

**SC DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA 29210

**JANUARY 29, 2009 BOARD OF NURSING MEETING MINUTES**

President Martin called the January 29, 2009 meeting to order at 8:36 a.m. In accordance with the Freedom of Information Act, meeting notice was posted at the Board offices and provided to requesting persons, organizations and news media. The Board's mission was read: *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.* A quorum was present at all times.

CALL TO ORDER  
PLACE OF MEETING  
& FOIA COMPLIANCE

Brenda Y. Martin, RNC, MN, CNAA, President  
Congressional District 5..... Present

C. Lynn Lewis, RN, EdD, MHS, Vice-President  
Congressional District 3..... Present

Trey Pennington, MBA, MS, Secretary  
Public Member..... Present

Carrie H. James, RN, MSN, CNA-BC, CCE  
Congressional District 6.....Absent

Rose Kearney-Nunnery, RN, PhD, CNE  
Congressional District 2..... Present

Sylvia A. Whiting, PhD, APRN-BC  
Congressional District 1..... Present

BOARD MEMBERS  
PRESENT & VOTING

One Registered Nurse Vacancy- Congressional District 4  
Two Licensed Practical Nurse Vacancies- Regions I & II  
One Public Member Vacancy

Joan K. Bainer, RN, MN, NE BC, Board Administrator  
Nancy G. Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education  
Phyllis A. Raynor, RN, MSN, Program Nurse Consultant - Practice  
Sheridon Spoon, Associate General Counsel  
Robert Boland, Office of Licensure & Compliance  
Rosalind Bailey-Glover, Office of Licensure & Compliance  
Jocelyn Andino, Assistant General Counsel  
Marvin Frierson, Assistant General Counsel  
Dwight Hayes, Office of Licensure and Compliance  
Jessica DeBenedetto, Office of Licensure and Compliance  
Kathy Meadows, Office of Investigations and Enforcement  
Gwendolyn Green, Hearing Counsel

BOARD AND LLR  
STAFF MEMBERS  
PRESENT FOR  
CERTAIN AGENDA  
ITEMS

The January 29, 2009 Board of Nursing meeting agenda was presented to the Board for review and approval.

APPROVAL OF  
AGENDA

A motion was made by Dr. Kearney-Nunnery to approve the January 29, 2009 Board of Nursing meeting agenda as presented Mr. Pennington seconded the motion. The motion carried unanimously.

MOTION

The January 29, 2009 Consent Agenda was presented to the Board for approval, acceptance or adoption on the consent agenda:

APPROVAL OF  
CONSENT AGENDA

A motion was made by Dr. Kearney-Nunnery to remove the Consent Agenda. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

The November 2008 Board of Nursing Meeting Minutes were presented for Board review and approval.

APPROVAL OF  
MINUTES

A motion was made by Dr. Kearney-Nunnery to defer approval of the November 2008 Meeting Minutes. Mr. Pennington seconded the motion. The motion carried unanimously.

MOTION

Ms. Martin chaired the 2009 Nominating Committee. She presented the following slate of officers for the Board review and vote: for President – Lynn Lewis, for Vice-President – Sylvia Whiting and for Secretary – Trey Pennington.

APPOINTMENT OF  
2009 OFFICERS

A motion was made by Ms. Martin to elect Lynn Lewis as Board President, Sylvia Whiting as Board Vice President and Trey Pennington as Board Secretary. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

The Board Members and staff thanked Ms. Martin for tenure as board president. Ms. Martin thanked the Board and staff for their support during her term as Board President.

The Board discussed 2009 Board and staff representative assignments for standing committees and task forces.

2009 COMMITTEE  
ASSIGNMENTS

A motion was made by Dr. Kearney-Nunnery to appoint representatives to committee and task forces as shown below. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

<u>Committee/Task Force</u>	<u>Board Member/Staff</u>
Advanced Practice Committee	Whiting / Raynor & Bainer
Advisory Committee On Nursing	James, Kearney-Nunnery /Bainer
Legislative Committee (Ad Hoc)	Martin, Pennington
Nursing Practice & Standards Committee	Martin / Raynor & Bainer
RPP Advisory Committee	Whiting
UAP Task Force	James, Lewis
Nurse Practice Act /Collaboration Committee	Kearney-Nunnery

The 2009 National Council of State Boards of Nursing (NCSBN) Mid Year Meeting will be held on March 2-4, 2009 in Chicago, IL.

