

**SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING MEETING MINUTES – MAY 15, 2008**

Board President Brenda Martin called the Board of Nursing meeting to order at 8:30 a.m. on May 15, 2008 at 110 Centerview Drive, Columbia, SC. In accordance with the S.C. Freedom of Information Act, the meeting notice was properly posted at the Board offices and provided to requesting persons, organizations and news media. A quorum was present at all times. 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.*

CALL TO ORDER
PLACE OF
MEETING
AND FOIA
COMPLIANCE

Brenda Y. Martin, RNC, MN, CNAA, President –Cong. District 5..... Present
C. Lynn Lewis, RN, EdD, MHS, Vice-President –Cong. District 3..... Present
Trey Pennington, MBA, MS, Secretary -Public Member..... Present
Debra J. Doria, LPN -Region II, Cong. District 4 Present
Carrie H. James, RN, MSN, CNA-BC, CCE –Cong. District 6..... Absent
Rose Kearney-Nunnery, RN, PhD, CNE –Cong. District 2..... Absent
Sylvia A. Whiting, PhD, APRN-BC -Cong District 1 Present

BOARD MEMBERS
PRESENT AND
VOTING

Registered Nurse – Cong. District 4 - *Vacant*
Licensed Practical Nurse–Regional I (Cong. Districts 1, 2, 3)-*Vacant*
Public Member - *Vacant*

Ruby Brice, Asst. Dep. Dir.– Office of Health & Med. Related Professions
Joan K. Bainer, RN, MN, CNA BC, Board Administrator
Nancy G. Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education
David Christian, III, MBA, CPM, Program Coordinator-Compliance/Monitoring
Theresa Richardson, Administrative Assistant
Lynne Rogers, General Counsel
Sheridon Spoon, Associate General Counsel
Marvin Frierson, Assistant General Counsel
Dwight Hayes, Assistant General Counsel
Mark Dorman, Chief of Investigations
Shirley Robinson, Hearing Counsel

BOARD AND LLR
STAFF MEMBERS
PRESENT FOR
CERTAIN AGENDA
ITEMS

The May 15, 2008 Board of Nursing meeting agenda was presented to the Board for review and approval.

APPROVAL OF
AGENDA

A motion was made to approve the May 15, 2008 meeting agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The May 15, 2008 Board of Nursing meeting Consent Agenda was presented to the Board for review and approval. The following items were approved, accepted or adopted on the consent agenda:

APPROVAL OF
CONSENT AGENDA

- NCSBN Interactive Development Update & Midyear Webinars
- NCSBN Midyear EO Minutes
- NCSBN Council Connector
- Legislation
- NCLEX RN & PN Summary Statistics for Jan. 1 through Mar. 31, 2008
- Response to Citation-2007 NCLEX Passing Rate Deficiency (not appearing)
 - ◆ Aiken Technical College – ADN
 - ◆ Francis Marion University – BSN

- ◆ USC Aiken – BSN
- ◆ USC Upstate – BSN
- ◆ York Technical College/ USC Lancaster – ADN
- ◆ Aiken Technical College – PN
- ◆ Applied Technology Education Campus -- PN
- Denmark Tech. College Notification of Plan - Additional FT Faculty Member
- Article by Dr. Wendy Nehring “U.S. Boards of Nursing and the Use of High-Fidelity Patient Simulators in Nursing Education”
- National Certification Corporation New Certification Credentials to Be Issued
- Announcement: Licensure Applications Approved Per Policy by Program Coordinator & Administrator
- For Information: Investigation Statistics from ReLAES
- For Information: Update/Status on Monitoring from Monthly Report

A motion was made to approve, accept and/or adopt the above items from the May 15, 2008 Consent agenda. The motion received a second. The motion carried unanimously.

MOTION

The minutes of the March 2008 Board of Nursing Meeting were presented for Board review and approval.

APPROVAL OF MINUTES

A motion was by to approve the March 2008 Board of Nursing Meeting minutes with one change. The motion received a second. The motion carried unanimously.

MOTION

ACON

ADMINISTRATOR

Ms. Bainer presented a draft of the Advisory Committee on Nursing Bylaws which included changes requested at the April 10, 2008 Strategic Planning Meeting. The Board reviewed and accepted the Advisory Committee on Nursing (ACON) minutes from their February 2008 meeting as information.

