

SC Department Of Labor, Licensing And Regulation
STATE BOARD OF NURSING
110 Centerview Drive, Room 108
Columbia, South Carolina 29210

REGULAR BOARD MEETING MINUTES - SEPTEMBER 29, 2005

In the president's absence, Vice President Suzanne White called the meeting to order at 8:35 a.m. Public meeting notice was properly posted at the Board of Nursing Offices, Kingtree Building Lobby and provided to all requesting persons, organizations, and news media in compliance with the South Carolina Freedom of Information Act. A quorum was present at all times. The Board mission was announced as follows: *The mission of the State Board of Nursing for South Carolina is the protection of public health, safety, and welfare by assuring safe and competent practice of nursing.*

CALL TO
ORDER AND
FOIA
COMPLIANCE

Sylvia Whiting, PhD, APRN-BC, President	<u>BOARD MEMBERS</u>
Congressional District 1	Absent
Suzanne White, RN, MN, FAAN, FCCM, CNAA, Vice-President	<u>PRESENT AND VOTING</u>
Congressional District 4	Present
Brenda Martin, RNC, MN, CNAA. Secretary	
Congressional District 5	Present
Carrie Houser James, RN, MSN	
Congressional District 6	Present
Mattie Jenkins, LPN	
Region I, Congressional District 1.....	Present
Rose Kearney-Nunnery, RN, PhD	
Congressional District 2	Absent
C. Lynn Lewis, RN, EdD, MHS	
Congressional District 3	Present
Debra Doria, LPN	
Region II, Congressional District 4	Present
James Rogers, Esquire	
Public Member.....	Absent
Public Member.....	Vacancy

Martha Summer Bursinger, RN, MSN, Administrator	<u>STAFF MEMBERS</u>
Ruby Brice McClain, Asst. Deputy Director, Health & Medically Related Prof.	
Richard P. Wilson, Deputy General Counsel	
Neil Riley, Litigation Counsel	
Maggie Johnson, RN, Program Nurse Consultant-Practice	
Nancy Murphy, RN, MSN, Program Nurse Consultant-Education	
David Christian, Program Coordinator – Licensure	
Annette Disher, Program Coordinator - Licensure	
Dottie Buchanan, Administrative Assistant	

PRESENT FOR
CERTAIN
AGENDA
ITEMS

The agenda for the September 29, 2005 Board Meeting was presented to the Board for review and approval. **APPROVAL OF AGENDA**

A motion was made to approve the September 2005 Board Meeting agenda as presented. The motion received a second. The motion carried unanimously. **MOTION**

The following items were adopted on the consent agenda: **APPROVAL OF CONSENT AGENDA**

- Registered Surgical Techs & Licensed Surgical Asst. Practice Act
- Copy of Supervision Regulation
- Education Minutes-2005 NCSBN Annual Meeting
- Board Member Minutes-2005 NCSBN Annual Meeting
- PN Minutes-2005 NCSBN Annual Meeting
- Practice/ Discipline Minutes-2005 NCSBN Annual Meeting
- Commission on Graduates of Foreign Nursing Schools (CGFNS) Updates
- Copy of Article from JONA – Nontraditional Models of Care Delivery
- NCSBN Annual Mtg. Report – 2005 - Sylvia Whiting, PhD, APRN-BC
- NCSBN Annual Mtg. Report – 2005 –Rose Kearney-Nunnery, PhD, RN
- NCLEX Statistics from NCSBN
- Francis Marion University - Initial Program Update Materials
- NCSBN Annual Mtg. - Systematic Review of Studies of Nursing Education Outcomes: An Evolving Review
- NCSBN Annual Mtg.-Clinical Instruction Pre-Licensure Nursing Programs
- NCSBN Annual Mtg. - Education Breakout Session Minutes
- NCSBN Annual Mtg. - NLN Breakout Session
- Central Carolina Technical College - NLNAC Visit
- New Nurse Administrators
- TriCounty Technical College - Program Enrollment Increase Plans
- Florence Darlington Technical College - Request for Curriculum Change
- NCSBN - NCLEX-PN Examination Passing Standard Revised
- Nursing Practice and Standards Committee Minutes
- School Nurse Advisories
- Legal Aspects Workshop Evaluation Summary
- Disciplinary Review Committee (DRC) Minutes
- Approval of Panel Member - Warren
- Investigation Statistics
- Unlicensed Practice – Not Appearing
- Information: Licensure Statistics

