

SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
 110 CENTERVIEW DRIVE, SUITE 202
 COLUMBIA, SOUTH CAROLINA 29210

BOARD OF NURSING MEETING MINUTES – NOVEMBER 29-30, 2007

Board Vice President Brenda Yates Martin called the meeting to order at 8:40 a.m. on November 29, 2007. In accordance with the South Carolina Freedom of Information Act, the meeting notice was 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 & FOIA
COMPLIANCE

- Suzanne K. White, RN, MN, FAAN, FAHA, FCCM, CNAA, President
 Congressional District 4 *Absent-Thursday / Present-Friday*
- Brenda Y. Martin, RNC, MN, CNAA, Vice-President
 Congressional District 5 *Present (out from 1 p.m. – 3 pm on Thursday)*
- C. Lynn Lewis, RN, EdD, MHS, Secretary
 Congressional District 3 *Present Thursday / Out at 9:30 a.m. on Friday*
- Debra J. Doria, LPN
 Region II, Congressional District 4 *Present*
- Carrie H. James, RN, MSN, CNA-BC, CCE
 Congressional District 6 *Present Thursday / Absent Friday*
- Rose Kearney-Nunnery, RN, PhD, CNE
 Congressional District 2 *Absent*
- Trey Pennington, MBA, MS
 Public Member *Present*
- Sylvia A. Whiting, PhD, APRN-BC
 Congressional District 1 *Present*
- One LPN Member Vacancy from Region I
- One Public Member Vacancy

BOARD
MEMBERS
PRESENT &
VOTING

- Joan K. Bainer, RN, MN, CNA BC, Board Administrator
 Ruby Brice, Asst. Dep. Director– Office of Health and Medically Related Professions
 David Christian, III, MBA, CPM, Program Coordinator-Compliance /Monitoring
 Nancy G. Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education
 Theresa Richardson, Administrative Assistant
 Dottie Buchanan, 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
 Gwendolyn Davis, Hearing Counsel

BOARD & LLR
STAFF
MEMBERS
PRESENT FOR
CERTAIN
AGENDA ITEMS

The November 29 - 30, 2007 Board of Nursing meeting agenda was presented to the Board for their review and approval.

APPROVAL OF
AGENDA

A motion was made to approve the November 29 - 30, 2007 meeting agenda as presented but with discussion requested on the appearance of Davidson County Community College – Request for Out-of-State Nursing Program to Conduct Clinical Experiences in SC. The motion received a second. The motion carried unanimously.

MOTION

The following informational items were adopted on the consent agenda:

APPROVAL OF
CONSENT
AGENDA

Bits from the Board Evaluations

Advisory Committee on Nursing Minutes

Article on Nursing Shortage - The Post and Courier

NCLEX RN & PN Summary Statistics for July 1 – Sept. 30, 2007

Legal Aspects Workshop Evaluations

Licensure Statistics

Licensure Applications Approved by Program Coordinator and Administrator

Investigation Statistics

Update/Status on Monitoring from Monthly Report

A motion was made to adopt the November 29 - 30, 2007 Consent Agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The minutes of the September 27, 2007 Board meeting were presented to the Board for their review and approval.

APPROVAL OF
MINUTES

A motion was made to approve the September 27, 2007 Board of Nursing Meeting minutes as presented. The motion received a second. The motion carried unanimously.

MOTION

The Office of Investigations and Enforcement provided the Board with the October 25, 2007 Investigative Review Committee Meeting Report including recommendations for their review and approval.

INVESTIGATIVE
REVIEW
COMMITTEE

A motion was made to approve the Complaint Dismissals in the October 25, 2007 Investigative Review Committee meeting report as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the Formal Complaints in the October 25, 2007 Investigative Review Committee meeting report as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the Letters of Concern in the October 25, 2007 Investigative Review Committee meeting report as presented. The motion received a second. The motion carried unanimously.

MOTION

The Compliance/Monitoring Section provided the Board with the October 5, 2007 Disciplinary Review Committee (DRC) Meeting minutes for their review and approval.

DRC MINUTES

A motion was made to approve the October 5, 2007 Disciplinary Review Committee minutes as presented. The motion received a second. The motion

MOTION

carried unanimously.

Michael Gordon Wardlaw appeared before the Board to request reconsideration of the administrative denial of his application to take the National Council Licensure Examination (NCLEX) for practical nurse licensure. He was not represented by legal counsel. Mr. Wardlaw's application was administratively denied due to an affirmative answer to questions regarding professional licensure discipline and/or criminal records reported on his licensure by examination application.

LICENSURE
APPEARANCE

A motion was made based upon his sobriety to allow Michael Gordon Wardlaw to take the National Council Licensure Examination for Practical Nurse and upon successful completion be licensed as a practical nurse in South Carolina. The motion received a second. The motion carried unanimously.

MOTION

The reconsideration of the final order for Respondent Roberta H. Schaffer, LPN was continued per the request of her Attorney Desa Ballard.

MOTION TO
RECONSIDER

Respondents appeared before the Board to answer to questions regarding their Memoranda of Agreement.