MID YEAR MEETING

A motion was made by Dr. Kearney-Nunnery for President Elect Lewis and Ms. Bainer, Board Administrator to attend the 2009 National Council of State Boards of Nursing (NCSBN) Mid Year Meeting. Ms. Martin seconded the motion. The motion carried unanimously.

MOTION

The Board discussed disciplined Advanced Practice Registered Nurses (APRN) supervision. Ms. Bainer reported that the ten states she contacted accept physician supervision in lieu of the registered nurse (RN) supervision. One state

DISCIPLINED APRN

did not allow the APRN to practice in that role until they were no longer under discipline. Discussion included but was not limited to requiring another RN to supervise the APRN being a hindrance to APRN practice, having another APRN as an accountability partner/peer, issues with physicians completing the required quarterly reports, importance of licensed nurse being involved with nursing discipline and returning to practice at appropriate time in recovery for nurses who have abuse/addiction problems.

A motion was made by Dr. Whiting to require an advanced practice registered nurse (APRN) who is being disciplined establish a relationship with an APRN peer with quarterly reports coming from the accountability partner as well as the supervising physician with the preference that they come from the APRN due to the possible distance and limited contact between the physician and APRN. Dr. Kearney-Nunnery made a friendly amendment for clarity that if there is discipline for an APRN with a requirement for probation and quarterly reports that another APRN in their practice setting or their supervising/collaborating physician and a peer APRN provide the quarterly reports. Dr. Whiting accepted the amendment. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

Ms. Bainer reported that National Council of State Boards of Nursing (NCSBN) will be visiting the Board at its March 26-27, 2009 meeting. We will begin the meeting with a presentation from Kathy Apple, NCSBN Executive Director. Board asked that leadership succession, Nurse Licensure Compact Administrators (NCLA), 10 Year Transition for Plan for ADN to BSN, and Medication Assistant-Certified be included in the presentation. Hearings will be held at 1:00 p.m. on Friday, March 27, 2009.

NCSBN VISIT

For the record, the Board expressed concern that several letters of interest in appointment and reappointment to the Board of Nursing have been sent to the Governor but there have been no recent appointments. Ms. Bainer will follow up on this issue.

Jenna Frock, Vice President, Alice Frye, Dean of Health Sciences, and Patricia Lifesey, RN, MSN, Nursing Department Chairperson of Aiken Technical College appeared before the Board to provide the one year report. The Aiken Technical College Associate Degree Nursing Program (ADN) received initial accreditation with the national League for Nursing Accrediting Commission (NLNAC) based on its site visit conducted April 22-24, 2007. The next NLNAC visit is scheduled for Spring 2012. Initial approval of the Aiken Technical College ADN program was granted by the Board at its March 2005 meeting with full approval being granted its January 2008 for one year with a report to the Board at the end of that year regarding their National Council Licensure Examination (NCLEX) success rate. Discussion included but was not limited to NCLEX success rates, admission requirements, student enrollment and retention as well as changes implemented.

AIKEN TECHNICAL  
COLLEGE

Dr. Kearney-Nunnery made a motion to go into executive session for the purpose of receiving legal counsel. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

Dr. Kearney-Nunnery made a motion to leave executive session. Dr. Whiting seconded the motion. The motion carried unanimously. No actions were taken during executive session.

MOTION

Dr. Kearney-Nunnery made a motion to defer action on the Aiken Technical College Associate Degree Nursing Program (ADN) for six months, with recommendation to collect additional data and provide a report to the Board at its July 2009 meeting regarding the status/plan for successful program outcomes. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

Rita Conner, RN, MSN, Dean - Allied Health Program and Stephanie Denison, RN, MSN - Maternal-Child Course Coordinator of Blue Ridge Community College (College) appeared before the Board by conference call. Pursuant to Regulation 91-6, the College requested approval to conduct clinicals in South Carolina. The College has been conducting clinicals in South Carolina for more than ten years. Discussion included but was not limited to the letter regarding contract originated by the facility not being updated since 1988, the facility and school annually renewing the contract, and the College only utilizing the facility approximately six weeks a year in the fall.

