

SC DEPARTMENT OF LABOR, LICENSING AND REGULATION

110 CENTERVIEW DRIVE, SUITE 202
COLUMBIA, SOUTH CAROLINA 29210

Board of Nursing Meeting Minutes – July 24, 2008

<p>Vice-President C. Lynn Lewis called the Board Meeting to order at 8:35 a.m. on July 24, 2008. In accordance with the S.C. Freedom of Information Act, the meeting notice was posted at the Board offices and provided to requesting persons, organizations and news media. The Board's mission was read: <i>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.</i> A quorum was present at all times.</p>	<p align="center"><u>CALL TO ORDER</u> <u>PLACE OF</u> <u>MEETING</u> <u>AND FOIA</u> <u>COMPLIANCE</u></p>
<p>Brenda Y. Martin, RNC, MN, CNAA, President Congressional District 5 Absent</p> <p>C. Lynn Lewis, RN, EdD, MHS, Vice-President Congressional District 3 Present</p> <p>Trey Pennington, MBA, MS, Secretary Public Member Present</p> <p>Debra J. Doria, LPN Region II, Congressional District 4 Present (Out At 3:00 p.m.)</p> <p>Carrie H. James, RN, MSN, CNA BC, CCE Congressional District 6 Present (In 11:30 a.m. / Out 4:30 p.m.)</p> <p>Rose Kearney-Nunnery, RN, PhD, CNE Congressional District 2 Present</p> <p>Sylvia A. Whiting, PhD, APRN BC Congressional District 1 Present</p> <p>Vacancy -Registered Nurse -Congressional District 4 Vacancy -Licensed Practical Nurse - Region I Vacancy -One Public Member</p>	<p align="center"><u>BOARD MEMBERS</u> <u>PRESENT AND</u> <u>VOTING</u></p>
<p>Joan K. Bainer, RN, MN, NE BC, Board Administrator Nancy G. Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education</p> <p>Sheridon Spoon, Associate General Counsel Marvin Frierson, Asst. General Counsel Dwight Hayes, Asst. General Counsel & Office of Licensure and Compliance Kathy Meadows, Office of Investigations and Enforcement Jennifer Cooper, Administrative Assistant, Office of General Counsel Krystal McFadden, Administrative Assistant, Office of General Counsel Shirley Robinson, Hearing Counsel Gwendolyn Green, Hearing Counsel</p> <p>David Christian, III, MBA, CPM, Asst. Dep. Dir -Office of Licensure & Compliance Robert Boland, Office of Licensure and Compliance Annette Disher, Office of Licensure and Compliance Sherry Wilson, Office of Licensure and Compliance Judith Haught, Office of Licensure and Compliance Metteah Taylor, Office of Licensure and Compliance Theresa Richardson, Office of Licensure & Compliance</p>	<p align="center"><u>BOARD AND LLR</u> <u>STAFF MEMBERS</u> <u>PRESENT FOR</u> <u>CERTAIN AGENDA</u> <u>ITEMS</u></p>

<p>Ruby Brice, LLR - Special Projects</p> <p>The July 24, 2008 Board of Nursing meeting agenda was presented to the Board for review and approval.</p> <p>A motion was made by Dr. Whiting to approve the July 24, 2008 agenda as presented. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF AGENDA</u></p> <p><u>MOTION</u></p>
<p>The July 24, 2008 Board of Nursing meeting Consent Agenda was presented to the Board for review and approval.</p> <ul style="list-style-type: none"> ▪ Administrator Appointment to NCSBN Task Force to Assess Boards of Nursing Chemical Dependency Programs ▪ NCSBN Response to CACC DNP Certification by NAPNAP, AFPNP & PNC ▪ NCSBN Public Policy ▪ NCSBN Interactive ▪ NCSBN All Hazards Emergency Operations Guidelines for Boards of Nursing ▪ Advisory Opinion Index ▪ For Approval: New IRC Member - Diller <p>A motion was made by Ms. Doria to approve, accept and/or adopt items on the Consent Agenda as presented. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF CONSENT AGENDA</u></p> <p><u>MOTION</u></p>
<p>The April 10, 2008 Board of Nursing Strategic Planning Meeting Minutes were presented for Board review and approval.</p> <p>A motion was made by Dr. Kearney-Nunnery to approve the April 10, 2008 Board of Nursing Strategic Planning Meeting Minutes as presented. Ms. Doria seconded the motion. The motion carried unanimously.</p> <p>The May 15, 2008 Board of Nursing Meeting Minutes were presented for Board review and approval.</p> <p>A motion was made by Mr. Pennington to approve the May 15, 2008 Board of Nursing Meeting Minutes as presented. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF MINUTES</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Ms. Bainer announced that Lisa Williams-Holloway has accepted the Program Nurse Consultant for Practice position and will begin on August 6, 2008.</p> <p>Ms. Bainer reported that the S.C. Department of Labor, Licensing and Regulation will begin utilizing video teleconferencing (VTC) and other electronic methods for board and committee meetings.</p> <p>Ms. Bainer has completed her term on the National Council of State Boards of Nursing (NCSBN) Awards Committee. She was asked to serve on the NCSBN Task Force to Assess Boards of Nursing Chemical Dependency Programs. Ms. Bainer commented that at their first meeting she noted a great deal of family support in other recovery programs. Ms. Bainer is near completion of her NCSBN Institute of Regulatory Excellence (IRE) project.</p>	<p><u>ADMINISTRATOR'S REPORT</u></p>
<p>Ms. Bainer reported that it is time to renew the contract for the <i>Palmetto Nurse</i> magazine. Although it is not a scholarly journal, the <i>Palmetto Nurse</i> is the Board's primary method of disseminating important licensure information to our</p>	<p><u>PALMETTO NURSE</u></p>