A motion was made to forward the draft revision of the Advisory Committee on Nursing Bylaws for review and comment. The motion received a second. The motion carried unanimously.

MOTION

MEDICATION TECHNICIAN

Ms. Bainer reported that at the April 2007 Strategic Planning Retreat the Board noted their interest in the Medication Assistant / Medication Aide. At the NCSBN Delegate Assembly meeting in August 2007, the MA-C Curriculum was adopted. The goal of the model curriculum is to provide a document that is reflective of the current health care environment in states where MA-Cs are among the various unlicensed assistive personnel who assist in providing nursing-related functions to clients in various settings. The document recommended that the first requirement for the unlicensed assistive personnel is to obtain education to be a certified nursing assistant. Also noted in this document are definitions, terms and objectives. The Board asked Ms. Bainer to research information from a previous Board task force, other states and other related sources.

CRIMINAL BACKGROUND CHECKS

Ms. Bainer reported that the Criminal Background Check bill (H3632) has

been vetoed by the Governor. Representative Chalk has introduced a similar bill (H5012) but changed the language in the identification badge section to allow nurses to have either the first, last or both names on their badge. This was added to protect nurses in setting such as mental health and prisons.

NPSC

The Board reviewed and accepted the Nursing Practice and Standards Committee (NPSC) minutes from their February 2008 meeting as information.

Brenda Martin will continue to serve as the Board representative on Nursing Practice and Standards Committee (NPSC).

APC

The Board reviewed and accepted the Advanced Practice Committee (APC) minutes from their February 2008 meeting as information.

The 2009 meeting dates for the Board as well as for Advanced Practice Committee (APC), Advisory Committee on Nursing (ACON) and Nursing Practice and Standards Committee (NPSC) were presented for review and approval.

PRESIDENT

Board Meeting	January 29-30, 2009
Board Meeting	March 26-27, 2009
Board Meeting	May 14-15, 2009
Board Meeting	July 23-24, 2009
Board Meeting	September 24-25, 2009
Board Meeting	November 19-20, 2009

APC Meeting	February 6, 2009
APC Meeting	May 1, 2009
APC Meeting	August 7, 2009
APC Meeting	November 6, 2009

ACON Meeting	February 17, 2009
ACON Meeting	April 21, 2009
ACON Meeting	June 16, 2009
ACON Meeting	August 29, 2009
ACON Meeting	October 20, 2009
ACON Meeting	December 1, 2009

NPSC Meeting	February 19, 2009
NPSC Meeting	April 21, 2009
NPSC Meeting	June 18, 2009
NPSC Meeting	August 20, 2009
NPSC Meeting	October 15, 2009
NPSC Meeting	December 17, 2009

A motion was made to approve the 2009 board and committee meeting dates as presented. The motion received a second. The motion carried unanimously.

MOTION

Ms. Brice reported that the Professional and Occupational Licensure (POL)

OFFICE OF

Division is restructuring. David Christian, III will head up the Licensure area. Other areas of POL will include Board Affairs and the Office of Investigations and Enforcement.

LICENSURE

Florence Darlington Technical College presented a request to offer the existing practical nursing (PN) program at their Hartsville Campus beginning fall 2008. Clinical contracts have been obtained. Current faculty as well as two new PN faculty members will teach at the Hartsville Campus. Students will have access to the same support and resources as the main campus. It was reported that there are currently 21 practical nurse vacancies in nine locations in the Hartsville/ Darlington area. A letter of support from a local senior care facility was provided reporting that they would serve as a clinical site and recruit the practical nurses upon graduation. The information was reviewed by the Advisory Committee on Nursing (ACON) at their April 2008 meeting which time they recommended Board approval.

FLORENCE
DARLINGTON
TECHNICAL
COLLEGE

A motion was made to approve the Florence Darlington Technical College request to offer the existing practical nursing (PN) program at their Hartsville Campus beginning fall 2008. The motion received a second. The motion carried unanimously.

MOTION

At its May 2006 meeting, the Board voted to grant initial approval status for the Williamsburg Technical College Practical Nursing program with the recommendation that the school carefully review the faculty loading and mathematical requirements. In August 2007, Williamsburg Technical College Practical Nursing program graduated their first class. The school is requesting full program approval. A site survey visit was conducted on February 12, 2008 and was provided to the Board along with the school's attachments regarding the Board's recommendations.