BLUE RIDGE  
COMMUNITY  
COLLEGE

A motion was made by Dr. Kearney-Nunnery to approve Blue Ridge Community College to conduct clinicals in South Carolina after receipt of an updated/current contract and an update letter from the hospital administrator supporting the program to include that the patient care will not be negatively impacted. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

Dr. Kearney-Nunnery recused herself due to employment with South University.

SOUTH UNIVERSITY

Dan Coble, President -Tampa Campus, Laurie Harden, Nursing Program Director -South University -Columbia Campus and Rose Kearney-Nunnery, Dean, -South University appeared before the Board to discuss a curriculum change. Dr. Kearney-Nunnery was introduced as the founding dean and provided the board with the new organizational structure for the South University College of Nursing. At its December 2, 2008 meeting, the Advisory Committee on Nursing (ACON) recommended that the Board approve South University's request to change their curriculum contingent upon the Board's review of the faculty data sheet regarding faculty planning for the new curriculum request.

A motion was made by Dr. Lewis to approve the South University curriculum change request. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

Robert Boland, Department of Labor, Licensing and Regulation (LLR)-Special Projects, reported on criminal background checks (CBC). He explained that beginning March 2, 2009 CBCs would be required for all examination, endorsement and reinstatement/reactivation applicants. Ms. Bainer reported that the cost will be \$54 which is paid directly to the vendor and is not revenue for LLR. The CBC includes both a state and federal check. Applicants will go to one of several sites across the state to provide digital fingerprints. The applicant will give the vendor a special number (OIR) to identify where the CBC should be sent and the CBC will be sent to our office. The CBC cannot be shared. A selected few will have access to the CBCs. These staff members will also undergo a CBC. To capture current licensees, beginning this year 10% of the licensees will be randomly selected each year to have their CBC run until all approximately 60,000 nurses have a CBC on file with our office. This may increase the number of investigations. Initial and renewal application forms will be reviewed when a currently licensed nurse has an item show up on their CBC to see if the nurse

CRIMINAL  
BACKGROUND  
CHECK

reported this information on that application. Further discussion included but was not limited to Board not sharing the CBC with schools or facilities, not accepting CBC from schools or facilities, a report to the Board in six months, education on this new requirement, and disciplinary CBC. Rosalind Bailey-Glover was introduced. Mr. Boland is now working on special projects. Ms. Bailey-Glover will be taking his place as manager over initial licensure for health and medically related boards as well as for business related boards.

A motion was made by Dr. Kearney-Nunnery to start a 10% criminal background check of current licensees and to request a six month report on the status of the 10% check and on the criminal background check for examinations, endorsements and reinstatements/reactivations. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

Ms. Bainer reported on changes to the Nurse Licensure Compact Administrators (NCLA) changes. Sheridan Spoon, Associate General Counsel, reviewed the changes and advised that legislative changes were not required to make these changes. The changes will be implemented in August 2009. Our state is already compliant with some changes such as authorizing full practice privileges for temporary licenses and implementation of the criminal background check requirement. Other changes include but are not limited to accepting military identification, obtaining signed affidavits, and allowing use of a foreign address as homes address for a single state license. Ms. Bainer is working with Mr. Boland and will have all changes implemented via a policy.

NCLA CHANGES

A motion was made by Dr. Kearney-Nunnery to make the required changes to the applications and process to comply with the Nurse Licensure Compact Administrators (NCLA) changes. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

The Board requested a report on the Nurse Licensure Compact Administrators (NCLA) changes in March.