nurses. Currently, Ms. Bainer and Ms. Buchanan write and edit the articles for the magazine. Ms. Williams-Holloway will contribute articles on practice. It was suggested that consideration be given to, but not limited to, columns from the legal /disciplinary areas, Recovering Professional Program (RPP), and an article on common types of offenses that lead to disciplinary action. Ms. Bainer invited Board Members to write articles or be interviewed for the *Palmetto Nurse*. Mr. Pennington will write an article for the fall on his role as lay member.

Ms. Bainer explained that with the restructuring of the Professional and Occupational Licensure Division (POL) of the S.C. Department of Labor, Licensing and Regulation (LLR), Board of Nursing staff Joan Bainer, Nancy Murphy, Lisa Williams-Holloway, Rosemary Chase and Dottie Buchanan will be under Board Affairs Staff.

Mr. Christian explained that the Boards of Nursing and Medical Examiners licensing staffs have been the pilot study over the past for the current restructuring. He introduced supervisors Robbie Boland-Initial Licensure Section; Annette Disher-Renewal Section; and Dwight Hayes-Compliance and Discipline. Mr. Hayes introduced Sherry Wilson, Judith Haught, Theresa Richardson and Metteah Taylor who will be working in Compliance and Discipline.

Mr. Hayes explained that non-routine applications, such as “yes” answers on renewals, will fall under his area. They will review and determine whether the application can be handled by Board policy or go through the process of consent agreement in accordance with the grid or go to hearing. They will have 120 days to address these issues.

Mr. Christian stated that only 15-20 cases now go through the Investigative Review Committee instead of 65 or more cases as before. Ms. Bainer and Ms. Murphy participate on the Resolutions Committee (Committee) staffing cases. Ms. Williams-Holloway will also participate on the Committee. The Committee has all investigation information prior to the meeting. At least one nurse is always present. Recommendations are made based on the Board’s Disciplinary Sanctions Guidelines Chart. The Committee relies heavily on the nurses, especially in the area of determining whether a fine should be the minimum or maximum based on the merits of the case. Kathy Meadows documents the Committee recommendations and provides a report at the next Board meeting. Ms. Bainer provided a Legal Aspects Workshop for the investigators. Often times, investigators come to Ms. Bainer to ask questions about cases.

Mr. Christian reported that many other LLR licensing boards have reviewed and are impressed with the format and detail of the Disciplinary Sanctions Guidelines Chart (the grid). The Boards of Pharmacy and Dentistry have adapted the grid to meet the needs of their areas. Other boards will soon be using a grid also.

