelines to the December 13<sup>th</sup> meeting. Motion carried.

**CONSENT AGENDA:**

Motion to approve the Consent Agenda. Motion carried.

**EDUCATION: PIEDMONT TECHNICAL COLLEGE ADN PROGRAM:**

Ms. Miranda Gaillard and Ms. Tara Gonce appeared before the Board representing Piedmont Technical College's ADN Program as follow-up to a citation for 2017 NCLEX deficiency. Motion to accept the information presented with continuation of the action plan. Motion carried with one abstention.\*

**EDUCATION: FLORENCE-DARLINGTON TECHNICAL COLLEGE:**

Ms. Annie Ruth Grant and Dr. Dan Averette appeared before the Board representing Florence Darlington College as follow-up to a citation for 2017 NCLEX deficiency. Motion to accept the information presented; continuation of conditional approval; return before the Board in January 2020. Motion carried.

**EDUCATION: FORTIS COLLEGE ADN PROGRAM:**

Ms. Yvette Spees and Ms. Jennifer Yarnell appeared before the Board representing Fortis College's ADN Program as follow-up to a citation for 2017 NCLEX deficiency and in response to a citation for 2018 NCLEX deficiency. Motion to accept the information provided; return Fortis College to full approval status; continuation of action plan. Motion carried.\*

**EDUCATION: NORTHEASTERN TECHNICAL COLLEGE ADN PROGRAM:**

Ms. Jane Blum and Ms. Nancy White appeared before the Board representing Northeastern Technical College's ADN program as follow-up to a citation for 2017 NCLEX deficiency and in response to a citation for 2018 NCLEX deficiency. Motion to accept the information presented for the LPN program. Motion to accept the information as presented for the ADN program as information; move to conditional status for two year period of time; return in one year with an administrator from the school; incorporate more student involvement in the remediation plan. Motion carried.\*

**EDUCATION: SOUTH UNIVERSITY BSN PROGRAM:**

Dr. Kim Kiefer, Ms. Sarah Wills, and Ms. Mable Smith appeared before the Board representing South University's Bachelor of Science in Nursing program as a follow-up to a citation for 2017 NCLEX deficiency. Motion to accept the information; maintain conditional approval; reappearance in January 2020. Motion carried.\*

## **DISCIPLINARY HEARINGS:**

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

2018-152: Motion to accept the Memorandum of Agreement; accept coursework previously completed; issuance of a Letter of Caution. Motion carried.\*

2014-484: Motion to accept the Memorandum of Agreement; issuance of a public reprimand; revocation of privilege to practice in South Carolina. Motion carried.\*

2017-593: Motion to accept the Memorandum of Agreement with issuance of a Letter of Caution. Motion carried with one abstention.\*

2016-654: Motion to accept the Panel's Final Order Recommendation with the following disciplinary sanctions: public reprimand; acceptance of courses already completed. Motion carried.\*

2016-656: Motion to accept the Panel's Final Order Recommendation with the following disciplinary sanctions: public reprimand; completion of the following courses: Legal Aspects, Ethics, Documentation; classes to be completed within six months of the Final Order. Motion carried.\*

2018-95: Motion to accept the Memorandum of Agreement with the following disciplinary sanctions: continuation with RPP for the five year contract; public reprimand; one year suspension with stay; completion of the following courses: Legal Aspects and Ethics; \$500 civil penalty; civil penalty to be paid and classes to be completed within six months of the Final Order. Motion carried.\* *Ms. Hazzard recused from this matter.*

2014-322: Motion to accept the Memorandum of Agreement with the issuance of the following disciplinary sanctions: public reprimand; continuance with RPP for the duration of the contract; civil penalty of \$500; completion of the following courses: Legal Aspects, Critical Thinking, Nurse Practice Acts; courses are to be completed and the fine is to be paid within six months of the date of the order. Motion carried.\*

2018-10: Motion to accept the Memorandum of Agreement with issuance of the following disciplinary sanctions: public reprimand; civil penalty in the amount of \$1,000 due within six months of the date of the Final Order; completion of the following courses; Legal Aspects, Medication Errors, Documentation, and Critical Thinking within six months of the Final Order. Motion carried.\*

2017-595: Motion to accept the Panel Hearing Recommendation with an indefinite Order of Suspension until the Respondent appears before the Board. Motion carried.\*

2017-153: Motion to accept the Memorandum of Agreement and defer disciplinary actions until completion of a fit for duty evaluation by a Board-approved provider within three months with return before the Board for further review once the evaluation is completed. Motion carried.\*

2017-645: Motion to accept the Memorandum of Agreement with issuance of a Letter of Caution. Motion carried.\*

2018-141: Motion to accept the Memorandum of Agreement with a finding of violations of 40-30-110(A) (14) and 40-1-110(1) (f) with suspension until RPP evaluation and compliance with the recommendations. Once a return to work is obtained, reappear before the Board for further sanctions. Motion carried.\*

2018-83: Motion to grant the modification; lift suspension and reinstate to practice. Motion carried.\*

2018-225: Motion to accept the Memorandum of Agreement with the following disciplinary sanctions: public reprimand; continuation of RPP. Motion carried.\*

2018-505: Motion to accept the Memorandum of Agreement with the following disciplinary sanctions: private reprimand; \$500 civil penalty; completion of the following courses: What Every Nurse Should Know About Regulation and Legal Aspects; the fine is to be paid and the courses completed within six months of the Final Order. Motion carried.\*

#### **UPDATED REVISED JOINT PAIN MANAGEMENT GUIDELINES:**

Motion to accept the Joint Pain Management Guidelines. Motion carried.