A motion was made to adopt the Consent Agenda with the removal of FAQ Regarding Advancing Your Nursing Education and Investigative Review Committee (IRC) Minutes. The motion received a second. The motion carried. **MOTION**

The minutes of the May 26-27, 2005 Board Meeting were presented to the Board for review and approval. **APPROVAL OF MINUTES**

A motion was made to approve the May 2005 Board Meeting minutes with editorial changes. The motion received a second. The motion carried unanimously. **MOTION**

The minutes of the July 28, 2005 Board Meeting were presented to the Board for review and approval.

A motion was made to approve the July 2005 Board Meeting minutes with editorial changes. The motion received a second. The motion carried unanimously.

MOTION

It was announced that Ms. Bursinger would be retiring from the state and beginning a new job closer to home. Ms. Bursinger explained that she had truly enjoyed her time working with staff, the Department of Labor, Licensing and Regulation and the Board. Ms. White thanked Ms. Bursinger for all of her work as well as that of the staff.

BURSINGER
RETIREMENT

The Board reviewed cases and recommendations from the hearing panel. Respondents appeared before the Board.

FINAL ORDER
HEARINGS

Although properly notified and with service upon the Board President, Respondent did not appear before the Board. Respondent has relocated to Florida and apologizes for not being at the meeting today. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that the State failed to prove by a preponderance of the evidence that the Respondent violated the provisions of the Nurse Practice Act as set forth in the Formal Complaint. The Hearing Panel recommended that the Complaint be dismissed.

A motion was made to continue this case until the Board can review the transcript. The motion received a second. The motion carried unanimously.

MOTION

Respondent was properly notified, with service upon the Board President. Respondent appeared before the Board to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that the State failed to prove by a preponderance of the evidence that the Respondent violated the provisions of the Nurse Practice Act as set forth in the Formal Complaint. The Hearing Panel recommended that the Complaint be dismissed.

A motion was made to into executive session for the purpose of receiving legal counsel. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to return to public session. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law, and Recommendation that the Complaint be dismissed. The motion received a second. The motion carried unanimously.

MOTION

Although properly notified and with service upon the Board President, Respondent did not appear before the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that the Respondent was in violation of Section 40-33935(e) and (g) (1976) as well as Regulation 91-19(c)(3)(b) and (d). The Hearing Panel recommended that Respondent's license be actively suspended for a period of one

year and until further order of the Board and that Respondent be required to pay a civil penalty of \$500 within a time period set by the Board.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law, and Recommendation that the Respondent's license be actively suspended for a period of one year and until further order of the Board and that Respondent be required to pay a civil penalty of \$500. The motion received a second. The motion carried unanimously.

MOTION

Ms. McClain spoke with Board President, Sylvia Whiting, for Board input on posting the administrator position. Dr. Whiting asked that the posting wait until October 10, 2005. In the mean time, an interim is needed to assist with the Compact implementation and several major deadlines coming up in the near future. The agency wanted someone who was already familiar with the Board and the agency. Former Board of Nursing administrator, Renatta Loquist, has agreed to serve as interim during the search for new administrator. The search process shouldn't take more than 2 – 2 ½ months. If necessary, Ms. Loquist will be asked to her to stay on for a short period to acclimate new administrator.