WILLIAMSBURG
TECHNICAL
COLLEGE

A motion was made to grant full program approval for five years for the Williamsburg Technical College Practical Nursing Program. The motion received a second. The motion carried unanimously.

MOTION

Becky King, Dean of Nursing Education at Piedmont Technical College appeared before the Board to request a waiver of Regulation 91-11 for the summer semester. The program has had three instructors leave and two out on extended medical leave. Although they would utilize full-time masters prepared instructors as lead course instructors, they need to increase the part-time/adjunct hours to cover the clinical portion of the program which will exceed the 30% regulation requirement.

PIEDMONT
TECHNICAL
COLLEGE

A motion was made to grant a waiver of Regulation 91-11 and allow Piedmont Technical College increase the part-time/adjunct hours to cover the clinical portion of the program which will exceed the 30% regulation requirement. The motion received a second. The motion carried unanimously.

MOTION

The "Housekeeping" bill passed this year and made several changes to the Nurse Practice Act to include requiring applicants to submit satisfactory proof of identity and age demonstrating that the applicants is eighteen years of age or older but not specifying that that proof be in the form of a birth certificate or passport. Section 40-33-36 of the Nurse Practice Act requires a "license to

LICENSURE
IDENTIFICATION
DOCUMENTS

be issued in the person's legal name as verified by a birth certificate or other legal document acceptable to the board." The Board was asked to adopt a policy that the acceptable forms of identification and age to be submitted are birth certificate or valid passport and that in extraordinary circumstances other documents could be submitted for the Board's review when a birth certificate or passport cannot be obtained. It was noted that there have been only a couple of times that applicants did not have a birth certificate or passport.

A motion was made to accept the policy to accept birth certificate, valid passport and that in extraordinary circumstances other documents for the Board's review when a birth certificate or passport cannot be obtained as documentation of identification and proof of age. The motion received a second. The motion carried unanimously.

MOTION

The Board was provided with the April 8, 2008 Investigative Review Committee Meeting Minutes and recommendations for review and approval.

IRC

A motion was made to approve the April 8, 2008 Investigative Review Committee Meeting recommendations for Dismissals as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the April 8, 2008 Investigative Review Committee Meeting recommendations for Formal Complaint as presented but to issue a immediate temporary suspension order in case #2007-213. The motion received a second. The motion carried unanimously.

MOTION

Upon receipt of further information on case #2008-1, a motion was made to approve the April 8, 2008 Investigative Review Committee Meeting recommendation for Letters of Caution as presented. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed continuing education and certification materials from Mary Helen Baum. Discussion included but was not limited to Ms. Baum's role/scope of practice in nursing positions, certification renewal, licensure, and appropriate credentials behind name. The Board deferred their decision pending receipt of a succinct timeline of nursing positions and certification related materials.

CEU
REQUIREMENT
FOR APRN

Mr. Christian reported that staff researched for a current charter for the Disciplinary Review Committee (DRC) but did not locate one. Mr. Spoon will draft a new DRC charter. Currently the DRC sees respondents who have met the terms and a condition of their Board order and then the DRC recommends their license be reinstated. This function could be taken care of by an internal committee that would review and determine that all conditions were met.

DRC CHARTER

The Board asked that the DRC charter address routine cases from going back to DRC, disciplinary reinstatement and rule to show cause.

The Board was provided with a report of complaints reviewed by and resolution recommendations of the Resolutions Guidelines Committee since the last Board Meeting.

RESOLUTIONS
GUIDELINES
BOARD REPORT

A motion was made approve the Resolutions Guidelines Committee recommendations for consent agreements and dismissals as presented. The motion received a second. The motion carried unanimously.

MOTION

Memoranda of Agreement regarding violation of previous Board orders or unlicensed practice were presented to the Board for their review and determination of appropriate sanctions. Respondents were requested to appear before the Board to respond to questions regarding their Memoranda of Agreement. Recovering Professionals Program (RPP) representatives from were present to respond to questions in cases regarding their clients.

MEMORANDA OF AGREEMENT

A motion was made to issue a private reprimand and civil penalty of \$750 in Case #2007-283. The motion received a second. The motion carried with one nay vote.