It was noted that the actual title of the unlicensed assistive personnel (UAP) being discussed is Medication Assistant – Certified (MA-C). Bunny Runge of the South Carolina Health Care Association (SCHCA) appeared before the Board to discuss possible legislation to regulation MA-Cs in South Carolina. Discussion included but was not limited to: MA-C are not practicing in long term care to take over the nurses' job but to allow nurses to truly practice nursing including assessment, MA-C not providing medication by nasogastric or injections, nurses provide first doses and assessments, reports that there are no increases in medication errors with MA-C, frequency of reporting by facilities, educational requirements, MA-C start as a certified nursing assistant (CNA), certifications not licenses are issued, large numbers in this category, investigation of complaints and disciplinary actions. The Board is in support of regulation of MA-C. The Board asked that a task force look into the fiscal impact to include staffing, obtain data from other states who regulation MA-C, and review the National Council of State Boards of Nursing (NCSBN) guidelines.

CERTIFIED MEDICAL ASSISTANTS (CMA) PROPOSED LEGISLATION

REGISTRATION OF MEDICATION ASSISTANT – CERTIFIED (MA-C)

Ms. Bainer requested that the Board consider adding education requirements to the disciplinary requirements for advanced practice registered nurses (APRN). There are National Council of State Boards of Nursing (NCSBN) courses that may be appropriate for APRN. Discussion included but was not limited to APRN

CIVIL PENALTIES

who do not renew their licenses also do not renew their prescriptive authority and cannot practice as a registered nurse (RN) and concern that certifications are issued sometimes for five years and may be renewed by continuing education alone with no actual practice depending on the type of certification. Dr. Lewis asked that the Advanced Practice Committee look at the practice requirement for APRN.

100 YEAR  
CELEBRATION

Ms. Bainer discussed the celebration of 100 years of nursing regulation in South Carolina. The Board will most likely receive an award from National Council of State Boards of Nursing (NCSBN) in celebration of this historic event. Due to restructuring and budget concerns, Ms. Bainer suggested that the Board have a commemorative issue of the Palmetto Nurse. The Board discussed interviewing current and past board members, the longest licensed nurse, past administrators and employees. Further discussion included but was not limited to including a history of nurse licensure in South Carolina, producing a CD or DVD, an ultimate CD/DVD that would include photos, and making the information available to schools and individuals. Ms. Bainer will consult with Public Information.

Ms. Bainer provided the Board with a copy of the staff's six month report that was forwarded to H. Rion Alvey, Assistant Deputy Director, Health and Medical Professions. The report covered the time period after restructuring in July 2008 through the end of 2008.

SIX MONTH REPORT

A motion was made by Dr. Whiting to issue a commendation to the Board staff for the excellence they have demonstrated. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

The Board deferred action until their March 26-27, 2009 meeting on the Advanced Practice Committee materials pending receipt of more committee nominations.

ADVANCED  
PRACTICE  
COMMITTEE

The Board reviewed three requests for reappointment as well as one new nomination to the Advisory Committee on Nursing (ACON) in accordance with new charter.

ADVISORY  
COMMITTEE ON  
NURSING

A motion was made by Dr. Lewis to reappoint Linda Howe as one of the Bachelors of Science in Nursing Educators (BSN) representatives, to reappoint Angie Olawsky to the Nursing Service Administrator Public Health representative, to move Stephanie Burgess into the Graduate Educator for the remainder of her term which expires in December 2009, and to appoint Mary Jo Scrivener-Howard for the representative for Nursing Service Administrator Hospital (Large/Urban). Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Dr. Kearney-Nunnery asked that nominees who are not appointed by the Board to serve on the committee for which they were nominated but who are qualified for another position or another committee, be notified of and considered for positions on other committees. The Board asked that staff follow up with Ms. Moore about her wishes regarding her reappointment to the Advisory Committee on Nursing.

The Board was provided with the National Council of State Boards of Nursing (NCSBN) Proposed 2010 RN Test Plan® for review and input.

NCLEX-RN  
TEST PLAN

A motion was made by Dr. Kearney-Nunnery to go into executive session for the confidential review and evaluation of Proposed 2010 RN Test Plan® per contract with National Council of State Boards of Nursing (NCSBN). Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Whiting to return to public session. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Kearney-Nunnery to accept the National Council of State Boards of Nursing (NCSBN) Proposed 2010 RN Test Plan® as presented. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

The Offices of General Counsel and Licensure and Compliance 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, amend, or reject the agreements. 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.