SEARCH FOR
NEW
ADMINISTRA-
TOR-
TRANSITION
PERIOD

The administrator position posting will state that a nurse is preferred but will include other preferences such as master's degree in public health and/or health/medical administrator or manager in addition to nurse. Retention of nurses in state government is difficult. The agency will be looking for a nurse but makes no commitment that a nurse will fill the position. The state system does not require a nurse for this position. The Board of Pharmacy is the only licensure board that requires a practitioner by statute. This administrator is hired in the same classification as other administrators. It was asked if thought had been given to upgrading the position. Ms. McClain explained that most Department of Labor, Licensing and Regulation (LLR) administrators are at the Program Coordinator II level, which is a level below Program Manager. Only a few LLR administrators are at the Program Manager I level. Program Manager II is an assistant deputy director level at LLR. The position will be posted in the state job system. If an adequate pool of applicants is not received the agency will consider a wider search. The new administrator must have good organizational skills and leadership qualities. The Board expressed that they would prefer a nurse as administrator. Dr. Lewis stated that strong administrative skills and political experience is important for the position and we may not be able to hire a nurse with all of those skills. Ms. White believes there are nurses with those strong skills and explained that nurse salaries are an issue nationwide. Ms. McClain stated that this is an important role and is becoming more important. The agency would like someone who has abilities similar to Ms. Bursinger in working with the legislature. Human Resources Office will prescreen applications and provide a list of qualified applicants. The top applicants will be selected and then interviewed by LLR management and designated board members. In the past, three board members along with LLR staff interviewed the top three candidates. Names of applicants cannot be shared with anyone outside the interviewers. Ms. McClain will see if it is possible to conduct interviews at the November Board of Nursing meeting. This will depend on the pool of applications received.

Board Members, Debra J. Newton, LPN and James P. Rogers, Esquire, were asked to serve on the 2006 Board of Nursing Officer Nominating Committee. The Nominating Committee will present the slate of 2006 officers for Board Member consideration and vote at the November 17/18, 2005 Board Meeting. Ms. Doria will contact Mr. Rogers to be sure he will be able to serve. If he cannot, contact will made with Dr whiting about another member.

APPOINTMENT
OF
NOMINATING
COMMITTEE

Ms. McClain gave a brief overview of the Multi-state Nurse Licensure Compact (Compact) history, description of the Compact, and the timeline for implementation. She updated the Board the Compact in South Carolina. Although most states have taken six to eighteen months to implement the Compact, we are trying to do it in five months to coincide with the renewal. This will result in cost savings by not having to reprint licenses so soon after renewal.

COMPACT
UPDATE

Copies of the model Compact regulations were provided to the Board for their review and approval. These are the standard regulations used by all boards in the Compact.

MOTION

A motion was made to authorize staff to begin the regulation process necessary for implementation of Compact. The motion received a second. The motion passed unanimously.

ENGINE ACT
REWRITE

Mr. Wilson presented the Board with a copy of the "Engine" Act re-write. Changes have been made for consistency such as authorization rather than license because some boards issue licenses while other issue permits. As always, if there were any differences between the Engine Act and a practice act, the default would be to the practice act. The Nurse Practice Act is a good model. The Engine Act allows other boards similar authority.

The rewrite has already been introduced so that it can be reviewed. Any changes will be taken up in legislative committee. The legislative subcommittee will be asked to make any necessary changes. Mr. Wilson asked that the Board consider supporting the rewrite or to support the rewrite with the exception of whatever area the Board question.

A motion was made to defer action until November Meeting when the full board is present. The motion received a second. The motion passed unanimously.

MOTION

Initial Program Nurse Administrator and Faculty Change Updates

SOUTH
CAROLINA
STATE
UNIVERSITY

Ms. Houser James recused herself from discussion due to her employment with South Carolina State University. In January 2004, the Board voted to grant initial approval for the South Carolina State University (SCSU) Baccalaureate Degree Nursing Program. There have been some changes in the nurse administrator and faculty information that was submitted at approval time. Peggy Greaves, Interim Program Director for the Nursing Program at SCSU was present to provide an update. Also in attendance were Suresh Lundhe, Debra Austin, Gwen Wilson, Deitra Reese, Colleen Browne, Ruth Teal, and Karla Hawkins. Dr. Greaves thanked Ms. Murphy for her assistance and consultation.

Dr. Greaves explained that they currently have 100 freshmen interested in the nursing program. Students are not accepted into the nursing major until sophomore year. They have a number of sophomores who have taken their science courses who are interested in nursing.

Dr. Greaves stated that the school has done an excellent job in recruiting and hiring faculty and has qualified faculty in all areas. SCSU has supported nursing with higher salaries for nursing faculty. They are working on retention of faculty. She believes that everyone has unique skills that they bring with them to the job and that those skills should be utilized. Dr. Greaves explained that the faculty is young, enthusiastic, and wants to make a difference. More bachelors prepared nurses are needed. Hampton University in Virginia working with SCSU as a sister school. All new teachers have been assigned to seasoned faculty to assist them as they learn more about teaching. Dr. Flake from Winston Salem, NC came down as a consultant.