MOTION

A motion was made to go 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 the hearing. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made to indefinitely suspend the license of Respondent in Cases #2004-240, #2005-177 and #2005-231 and to require a Board appearance prior to relicensure. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to require Respondent to reenroll in Recovering Professionals Program (RPP) to include evaluation, restart the five years of monitoring and license may be reinstated upon receipt of a written recommendation from RPP as to Respondent's safety to return to work in Case #2007-315. The motion received a second. The motion carried unanimously.

MOTION

Ms. Martin recused herself from discussion and vote in Case #2007-449.

A motion was made to indefinitely suspend Respondent's license in Case #2007-449, license may be reinstated upon receipt of a written recommendation from the Recovering Professional Program as to Respondent's safety to return to work, Respondent shall work in a Board approved work setting under on-site/on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, quarterly employer reports and completion of a Legal Aspects Workshop. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to indefinitely suspend Respondent's license in Case #2007-439, license may be reinstated upon receipt of a written recommendation from the Recovering Professional Program as to Respondent's safety to return to work, Respondent shall work in a Board approved work setting under on-site/on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, quarterly employer reports and completion of a Legal Aspects Workshop. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to indefinitely suspend Respondent's license in Case #2007-369, license may be reinstated upon receipt of a written recommendation from the Recovering Professional Program as to Respondent's safety to return to work, Respondent shall work in a Board approved work setting under on-site/on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, quarterly employer reports and completion of a Legal Aspects Workshop. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to indefinitely suspend Respondent's license in Case #2007-261 and 2007-511, Respondent must continue in the Recovering Professional Program (RPP), license may be reinstated upon receipt of a written recommendation from the RPP as to Respondent's safety to return to work and concurrence of Respondent's therapist, Respondent shall work in a Board approved work setting under on-site/on-shift registered nurse supervision, no home based care, agency or telenursing or telehealth, quarterly employer reports and completion of a Legal Aspects Workshop. The motion received a second. The motion carried unanimously.

MOTION

A continuance was requested for a Memorandum of Agreement for unlicensed practice.

The Board was provided with Hearing Panel's findings of fact, conclusions of law and recommendations for review and determination of sanctions.

PANEL REPORTS

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and recommendation in Case #2007-479. 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 in Case #2007-159. The motion received a second. The motion carried unanimously.

MOTION

Ms. Doria recused herself from discussion and vote in Case #2007-365.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and recommendation in Case #2007-365. 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 in Case #2007-374. 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 in Case #2006-311. 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 in Case #2006-212. The motion received a second. The motion carried unanimously.

MOTION

Respondent requests the Board modify her consent agreement to allow her to practice nursing without restriction. Respondent has completed the

MODIFICATION OF
CONSENT

required courses, paid the civil penalty and quarterly reports.

AGREEMENT

A motion was made to allow Respondent to return practice nursing under her registered nurse license. The motion received a second. The motion carried unanimously.

MOTION

Respondent requested to appear before the Board to take the National Council Licensure Examination (NCLEX) for registered nurse and for consideration of conditions to be placed on his license upon successful completion of the NCLEX.

FURTHER
CONSIDERATION

A motion was made to approve Respondent to take the National Council Licensure Examination for registered nurses and upon successful completion be allowed to be licensed as a registered nurse, continue under the current consent agreement which includes the Recovering Professional Program and to give credit for recovery since 2005. The motion received a second. The motion carried unanimously.

MOTION

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 instead of signing the amended agreement.

CONSENT
AGREEMENTS

A motion was made to approve the Private Consent Agreements for an unlicensed practice case, Case #2007-393, Case #2007-182, Case #2008-15, Case #2005-192, Case #2006-137, Case #2007-504, Case #2007-462, and Case #2006-233 as well as Public Consent Agreements for Case #2006-150, Case #2007-457, Case #2006-231, Case #2007-112, Case #2007-373, Case #2007-480, Case #2007-230, Case #2008-30/2008-31, Case #2008-69, Case #2006-190, Case #2006-183, Case #2006-124, Case #2006-315, Case #2007-466, Case #2007-392, Case #2007-81, Case #2007-515 and Case #2007-485 as presented. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed a request to approve Cheryl M. O'Hara to serve as a member of the Investigative Review Committee (IRC) along with her resume.