FINAL ORDER
HEARINGS-
MEMORANDA
OF AGREEMENT

Respondent Retha A. Green-Smith, RN appeared the Board with Attorney Arthur K. Aiken. A representative from the Recovering Professional Program (RPP) was present to respond to questions of the Board. Respondent signed a memorandum of agreement admitting to violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

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 leave executive session. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made to reinstate the registered nurse license of Respondent Retha A. Green-Smith upon receipt of a statement from Recovering Professional Program (RPP) attesting to her safety to return to practice with the understanding that Respondent must remain in full compliance with RPP. The motion received a second. The motion carried unanimously.

MOTION

South Carolina Department of Labor, Licensing and Regulation General Counsel Lynne Rogers appeared before the Board to discuss the appointment of a hearing officer pursuant to Section 40-33-116(A) of the Nurse Practice Act.

HEARING
OFFICERS

§40-33-116(A). That section states, in pertinent part: ... "A licensee or applicant who is required to submit to a mental or physical examination may request within twenty-four hours of receipt of the requirement a review by an administrative hearing officer appointed by the board or its designee. Filing of a written request for a review by an administrative hearing officer does not stay the time directed in which to submit to a mental or physical examination, and no stay may be issued, except as provided in this section. Upon proper written request, a review hearing must be conducted within forty-eight hours of receipt of the request. Failure to provide a review hearing within the prescribed time stays the time required to submit to a mental or physical examination until a decision is issued by the

administrative hearing officer. The review hearing for purposes of this section must be limited to the issues of whether the person is a licensee or applicant, whether reasonable grounds exist to require a mental or physical examination, and whether the licensee or applicant has been informed that failure to submit to an examination will result in the entry of an order automatically suspending or denying the license pending compliance and further order of the board. The administrative hearing officer's decision is not subject to appeal. A licensee or applicant who is prohibited from practicing under this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice with reasonable skill and safety." [Emphasis Added]

Ms. Rogers explained that this hearing officer would review cases where a licensee or applicant is required by the Board to obtain a mental or physical examination. Ms. Rogers suggested that there be more than one officer to assure that an officer is available should a licensee request the review hearing. These hearings are to be held within 48 hours.

A motion was made to appoint Michelle Liken to serve as hearing officer in the interim prior to appointing hearing officers in January 2008. The motion received a second. The motion carried unanimously.

MOTION

The topic of hearing officers was discussed again Thursday afternoon during the meeting. Since the earlier discussion, Dr. Whiting thought of another potential candidate to serve in this capacity. It was noted that Dr. Liken is currently quite busy while working with the proposed baccalaureate nursing program for South University, participation on the Investigative Review Committee (IRC) as well as teaching a legal aspects class for the Area Health Education Consortium (AHEC). Ms. Brice suggested that staff contact potential hearing officer candidates suggested by the Board, contact the candidates, research necessary training and financial reimbursement.

Memoranda of agreement for nurse licensees admitting to violations of the Nurse Practice Act and waiving disciplinary panel hearings were presented to the Board for review and determination of sanctions.

FINAL ORDER
HEARINGS-
MEMORANDA
OF
AGREEMENT

Respondent Lisa M. Arnette, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of her right to legal counsel and waived that right. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

A motion was made to defer action in the case of Respondent Lisa M. Arnette, RN until further information could be received from the Recovering Professional Program (RPP). The motion received a second. The motion carried unanimously.

MOTION

Frank Sheheen, MS, CACII, Program Director, RPP provided the requested information on Respondent Lisa M. Arnette, RN later in the meeting.

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 leave executive session. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made based on the Recovering Professional Program (RPP) recommendation concerning her safety to return to practice, to allow Respondent Lisa M. Arnette, RN to return to work in a probationary status, access to narcotics shall be restricted for one year, Respondent shall work in a Board approved setting but not approved to work in home based care, telenursing, or agency settings, Respondent must be supervised by a registered nurse who is on site and on shift at all times, and that Respondent shall have her employer(s) submit quarterly employer reports. The motion received a second. The motion carried with one abstention.

MOTION

Respondent Cynthia Anne Faulkenberry, RN was properly notified and but did not appear to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made to defer action in the case of Respondent Cynthia Anne Faulkenberry that her registered nurse license remains suspended until she appears before the Board. The motion received a second. The motion carried unanimously.

Respondent Wanda M. Johnson, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of her right to legal counsel and waived that right. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made for Respondent Wanda M. Johnson, RN to return to Recovering Professional Program (RPP) and remain compliant with the program, that when a written recommendation is received from RPP attesting to her safety to return to practice that Respondent's license may be reinstated. The motion received a second. The motion carried unanimously.

Respondent Sherryl L. Johnson, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of her right to counsel and waived that right. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made for Respondent Sherryl L. Johnson's registered nurse license remain suspended, that Respondent reenroll with the Recovering Professional Program (RPP), that Respondent comply with the RPP and her disciplinary order; that her license may be reinstated upon written recommendation from the RPP attesting to her safety to practice and that RPP consider Respondent's financial situation when recommending treatment. The motion received a second. The motion carried unanimously.