Dr. Greaves explained that their priority is to bring up National Council Licensure Examination (NCLEX) scores and to prepare a competent bachelor's prepared nurse. She explained that a student must pass the NCLEX to show that he/she is a good nurse; however, they could be a good nurse but not pass the NCLEX or could pass the NCLEX but not be a good nurse. All courses are now using NCLEX type questions to assist students. They are concentrating on the senior students but NCLEX will be reviewed all semester. They will have a review but it will not be a one time study. They are using ATI testing system. This system tests diagnostically on what students know and do not know using questions similar to NCLEX. This testing will be used in fundamentals. All major tests are submitted to Dr. Austin and her colleagues to be sure that they meet the new standards. Students are anxious because they are being tested at a higher level. Tests will not be made it easier to allow students to pass. They will work with students to study and build their self-confidence. SCSU has purchased an online testing service for student to practice doing test items across all areas.

Dr. Greaves reported that the nursing program has support at university level. SCSU has recently allocated more funding to purchase more equipment. There is the Title 3 funding available and a local hospital has donated money to the foundation for the program. They have recently purchased mannequins and increased the bed capacity. Faculty has submitted requests and the Title 3 funding will be purchasing more equipment over the next six months.

They will continue with the current curriculum, which was approved by the Board in 2004. They will bring in a consultant to review the curriculum and will bring back to the Board for approval of changes if necessary. Suggestions have been made to increase the clinical time.

Dr. Greaves reported that there had been some organizational changes in the nursing program. They are looking at program priorities to see how to best organize themselves. There is an increase in collaboration with local facilities. Currently, they have adjunct faculty in the pediatrics clinical only. They hope to have alumni become mentors to current students. Dr. Greaves wants all students to be a total

nurse when they graduate. SCSU is supporting faculty who wish to go on for their doctorate and masters degrees.

Dr. Greaves asked for the Board's continuing support of this program. Ms. White stated that the Board supports this program but has some concern about the NCLEX scores. She asked if SCSU has looked at their admissions criteria. Dr. Greaves explained that they require 2.8 or higher GPA and the ATI testing system. SCSU does not plan to make any changes to admissions at this time. In the future, they will look at reading, math, and critical thinking but feel that the new test will help.

SCSU will be working with their ten seniors year on an individual basis. These ten seniors will be the first graduating class from the new program. Predictor testing will be provided one day a week. Dr. Greaves reported that students seem happy about the workbook and assistance. The ATI comprehensive exam helps as a predictor on NCLEX. SCSU is currently covering the cost but it will be part of student fees in the future.

Action From July 28, 2005 Board Meeting

At the July 28, 2005 meeting, the Board voted that Greenville Technical College maintains the ratio as they have for the summer for the fall semester and future semesters. During that summer they had 25% but the regulation allows 30%. Gayle Heller and Margaret Kropowski of Greenville Technical College appeared before the Board to request clarification on that decision.

A motion was made for full time faculty to teaching assistant ratio at Greenville Technical College meet Regulation 91-29(C)(3) requirements. The motion received a second. The motion carried unanimously.

MOTION

Ms. Bursinger updated the Board on the Practitioner Remediation and Enhancement Partnership (PREP), which is no longer a pilot program. Two more groups have entered into agreements since the last board meeting. PREP presentations have been given to all hospices in the state.

PREP

Ms. Bursinger updated the Board on the recent emergency relief effort. A number of nurses were already on the disaster volunteer list and some were added after this disaster. The Department of Health and Environmental Control (DHEC) recently requested the list and it was provided to them in less than an hour. Not as many volunteers were needed as was initially thought. Staff has provided volunteer contact numbers to nurses who wanted to volunteer outside the disaster relief coordinated by DHEC. Licensing procedures were modified within the confines of the law to accommodate the licensing of displaced nurses coming from Louisiana, Mississippi, Alabama, and Texas. Staff was aware that ChoicePoint/DataMart purchasing licensee listing from all states. We were able to coordinate with them to access to their licensing database to verify licenses while the boards of nursing in those states were down. We shared information with the displaced nurses on how they could replace their important documents such as their birth certificate and social security cards.

EMERGENCY
RELIEF

Dr. Kearney-Nunnery and Dr. Lewis had the opportunity to speak with Donald A.