Mr. Christian asked if the Board still wanted to have all consent agreement come to the Board for review or if they wanted to have the Board President review at the time she signs the agreement. In their review, the Board may accept or reject the consent agreement and offer suggestions for changes. If nurse does not accept the consent agreement, a formal complaint is issued and a panel hearing scheduled. The Board would like to continue reviewing the consent agreements. Dr. Kearney-Nunnery asked how best to alert attorneys that board members have questions regarding the consent agreements. Mr. Hayes asked to be told in advance so that he could have the necessary documents for discussion. He

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<p>cautioned the Board that not all questions could be answered due a risk of tainting the Board if they should have to hear the case at a later date.</p> <p>Mr. Christian reported that he will serve as the LLR liaison for the Recovering Professional Program (RPP). In the past, the boards have spoken to the RPP separately. Mr. Christian will now be speaking as one voice for LLR. Compliance for all boards will be under Licensure and Compliance.</p> <p>Ms. Bainer and Ms. Murphy worked on the National Council of State Boards of Nursing (NCSBN) grant for criminal background checks. We are not able to move forward with the grant at this time due to state laws.</p>	
<p>Ms. Bainer reported that of the 90 audit requests for competency documentation, 85 chose employer verification. Approximately 20% have not submitted their information in a timely manner. By law, advanced practice registered nurses (APRN) have 72 hours to provide the required documentation. The law provides five days for registered nurses and licensed practical nurses to respond. Nurses are calling to see what we have sent by certified mail and delaying or not going to pick up letters from the post office. Calls from nurses asking what the Board sent to them by certified mail.</p> <p>Problems with this audit include but are not limited to:</p> <ul style="list-style-type: none"> • Nurses having their employer sign the certification form after receiving the audit letter. • Many nurses have said that they were not aware that they needed to have their documentation prior renewal. Some have left the job and the former employer will not sign for the time period. • APRN were looking on internet for general information sheet. It was explained to them that the information required is listed in the Nurse Practice Act. Did not require APRNs practicing outside South Carolina to provide the general information sheet due to different requirements in other states. <p>If nurses have an employer certification signed now for this audit (May 1, 2006 – April 30, 2008), can they use the same document for their next renewal (May 1, 2008 – April 30, 2010)? The Nurse Practice Act requires documented evidence of at least one of the requirements <i>during</i> the licensure period.</p> <p>Further discussion included but was not limited to emphasizing that there is the possibility of a civil penalty for non-compliance with the audit, possibility of allowing a request for a 48 hour extension for submission of audit information, issuance of a cease and desist order for non-compliance after 30 days, possibility of a civil penalty set at 1-30 days late, and increasing the penalty for 30-60 days late, 61-120 days late, etc similar to the unlicensed practice policy, penalties charged by other licensure boards for non-compliance in an audit, concern that nurses</p> <p>It was suggested that the information be shared with the nursing education deans as well as the SC Hospital Association. This would assist educating students and employers.</p>	<p><u>AUDITS</u></p>
<p>Ms. Bainer reported that the National Council of State Boards of Nursing (NCSBN) visit has been delayed to 2009. Dr. Kearney-Nunnery reported that the goal of NCSBN is to visit certain number of boards each year.</p>	<p><u>NCSBN VISIT</u></p>

<p>In 2010, the Board of Nursing will celebrate 100 years of nursing regulation. National Council of State Boards of Nursing will be honoring our state for 100 years of regulation.</p> <p>Discussion for the celebration included, but was not limited to, offering continuing education contact hours for attendance of the official celebration, including past board members, administrators and staff, inviting the current governor and past governors, videotaping the celebration, and requesting videos of a nursing memorabilia from schools and facilities in our state to display during the celebration.</p>	<p><u>100 YEARS OF NURSING REGULATION</u></p>
<p>The site survey team appointed by the Advisory Committee on Nursing (ACON) completed its survey for South University's proposed baccalaureate degree nursing program on March 14, 2008. A copy of the survey report with the finding and recommendations was provided to the Board. At its June 17, 2008 meeting, ACON recommended that the Board grant initial approve for the program. Dr. Michelle Liken appeared before the Board to respond to questions. Dr. Liken reported that Cheryl Stevenson is now the Associate Dean of Students. Discussion included but was not limited to the 2.5 GPA enrollment requirements and the number of courses to be taught by the director of the nursing program.</p> <p>A motion was made by Dr. Kearney-Nunnery to grant initial approval status for the South University Baccalaureate Degree Nursing (BSN) Program with the recommendation that as a new program, the nursing program director teach a maximum of two courses during the academic year or one course during two of the four quarters. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>SOUTH UNIVERSITY</u></p> <p><u>MOTION</u></p>
<p>Rebecca Fogerty, M.D. of Minute Clinic and Michael J. Ayotte, R.Ph. Director of CVS Pharmacy -Government Affairs appeared before the Board to request exemption from Section 40-33-34 to allow a precepting physician to supervise four full time employees at their clinics. They will be meeting with the Boards of Pharmacy and Medical Examiners if approved by the Board of Nursing. Discussion included but was not limited to opportunities for advancement for APRNs, their Joint Commission on Accreditation of Healthcare Organizations (JCAHO) accreditation, the availability of the physician within 10 minutes and by telephone, sharing of medical records electronically with primary care physicians and other Minute Clinics, plans for six clinics in Columbia and eight in the Greenville/Spartanburg area, and the separation between Minute Clinic and CVS Pharmacies.</p> <p>A motion was made by Dr. Whiting to approve supervision of four advanced practice registered nurses (APRN) and extend the mileage requirement. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p> <p>Ms. Bainer will be in attendance when this matter is heard by the Board of Medical Examiners.</p>	<p><u>REQUEST TO SUPERVISE FOUR NPS – MINUTE CLINIC</u></p> <p><u>MOTION</u></p>
<p>Mr. Spoon provided the Board with a draft Advisory Committee on Nursing (ACON) Bylaws along with ACON member comments and pertinent regulations. He explained that the format is similar to other delegation charters. ACON Chair Stephanie Burgess also appeared before the Board. ACON member comments emailed to Dr. Burgess were reviewed and taken into consideration when making</p>	<p><u>ACON CHARTER</u></p>