#### **JOINT ADVISORY OPINION REGARDING APRN PRESCRIBING OF SCHEDULE II NARCOTICS:**

Motion to accept the Joint Advisory Opinion Regarding APRN Prescribing of Schedule II Narcotics. Motion carried.

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

Ashley Thompson, Assistant Disciplinary Counsel, presented the Administrative Review Report for the Board's approval. Motion to approve the Administrative Review Report. Motion carried. *Conducted in Closed Session.*

#### **PRACTICE REPORT:**

Advisory Opinion #52 & Advisory Opinion #3: Motion to approve suggested changes. Motion carried.

Advisory Opinion #25: Motion to allow the Nursing Practice and Standards Committee to review the AO. Motion carried.

#### **WAIVED FINAL ORDER HEARING REPORT**

2015-496, 2016-429, 2005-258: Motion to approve Panel recommendations. Motion carried.

Motion to adjourn for the evening. Motion carried.

**FRIDAY, JANUARY 25, 2019**

**CALL TO ORDER**

Mr. McNutt called the meeting to order at 8:27 a.m. on Friday, November 30, 2018. It is noted that a quorum was present at all times.

**EXCUSED ABSENCES:**

Motion to excuse Ms. Hazzard and Ms. Burdette. Motion carried.

**CLARIFICATION OF ADVISORY OPINION #25 REGARDING EXPANDED USE OF KETAMINE IN CRITICAL CARE:**

Ms. Suzanne Camp and Ms. Maelen Ignacio appeared before the Board representing Spartanburg Regional Healthcare in response to a request to clarify Advisory Opinion #25. Motion to approve the request and have it sent to the Nursing Practice and Standards Committee for review of Advisory Opinion #25. Motion carried.\*

**OFFICE OF INVESTIGATIONS AND ENFORCEMENT:**

Investigator PC Faglie presented the Investigative Review Committee Report for approval.

Motion to approve 12 Dismissals. Motion carried.

Motion to approve 20 Formal Complaints. Motion carried.

Motion to approve 9 Letters of Caution. Motion carried.

**DISCIPLINARY HEARINGS:**

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

2015-708: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2016-147: Motion to approve the panel's Final Order Hearing Recommendation with correction to find a violation of 40-33-110(A) (3). Motion carried.

2016-284: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2016-145: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2017-336: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2014-647: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2016-600: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2016-571: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2017-83: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2017-151: Motion to approve the Final Order Hearing Recommendation. Motion carried.

### **MEDICATION COMPOUNDING BY THE APRN**

The Administrator for the Board of Pharmacy, Traci Collier; Advice Counsel for the Board of Pharmacy, Adam Russell; and Attorney Wes Jackson appeared before the Board to discuss medication compounding by the APRN. Motion to send the issue to the Nursing Practice and Standards Committee for drafting of an Advisory Opinion allowing for medication compounding by the APRN only. Motion carried.\*

### **PRISMA HEALTH MIDLANDS AND PRISMA HEALTH UPSTATE:**

Dr. Judith Burgis; Dr. Dan Phillpis, Attorney Sara McCartha; and Attorney Elizabeth Bradley appeared before the Board representing Prisma Health in regards to their request regarding Nitrous Oxide utility in labor and birth. Motion to accept the information presented with a request to return before the Board with the developed policies and procedures necessary for the training and education, administration, and storage of the Nitrous Oxide. Motion carried.\* *Ms. Swisher recused from this matter.*

### **APPLICATION APPEARANCES:**

Applicant One: Motion to grant reinstatement of licensure; grant modification of the Consent Agreement to remove probationary status and the quarterly report requirement with the expectation of continued compliance with RPP for the duration of the contract. Motion carried.\*

Applicant Two: Motion to grant a temporary license for the purpose of completion of the clinical portion of the refresher course of her choosing to be completed within the time frame required by the program, with reappearance before the Board once the refresher course is completed for consideration of any conditions or restrictions required to protect the public. Motion carried with one Member obtaining from voting.\*

Applicant Three: Motion to issue a Letter of Caution. This motion did not carry. Motion to accept the Stipulation of Facts; dismiss with a Letter of Caution; grant licensure. Motion carried.\*

Applicant Four: Motion to allow the applicant to take the NCLEX exam. Motion carried.

Applicant Five: Motion to grant licensure. Motion carried.

Applicant Six: Motion to grant licensure. Motion carried.

Applicant Seven: Motion to release from prior Consent Agreement; issue a temporary license for the purpose of completion of the clinical portion of the refresher course. Motion carried.\*

**PRESIDENT'S REPORT:**

Attendance at Mid-Year Meeting: Motion to approve Ms. Todd, Ms. Moody, and Mr. Kubas to attend the Mid-Year Conference. Motion carried.

APRN Conference: Motion to approve Dr. Baer and Dr. Stephanie Burgess to attend the APRN Conference. Motion carried.

Motion to adjourn. Motion carried.

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