APPROVAL OF
NEW IRC MEMBER

A motion was made to approve Cheryl M. O'Hara to serve as a member of the Investigative Review Committee (IRC). The motion received a second. The motion carried unanimously.

MOTION

A motion was made to adjourn the meeting at 4:30 p.m. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,
Dottie Buchanan, APM, Assistant to the Administrator

MOTION

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 May 15-16, 2008 - Kingstree Bldg., Room 108

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

REVISED AGENDA

THURSDAY, MAY 15, 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:** Florence Darlington Technical College Request to Offer Satellite Practical Nursing Program in Hartsville
For Action: Williamsburg Technical College Initial to Full Program Approval
a. Site Survey Report
b. Response Materials Submitted by WTC
For Action: Piedmont Technical College-Request to Increase Percentage of Clinical Instructors
- 11:30 a.m.** **For Action:** CEU approval for Advanced Practice Registered Nurse
- 12:00 p.m. – 1:00 p.m.** *Lunch*
- 1:00 p.m.** **Review/Approval:** Investigative Review Committee (IRC) Report (Dorman)
b. Approval of Dismissals
c. Approval of Formal Complaints
d. Approval of Letters of Caution
Review/Approval: Resolutions Guidelines Board Report
For Action: Final Order Hearings (Frierson and Hayes)
For Action: Consent Agreements (Hayes)
Review/Approval: Disciplinary Review Committee (DRC) Minutes (Christian)

REPORTS & DISCUSSION TOPICS
(To Be Taken Up After and Between Appearances)

ADMINISTRATOR'S REPORT

- 1) For Action: Draft Revisions to Advisory Committee on Nursing (ACON) Bylaws
- 2) For Action: Advisory Committee on Nursing Minutes (02/08)
- 3) For Action: Medication Tech (Deferred from Strategic Planning Meeting)
- 4) For Information: Update on Criminal Background Check Bill

PRESIDENT'S REPORT

- 1) For Action: Approval of 2009 Meeting Dates

PRACTICE

- 1) For Action: Nursing Practice & Standards Committee (NPSC) Minutes (02/08)
- 2) For Action: Advanced Practice Committee Minutes (02/08)
- 3) For Action: Board Member Representative for NPSC (Deferred from January 2008 Board of Nursing Meeting)

LICENSURE

- 1) For Action: Licensure Identification Documents

OFFICE OF INVESTIGATIONS & ENFORCEMENT

- 1) For Approval: New IRC Member – O’Hara

MONITORING / COMPLIANCE

- 1) For Action: DRC Charter

CONSENT AGENDA

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

ADMINISTRATOR’S REPORT - CONSENT- FOR INFORMATION

- 1) *NCSBN Interactive Development Update & Midyear Webinars*
- 2) *NCSBN Midyear EO Minutes*
- 3) *NCSBN Council Connector*
- 4) *Legislation*

EDUCATION – CONSENT- FOR INFORMATION

1. *NCLEX RN and PN Summary Statistics for January 1 through March 31, 2008*
2. *Response to Citation for 2007 NCLEX Passing Rate Deficiency (not appearing)*
 - a. *Aiken Technical College – ADN*
 - b. *Francis Marion University – BSN*
 - c. *USC Aiken – BSN*
 - d. *USC Upstate – BSN*
 - e. *York Technical College/ USC Lancaster – ADN*
 - f. *Aiken Technical College – PN*
 - g. *Applied Technology Education Campus -- PN*
3. *Denmark Technical College Notification of Plan for Additional FT Faculty Member*
4. *Article by Dr. Wendy Nehring “U.S. Boards of Nursing and the Use of High-Fidelity Patient Simulators in Nursing Education”*

PRACTICE - CONSENT

- 1) *National Certification Corporation (NCC) - New Certification Credentials to Be Issued*

LICENSURE - CONSENT

- 1) *Announcement: Licensure Applications Approved Per Policy by Program Coordinator & Administrator*

OFFICE OF INVESTIGATIONS & ENFORCEMENT - CONSENT

- 1) *For Information: Investigation Statistics from ReLAES*

COMPLIANCE / MONITORING STATISTICS – CONSENT

- 1) *For Information: Update/Status on Monitoring from Monthly Report*