<p>the revisions. Discussion included but was not limited to recusal for educational, professional, geographical or conflicts of interest, increase in number of educators for education program site surveys, graduate education representation, changing the current #5 to #1 and the current #1 to #5, nominations are reviewed by ACON with official action taken by the Board, using similar language in other committee charters, collaboration between committee secretary and administrative staff and not removing committee member absences with good reason.</p> <p>A motion was made by Dr. Kearney-Nunnery to approve the Advisory Committee on Nursing (ACON) charter with changes. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>MOTION</u></p>
<p>Abbe L. Fass, RN, BSN, Program Director at Greenville Technical College submitted a request for a letter of support from the Board of Nursing for their Board-Approved refresher course. Greenville Technical College is applying for a U.S. Department of Labor Employment and Training Administration grant. The school requested a letter stating that their refresher course is approved by the Board and that the refresher course is an option for nurses with lapsed or inactive nursing licenses to reinstate their licenses. Discussion included but was not limited to the Board not showing favoritism for one Board approved refresher course over another, review of the draft letter provided, and removal of the last paragraph and last sentence of the second paragraph of the draft letter presented.</p> <p>A motion was made by Ms. Doria to provide the letter stating that the Greenville Technical College refresher course meets Board requirements. Motion failed.</p> <p>A motion was made by Dr. Kearney-Nunnery to approve the draft letter of support for the Greenville Technical College refresher course with removal of the last sentence in paragraph two and removal the entire paragraph three. Ms. Doria seconded the motion. The motion carried unanimously.</p> <p>The motion was amended by Dr. Kearney-Nunnery to include removal of the reference line and correction to the address block. Ms. James seconded the amended motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>REQUEST GREENVILLE TECHNICAL COLLEGE FOR LETTER OF SUPPORT</u></p> <p style="text-align: right;"><u>MOTION</u></p> <p style="text-align: right;"><u>MOTION</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>Dr. Lewis reported on the one day National Council of State Boards of Nursing (NCSBN) Unlicensed Assistive Personnel (UAP) Workshop she attended. She was disappointed that most of the discussion was only in the area of geriatric care. The distinction was made between Certified Medical Assistant (CMA) and Medication Assistant – Certified (MA-C). Board discussion included but was not limited to educational requirements for CMA, MA-C, and CNA, and the difference titles used in practice.</p> <p>Ms. Bainer reported that she receives a number of practice calls related to the delegation to and supervision of UAPs. She explained that new legislation this year requires physicians supervising UAPs to be immediately available rather than just readily available. Ms. Bainer reported that she had researched and located information from the UAP summit from a number of years ago as well as other information collected on this topic. She reported that Florida has approximately 140,000 regulated CMAs with only our staff members in that area. There is hope that NSCBN will offer a grant to assist in this regulation. With restructuring, Ms. Bainer will work in collaboration with the Office of Licensure and Compliance who would manage this area. She would like to develop a survey to send to boards who currently regulation UAPs to determine what parts of their implementation</p>	<p style="text-align: right;"><u>NCSBN UAP WORKSHOP REPORT / MA-C UPDATE</u></p>