CONSENT  
AGREEMENTS

Dr. Kearney-Nunnery recused herself from discussion and voting on Case #2006-408 as well as Case #2008-489.

A motion was made by Dr. Lewis to accept the Public Consent Agreements presented for Case #2006-408 and Case #2008-489. Mr. Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Kearney-Nunnery to accept the Public Consent Agreement presented for Case #2008-418. Mr. Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Kearney-Nunnery to accept the Public Consent Agreements as presented for Case #2008-338, Case #2008-305, Case #2008-240, Case #2007-517, Case #2008-106, Case #2007-429, Case #2007-325, Case #2008-428, Case #2008-93, Case #2008-481, Case #2007-388, Case #2008-366, Case #2008-444, Case #2005-42, Case #2008-324, Case #2008-451, Case #2008-281, Case #2008-104, Case #2007-224, Case #2008-153, Case #2007-84, Case #2008-313, Case #2007-366, Case #2008-421, Case #2008-264, Case #2008-70, Case #2008-585, Case #2007-209, Case #2007-338; to accept Public Consent Agreements presented for three licensure applicants, to accept Private Consent Agreements for Case #2007-525, Case #2008-393, Case #2008-400, Case #2008-333, Case #2008-342, Case #2007-340 and to accept 5 private consent agreements for unlicensed practice as presented. Mr. Pennington seconded the motion. The motion carried unanimously.

MOTION

One consent agreement for unlicensed practice was returned for correction of the civil penalty according to policy.

Lawrence J. Eberlin, RN and Elizabeth Swanson, FNP of the Department of Juvenile Justice (DJJ) appeared before the Board to discuss their request for an extension of the 45 mile limit for Bryant R. Fortner, MD to supervise Elizabeth A. Swanson, FNP during the eight to twelve hours she practices at DJJ. The former supervising physician is no longer with DJJ. Dr. Fortner is approximately 70 miles

DEPARTMENT OF  
JUVENILE JUSTICE

from the practice site and the alternate supervising physician, Michael Reed, MD, is approximately 90 miles away. Discussion included but was not limited to age of inmates of 13-18 years old, the type of care being provided to inmates, current need to transport inmates from Union to Columbia due to loss of physician, DJJ current recruiting efforts, and lack of patient care due to loss of physician.

A motion was made by Dr. Whiting to approve the request Department of Juvenile Justice request to extend the 45 mile limit for Bryant R. Fortner, MD to supervise Elizabeth A. Swanson, FNP and Michael Reed, MD as alternate supervising physician with a report to the Board in six months. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

This request must also be reviewed and approved by the Board of Medical Examiners.

The Board was provided with the Resolutions Committee Report and recommendations for cases reviewed since the September 2008 Board of Nursing meeting for review and approval. Cases were reviewed by the Committee utilizing the Disciplinary Sanctions Guidelines approved by the Board.

RESOLUTION  
COMMITTEE REPORT

A motion was made by Dr. Lewis to approve the Resolutions Committee Report and Recommendations for Consent Agreements, Dismissals, Letters of Concern, Flagged Pending Unresolved Disciplinary Action and Formal Complaints as presented. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

The Board reviewed the Hearing Panels' findings of fact, conclusions of law, recommendations, transcripts and exhibits to determine appropriate sanctions.

PANEL REPORTS/  
MEMORANDA OF  
AGREEMENT

Memoranda of Agreement (MOA) regarding violation of the Nurse Practice Act, violation of previous Board orders or unlicensed practice were presented to the Board for review and determination of appropriate sanctions.

Respondents appeared before the Board to respond to questions regarding their Panel Report or MOA. Respondents were aware of their right to legal counsel. Recovering Professional Program (RPP) representatives from were present to respond to questions in cases regarding their clients.

PANEL REPORTS

A motion was made by Mr. Pennington in Case #2007-217 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license and that Respondent must comply with the June 2007 Board order and provide results to the Board. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis in Case #2007-79 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license with a possible stay if Respondent reenrolls with the Recovering Professional Program (RPP), Respondent may petition for reinstatement and must comply with any sanctions or restrictions that may be placed on Respondent's license by the Board. Mr. Pennington seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Kearney-Nunnery in Case #2008-99 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to dismiss all charges. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Kearney-Nunnery in Case #2008-89 to go into executive session for the purposes of receiving legal counsel. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Whiting to return to the hearing in Case #2008-89. Dr. Lewis seconded the motion. The motion carried unanimously. No actions were taken during executive session.