PROPOSED

MED. ASST.
LEGISLATION-
UPDATE FROM
DELEGATE
ASSEMBLY

Balasa, JD, MBA, Executive Director and Legal Counsel of the American Association of Medical Assistants (AAMA). He was not aware that the South Carolina Association of Medical Assistants (SCMA) was pursuing legislation leading to licensure. Mr. Balasa stated that he would be in contact with the local chapter.

He explained that the goal of the AAMA is to unify the educational process for the medical assistant generalist. Currently there is formal and informal training/education. Most medical assistants are apprenticed trained. Physicians are the primary period to delegate duties to medical assistants. The AAMA supports formal education. They would like certification as a standard of at least a diploma level and grandfather. The South Dakota Nurse Practice Act requires two semesters of formal education for medical assistants in their states. He explained that there is not a national campaign for licensure although there may be regional and local pushes for licensure. Most medical assistants work in ambulatory clinics and physician offices.

There is concern about what is and will be taught to medical assistants. Currently, the scope of practice is limited in the programs in South Carolina but there are some procedures that may be considered nursing. In physician offices in South Carolina there are medical assistants who are starting Intravenous procedures. There is concern about the medications the medical assistants are allowed to administer. The scope of practice varies from area to area. Was noted that some are providing conscious sedation. Scope of practice is difficult to define because the physician, as allowed by the medical practice act, is delegating acts. The physician is supposed to supervise but this is generally delegated to the nurse, which is of concern to the Board. Medical assistants are sometimes confused with nurses by patients in the physician's offices. In most instances, the staff does not wear identification badges stating whether they are a nurse or medical assistant and at times the medical assistant is referred to as a nurse by the physician or staff when speaking with a patient.

The Board of Medical Examiners did not vote in favor or opposition to this proposed legislation. Their board did not initiate this legislation. It seems that this proposal may be tied to third party reimbursement. Ms. Bursinger will speak with the Board of Medical Examiners administrator about being placed on the agenda for their next meeting.

At the last Board of Medical Examiners meeting, they had a presentation from an investigator from the Alabama Board of Medical Examiners. This investigator, who is also a nurse, conducts audits of physician's offices regarding advanced practice nurses. Ms. Volmer asked Ms. Johnson to speak regarding advanced practice registered nurse (APRN) audits in South Carolina. Ms. Johnson advised that she monitors approximately 3,500 APRNs in our state. She assured the Board of Medical Examiners that she did not feel there were any problems with supervision of APRNs by physicians. The Board of Medical Examiners does have some concern and asked that the Board of Nursing President address this at their next meeting in November.

MEETING WITH
BOARD OF
MEDICAL
EXAMINERS

The Board's advisory opinion on Sexual Assault Nurse Examiners (SANE) allows

UPDATE ON

generalist SANE to perform examinations within 72 hours on a pediatric patient. After that time, the examiner must be at an advanced practice registered nurse level to perform the examination. The state has funded centers across the state to treat sexually abused children. There is some pressure for any SANE to be allowed to perform any examination at any time. Kathy Saunders, former chair of the Advanced Practice Committee and Pediatric SANE, is providing information to restore the practice in accordance with the Board's advisory opinion.

S.A.N.E.

Ms. Johnson reported that the task force has reviewed the changes made by the Board to the School Nurse Advisory Opinions. This information was shared with 75 school nurses earlier in the week and will be posted on the web site soon. Ms. Doria thanked the Board for approving these advisory opinions.

SCHOOL
NURSE
ADVISORY
OPINIONS

The Board discussed the Frequently Asked Questions regarding advancing nursing education. Because clinical facilities may have problems with incoming students from out of state programs, a sentence will be added to the end of the information to advise students to check with their proposed clinical facility.

FAQ
REGARDING
ADVANCING
NURSING
EDUCATION

Ms. White asked that the Investigative Review Committee chairperson sign their minutes and that the minutes contain more information similar to the Disciplinary Review Committee Minutes.

IRC MINUTES

The next meeting of the South Carolina Board of Nursing is scheduled for November 17-18, 2005. NEXT MEETING

A motion was made to adjourn the meeting at 2:37 p.m. on September 29, 2005. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,
Dottie Buchanan, Administrative Assistant