<p>and processes were successful and which ones they would handle differently now. A timeline will need to be developed with the Office of Licensure and Compliance. Board discussion included but was not limited to possibility of a needs assessment, required education and providers, review of NSCBN and other states information on regulation of UAP and education of the public.</p>	
<p>Ms. Bainer provided the Board with changes to the Disciplinary Sanctions Guidelines Chart (grid) which were requested at the April 10, 2008 Strategic Planning Meeting for their review and approval. The Board asked that the Unauthorized Practice Policy (unlicensed practice) be included with the grid as an addendum for reference.</p> <p>A motion was made by Dr. Kearney-Nunnery to approve the recommended changes to the Disciplinary Sanctions Guidelines Chart as presented. Ms. Doria seconded the motion. The motion carried unanimously.</p>	<p><u>SANCTION GRID</u></p> <p><u>MOTION</u></p>
<p>Sheridon Spoon and Dwight Hayes presented a draft charter for the Disciplinary Review Committee (DRC) as requested at the last Board meeting. The Board reviewed the draft charter. Mr. Hayes and Mr. Spoon responded to questions from the Board regarding the DRC process. The Board asked that more information on the types of cases that come before the DRC along with the draft charter be presented at the next meeting. Mr. Hayes will provide more information.</p>	<p><u>DRC CHARTER</u></p>
<p>The Board reviewed the information for the National Council of State Boards of Nursing (NCSBN) Annual Meeting and Delegate Assembly. The meeting will be held on August 5-8, 2008 in Nashville, TN. Ms. Martin and Ms. Bainer are serving as the Board's delegates. Discussion included but was not limited to the 2008 Slate of Candidates, recommendation and rationale for APRN Model Act and Rules, recommendation and rationale regarding Education Model Rules, and recommendation and rationale for membership fees for associate NSCBN members.</p> <p>A motion was made by Dr. Kearney-Nunnery to allow the delegates to make decisions on votes based on discussion and their judgment. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>NCSBN ANNUAL MEETING / DELEGATE ASSEMBLY</u></p> <p><u>MOTION</u></p>
<p>Ms. Bainer reported that the "Housekeeping" and criminal background check with the identification badge bills had passed during this legislative session. Mr. Boland's area will be working with the criminal background checks. They are targeting January 1, 2009 as the start date. Information on the changes to the Nurse Practice Act will be published in the Palmetto Nurse.</p>	<p><u>LEGISLATIVE UPDATE</u></p>
<p>The Board was provided with the Resolutions Committee Report and recommendations for cases reviewed since the May 15, 2008 Board of Nursing meeting for review and approval.</p> <p>A motion was made by Dr. Kearney-Nunnery to approve the Resolutions Committee recommendations for Consent Agreements as presented. Mr. Pennington seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Dr. Kearney-Nunnery to approve the Resolutions Committee recommendations for Dismissals as presented. Ms. Doria seconded the motion. The motion carried unanimously.</p>	<p><u>RESOLUTION COMMITTEE REPORT</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>

<p>Respondent in Cases #2006-152 / #2006-327 requested to appear before the Board to request license reinstatement.</p> <p>A motion was made by Ms. Doria in Cases #2006-152 / #2006-327 to reinstate Respondent's license upon receipt of a written recommendation from the Recovering Professional Program (RPP) as to Respondent's safety to return to work.</p> <p>A motion was made by Ms. Doria in Cases #2006-152 / #2006-327 to revise her original motion to reinstate Respondent's license upon receipt of a written recommendation from the Recovering Professional Program (RPP) as to Respondent's safety to return to work to include completion of Pre-trial Intervention (PTI). Dr Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>REQUEST FOR REINSTATEMENT</u></p> <p><u>MOTION</u></p>
<p>Respondent in Case #2007-213 requested to have the Order of Temporary Suspension (OTS) lifted.</p> <p>A motion was made by Ms. Doria to go into executive session for the purpose of receiving legal counsel on Case #2007-213. Ms. James seconded the motion. The motion carried unanimously.</p> <p>A motion was made to leave executive session. The motion received a second and carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Mr. Pennington to lift the Order of Temporary Suspension in Case #2007-213. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>REQUEST TO LIFT OTS</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Respondent in Case #2008-229 appeared her memorandum of agreement for unlicensed practice.</p> <p>A motion was made by Dr. Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel on Case #2008-229. Mr. Pennington seconded the motion. The motion carried unanimously.</p> <p>A motion was made to leave executive session. The motion received a second and carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Dr. Kearney-Nunnery in Case #2008-229 to issue a private reprimand and a civil penalty of \$2,000 for practicing on a lapsed certification. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MEMORANDUM OF AGREEMENT</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>The Respondent in Case #2007-72 appeared with legal counsel, Clifford Koon, Jr. Recovering Professional Program (RPP) representative was present to respond to questions in this case.</p> <p>A motion was made by Dr. Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel on Case #2007-72. Mr. Pennington seconded the motion. The motion carried unanimously.</p> <p>A motion was made to leave executive session. The motion received a second and carried unanimously. No official actions were taken during executive session.</p>	<p><u>PANEL REPORT</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>