MOTION

A motion was made by Dr. Lewis in Case #2008-89 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license with a possible stay if Respondent reenrolls with the Recovering Professional Program (RPP) and submits to a 5 year contract. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Whiting in Case #2007-410 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license with a possible stay if Respondent reenrolls with the Recovering Professional Program (RPP), complies with program recommendations, and receives clearance to return to work, Respondent may petition the Board for reinstatement.

MOTION

A motion was made by Dr. Kearney-Nunnery in Case #2007-122 to go into executive session for the purposes of receiving legal counsel. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis to return to the hearing in Case #2007-122. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously. No actions were taken during executive session.

MOTION

A motion was made by Dr. Kearney-Nunnery in the Memorandum of Agreement in Case #2007-122 to issue a stay of suspension. Dr. Lewis seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Kearney-Nunnery in Case #2007-122 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license with a possible stay if Respondent reenrolls with the Recovering Professional Program (RPP), complies with program recommendations, and receives clearance to return to work, Respondent may petition the Board for reinstatement and to provide information to Respondent on how to voluntarily surrender her license. The motion was withdrawn.

MOTION

A motion was made by Dr. Whiting in Case #2007-122 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license with a possible stay if Respondent reenrolls with the Recovering Professional Program (RPP), complies with program recommendations, and receives clearance to return to work,

MOTION

Respondent may petition the Board for reinstatement. Dr. Lewis seconded the motion. The motion carried unanimously.

A motion was made by Dr. Lewis in Case #2007-311 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license with a possible stay if Respondent reenrolls with the Recovering Professional Program (RPP), complies with program recommendations and receives clearance to return to work. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis in Case #2007-322 to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to continue the suspension of Respondent's license and for Respondent to receive an evaluation from the Recovering Professional Program (RPP) and provide the results to the Board and add that Respondent must petition the Board for Reinstatement. Dr. Kearney-Nunnery requested a friendly amendment to require Respondent to appear before the Board. Dr. Lewis accepted the amendment. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis in Case #2007-350 to acknowledge receipt of Respondent's letter stating she would not be able to attend the hearing, to accept the Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation to indefinitely suspend Respondent's license and that Respondent must petition and appear before the Board to seek reinstatement of license. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

MEMORANDA OF AGREEMENT (MOA)

A motion was made by Dr. Lewis in Cases #2006-189 / 2008-150 to require Respondent to continue in the Recovering Professional Program (RPP), that upon RPP recommendation and appearance before the Board, Respondent may petition for reinstatement. Ms. Martin offered a friendly amendment to require Respondent to continue with psychiatric care and to cooperative with RPP recommendations. Dr. Lewis accepted the friendly amendment. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis in Case #2008-304 to go into executive session for the purposes of receiving legal counsel. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis to return to the hearing in Case #2008-304. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously. No actions were taken during executive session.

MOTION

A motion was made by Dr. Whiting to require completion of a Board-approved ethics and a documentation course with six months. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Lewis in Case #2006-65 to go into executive session for the purposes of receiving legal counsel. Dr. Whiting seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Dr. Whiting to return to the hearing in Case #2006-65. Dr.

MOTION

Lewis seconded the motion. The motion carried unanimously. No actions were taken during executive session.

A motion was made by Dr. Whiting in Case #2006-65 require Respondent to complete a refresher course, be evaluated by the Recovering Professional Program (RPP), enroll with RPP, that upon reinstatement Respondent's license will be in a probationary status for five years, that 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, Respondent must complete Board-approved Legal Aspects Workshop, documentation course, medication course, ethics course, and submit to a psychological evaluation. Dr. Lewis offered a friendly amendment to include a \$500 civil penalty. Dr. Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

A motion was made to adjourn the meeting at 4:40 p.m. on January 29, 2009. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,  
Dorothy M. Buchanan, APM  
Assistant to the Administrator