<p>A motion was made by Dr. Kearney-Nunnery to accept Hearing Panel's findings of fact, conclusions of law and amend their recommendation to indefinitely suspend Respondent's license, however the suspension is immediately stayed, Respondent's license shall be placed in a probationary status for not less than two years, participate in the Recovering Professional Program for full five years, Respondent must practice in a Board approved work setting under the on-site / on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, and quarterly employer reports in Case #2007-72. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>Respondent appeared before the Board to respond to questions on an unsatisfactory employer report received by the Board.</p> <p>A motion was made by Dr. Kearney-Nunnery to request an employer performance evaluation and suggest that Respondent investigate other nursing opportunities with the same restrictions of the current order. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MONITORING NONCOMPLIANCE</u></p> <p><u>MOTION</u></p>
<p>Respondent appeared before the Board to request licensure reinstatement. Respondent cites paragraph three of the order which states that the Board may terminate the order.</p> <p>A motion was made by Dr. Kearney-Nunnery to reinstate Respondent's license after receipt of two favorable employer reports. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>REQUEST FOR REINSTATEMENT</u></p> <p><u>MOTION</u></p>
<p>Memoranda of Agreement regarding violation of previous Board orders were presented for review and determination of sanctions. Respondents appeared before the Board to respond to questions regarding their Memorandum of Agreement. Recovering Professionals Program (RPP) representatives from were present to respond to questions in cases regarding their clients.</p> <p>A motion was made by Dr. Kearney-Nunnery in Cases #2007-427 / #2008-64 to restart the five year agreement with the Recovering Professional Program (RPP) and upon receipt of a written recommendation from the RPP as to Respondent's safety to return to work reinstate Respondent's license. Ms. James seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Dr. Kearney-Nunnery in Case #2007-448 to issue a private reprimand, civil penalty of \$100 and successful completion of a Board approved ethics course and Legal Aspects of Nursing Workshop. Dr. Whiting seconded the motion. The motion carried with one nay vote.</p> <p>A motion was made by Dr. Whiting to go into executive session for the purpose of receiving legal counsel on Case #2007-103. Mr. Pennington seconded the motion. The motion carried unanimously.</p> <p>A motion was made to leave executive session. The motion received a second and carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Dr. Whiting in Case #2007-103 to allow Respondent to practice under the Recovering Professional Program restrictions. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MEMORANDA OF AGREEMENT</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>

<p>A motion was made by Dr. Whiting to go into executive session for the purpose of receiving legal counsel on Cases #2007-89 / #2007-256. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made to leave executive session. The motion received a second and carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Dr. Kearney-Nunnery in Cases #2007-89 / #2007-256 to continue the suspension of Respondent's license and upon receipt of a written recommendation from the Recovering Professional Program as to Respondent's safety to return to work reinstate Respondent's license.. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Dr. Kearney-Nunnery in Case #2008-54 to reinstate Respondent's license upon receipt of a written recommendation from the Recovering Professional Program as to Respondent's safety to return to work. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Dr. Kearney-Nunnery in Case #2007-381 to reinstate Respondent's license upon receipt of a written recommendation from the Recovering Professional Program as to Respondent's safety to return to work. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Dr. Whiting in Case #2007-195 issue a private reprimand, civil penalty of \$150 and successful completion of a Board approved ethics course and Legal Aspects of Nursing Workshop. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Dr. Kearney-Nunnery in the case of an advanced practice registered nurse who practiced from April 30, 2008 until June 6, 2008 on an expired license to issue a private reprimand and a civil penalty of \$1,000 payable within six months. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Dr. Whiting in the case of a licensed practical nurse who practiced from July 13, 2007 until April 23, 2008 on an expired license to issue a private reprimand and a civil penalty of \$1,000 payable within twenty-four months. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Dr. Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel the case of a registered nurse who practiced from April 30, 2006 until December 2007 on an expired license. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made to leave executive session. The motion received a second and carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p>
<p>A motion was made by Mr. Pennington of a registered nurse who practiced from April 30, 2006 until December 2007 on an expired license to issue a public reprimand and a civil penalty of \$2,500 payable within eighteen months. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>Action in the case of a registered nurse who practiced on an expired license was</p>	

<p>deferred pending 30 day notice of the hearing.</p> <p>Action in the case of a licensed practical nurse who practiced on an expired license was deferred pending 30 day notice of the hearing.</p> <p>A motion was made by Dr. Whiting in the case of a registered nurse who practiced for two years on an expired license to issue a private reprimand and a civil penalty of \$2,000 payable within twelve months. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Dr. Kearney-Nunnery in the case of an advanced practice registered nurse who practiced from April 30, 2008 until June 16, 2008 on an expired license and prescriptive authority to issue a private reprimand and a civil penalty of \$1,000 payable within twelve months. Dr. Whiting seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Dr. Whiting in the case of a licensed practical nurse who practiced from April 30, 2006 until March 31, 2008 on an expired license to issue a private reprimand and a civil penalty of \$2,000 payable within twelve months. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Dr. Kearney-Nunnery in the case of a registered nurse who practiced from April 30, 2006 until February 2008 on an expired license to issue a private reprimand and a civil penalty of \$2,000 payable within twelve months. Dr. Whiting seconded the motion. The motion carried unanimously.</p> <p>Action in the case of a memorandum of agreement for licensed practical nurse was deferred pending 30 day notice of the hearing.</p>	<p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>The Board reviewed cases and Hearing Panel's findings of fact, conclusions of law and recommendations. Recovering Professionals Program representatives from were present to respond to questions in cases regarding their clients.</p> <p>A motion was made by Dr. Kearney-Nunnery in Case #2007-436 to accept Hearing Panel's findings of fact, conclusions of law and recommendation to indefinitely suspend Respondent's license, for Respondent to re-enroll with the Recovering Professionals Program, license may be reinstated upon petition and appearance before the Board. Dr. Whiting seconded the motion. The motion carried unanimously.</p> <p>Action in Case #2007-294 was deferred pending 30 day notice of hearing. Action in Case #2007-321 was deferred pending 30 day notice of hearing. Action in Case #2007-327 was deferred pending 30 day notice of hearing.</p> <p>A motion was made by Dr. Whiting in Case #2005-191 to accept Hearing Panel's findings of fact, conclusions of law and recommendation to require documentation that Respondent's nursing license in Rhode Island has been reinstated and is in good standing. Mr. Pennington seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Mr. Pennington in Case #2007-225 to accept Hearing Panel's findings of fact, conclusions of law and recommendation to indefinitely suspend Respondent's license. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>PANEL REPORTS</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>

<p>The Office of General Counsel and Compliance/Monitoring Section provided the Board with public and private consent agreements for their review and consideration. These consent agreements were signed by respondents in lieu of disciplinary hearings. The Board may accept the agreement as presented, amend the agreement or reject the agreement. Respondents may sign the consent agreement amended by the Board but have the right to request a panel hearing in lieu of signing the amended agreement.</p>	<p><u>CONSENT AGREEMENTS</u></p>
<p>A motion was made Dr. Kearney-Nunnery to accept public consent agreements for Case #2004-324, Case #2007-509, Case #2007-100, Case #2006-423, Case #2005-151, Case #2008-107, Case #2005-7, Case #2008-227, Case #2008-61, Case #2007-266, Case #2006-243, Case #2007-443, Case #2005-372, Case #2007-460, Case #2007-458, Case #2008-91, and Case #2008-32. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made to accept the consent agreement in Case #2008-36 with a correction. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>After discussion a motion was made by Dr. Kearney-Nunnery to accept public consent agreements in Case #2008-21 and Case #2007-415. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>After discussion a motion was made by Dr. Kearney-Nunnery to reject the public consent agreement in Cases #2003-393 /#2008-6 with the recommendation that a narcotics restriction be added. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>After discussion a motion was made by Dr. Kearney-Nunnery to reject the public consent agreement in Case #2007-501 and to recommend an increase in the fine. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>After discussion a motion was made by Dr. Whiting to reject the public consent agreement in Case #2008-27 and to recommend adding a \$250 fine. Mr. Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made Dr. Kearney-Nunnery to accept the private consent agreements for Case #2006-480, Case #2008-43, Case #2008-20, Case #2007-423, Case #2008-75, Case #2006-221, Case #2007-500, Case #2005-215, Case #2007-490, Case #2008-60, Case #2006-440, Case #2008-101, Case #2007-370, Case #2008-26, Case #2008-35, Case #2007-460, Case #2008-77, Case #2007-297, Case #2007-186, and Case #2007-405. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>A motion was made Dr. Kearney-Nunnery to accept the consent agreements for unlicensed practice in six cases. Dr. Whiting seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>The next meeting of the South Carolina Board of Nursing will be on September 25-26, 2008.</p>	<p><u>ADJOURNMENT</u></p>
<p>A motion was made by Mr. Pennington to adjourn the Board Meeting at 7:30 p.m. on July 24, 2008. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>

Respectfully Submitted

Dottie Buchanan, APM
Assistant to the Administrator

SC Department of Labor, Licensing and Regulation
SOUTH CAROLINA STATE BOARD OF NURSING

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.

DATE/PLACE OF MEETING July 24, 2008
110 Centerview Dr, Kingstree Bldg., Room 108, Columbia SC 29210

BOARD MEMBERS: Brenda Martin, RN, *Board President*
C. Lynn Lewis, RN, *Board Vice President*
Trey Pennington, MBA *Board Secretary*

Debra Doria, LPN Rose Kearney-Nunnery, RN
Carrie Houser James, RN Sylvia Whiting, RN

AGENDA

Thursday, July 24, 2008

8:30 a.m. Call to Order

8:30 a.m. **Review/Approval:** Full Agenda

Review/Approval: Consent Agenda

Review/Approval: Board Meeting Minutes

8:40 a.m. **Discussion / Action Topics**

10:00 a.m. **For Action:** South University

- a. Proposed New Baccalaureate Degree Nursing Program Site Survey Report
- b. South University Site Survey Response Materials Submitted/ Reviewed by ACON

10:15 a.m. **For Action:** Request for Approval to Supervise Four Nurse Practitioners -Minute Clinic

10:30 a.m. **For Action:** ACON Bylaws Update

10:45 a.m. **Continuation Discussion / Action Topics**

12:00 p.m. – 1:00 p.m. *Lunch*

1:00 p.m. **Review/Approval:** Resolutions Guidelines Board Report (Meadows)

- b. Approval of Consent Agreements
- c. Approval of Dismissals

For Action: Final Order Hearings (Frierson and Hayes)

For Action: Consent Agreements (Hayes)

REPORTS & DISCUSSION TOPICS

(To Be Taken Up After and Between Appearances)

ADMINISTRATOR'S REPORT - BAINER

- 1) Sanction Grid
- 2) DRC Charter (Spoon / Christian)
- 3) Legislative Update
- 4) Criminal Background Checks Policies and Procedures Manual
- 5) Audits (*Oral*)
- 6) CMA Update (*Oral*)
- 7) NCSBN Visit for Board Meeting - March 2009 (*Oral*)
- 8) Palmetto Nurse (*Oral*)
- 9) Update on Restructuring (*Oral*)
- 10) 100th Anniversary Celebration (*Oral*)

PRESIDENT'S REPORT – MARTIN

- 1) NCSBN Annual Meeting / Delegate Assembly (Martin / Bainer)

VICE PRESIDENT'S REPORT – LEWIS

- 1) NCSBN UAP Workshop Report (*Oral*)

EDUCATION – MURPHY

- 1) For Action: Request from Greenville Technical College for Letter of Support

CONSENT AGENDA

(Approved / Accepted By Board Unless Moved to Regular Agenda by Board)

ADMINISTRATOR'S REPORT - CONSENT- FOR INFORMATION - BAINER

- 1) *Appointment to NCSBN Task Force to Assess Boards of Nursing Chemical Dependency Programs*
- 2) *NCSBN Response to the CACC DNP Certification by NAPNAP, AFPNP & PNC*
- 3) *NCSBN Public Policy*
- 4) *NCSBN Interactive*
- 5) *NCSBN All Hazards Emergency Operations Guidelines for Boards of Nursing*

PRACTICE - CONSENT- BAINER

- 1) *Advisory Opinion Index*

OFFICE OF INVESTIGATIONS & ENFORCEMENT - CONSENT

- 1) *FOR APPROVAL: New IRC Member - Diller*