Respondent Kelly M. Mahaffey, LPN was properly notified but did not appear to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made to defer action in the case of Respondent Kelly Mahaffey, LPN, that her license remain suspended, that she be notified to appear at the January 2008 meeting. The motion received a second. The motion carried unanimously.

Respondent Andrena T. Martin, RN was properly notified and appeared with a Peer Assistance Program In Nursing (PAPIN) member to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of her right to legal counsel and waived that right. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made that Respondent Andrena T. Martin, RN license suspension be stayed, that her license may be reinstated upon receipt of a written recommendation from the Recovering Professional Program (RPP) attesting to her safety to return to practice, that Respondent comply with the RPP and all provisions in the order to include worksite approval. The motion received a second. The motion carried unanimously.

Respondent Zondria McKie, RN requested a continuance in her case.

MOTION

A motion was made to accept the request for continuance for Respondent Zondria McKie. The motion received a second. The motion carried unanimously.

Respondent Richard L. Todd, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of his right to legal counsel and waived that right. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made to reinstate Respondent Richard L. Todd's registered nurse license upon receipt of a written recommendation from Recovering Professional Program (RPP) attesting to his safety to return to practice and that Respondent must continue in the RPP. The motion received a second. The motion carried unanimously.

Respondent Crystal C. Whitmire, LPN was properly notified, waived her thirty-day notice, and appeared with her fiancé' to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of her right to legal counsel and waived that right. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made to reinstate the practical nurse license of Respondent Crystal C. Whitmire in a probationary status for one year, Respondent shall work in a Board approved setting but shall not be approved to work in home based care, telenursing, or agency settings, access to narcotics shall be at the discretion of the director or nursing, Respondent must be supervised by a registered nurse who is on site and on shift at all times, and that Respondent shall have her employer(s) submit quarterly employer reports. The motion received a second. The motion carried unanimously.

MOTION

Respondent Jeffrey R. Inks, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of his right to legal counsel and waived that right. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act as well as request to reinstate his license, and waiving a disciplinary panel hearing.

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 leave executive session for the purpose of receiving legal counsel. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made to require Respondent Jeffrey R. Inks, RN to obtain a Recovering Professional Program (RPP) evaluation, if the diagnosis for addiction or abuse is negative that Respondent be issued a license to practice nursing in South Carolina; however, if the diagnosis or addiction or abuse is positive, Respondent must reappear before the Board with a written recommendation from RPP attesting to his safety to return to practice. The motion received a second. The motion carried unanimously.

MOTION

Respondent Rebecca P. Melton, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. Respondent was aware of her right to legal counsel and waived that right. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

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 leave executive session for the purpose of receiving legal counsel. The motion received a second. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made to place Respondent Rebecca P. Melton's registered nurse license on probation for one year, Respondent shall work in a Board approved setting but not be approved to work in home based care, telenursing, or agency settings, access to narcotics shall be at the discretion of the director or nursing, Respondent must be supervised by a registered nurse who is on site and on shift at all times, and that Respondent shall have her employer(s) submit quarterly employer reports. The motion received a second. The motion carried unanimously.

The Board reviewed cases heard by the Disciplinary Hearing Panels as well as

FINAL ORDER

their findings of fact, conclusions of law and recommendations for disciplinary actions.

Respondent Stacy Michelle Callihan, RN was properly notified. Respondent notified the Office of the General Counsel that she would not appear at this hearing. Respondent was not represented by legal counsel. The panel hearing in this case was held on August 9, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110 (A)(5) and (A)(6), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended; however, that she may petition for licensure reinstatement but must comply with any Board sanctions or restrictions.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the registered nurse license of Respondent Stacy Michelle Callihan be indefinitely suspended; however, she may petition for reinstatement but must comply with any Board sanctions or restrictions. The motion received a second. The motion carried unanimously.

Respondent Janice A. Fennell, RN was properly notified but did not appear to respond to the Board. Respondent was not represented by legal counsel. The panel hearing in this case was held on January 23, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110(A)(7), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended, with the provision that the suspension may be stayed after Respondent presents proof that she has completed the requirements of the March 4, 2006 Consent Agreement, to include an evaluation.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation that the registered nurse license of Respondent Janice A. Fennell be indefinitely suspended with the provision that the suspension may be stayed after Respondent presents proof that she has completed the requirements of the March 4, 2006 Consent Agreement, to include an evaluation. The motion received a second. The motion carried unanimously.

Respondent Richard E. Miller, RN was properly notified but did not appear to respond to the Board. Respondent was not represented by counsel. The panel hearing in this case was held on June 19, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent had violated S.C. Code Ann. §40-33-110(A)(1) and (A)(3), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be revoked.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Facts, Conclusions of Law and Recommendation that the registered nurse license of Respondent Richard E. Miller be revoked. The motion received a second. The motion carried unanimously.

Respondent Jacquelyn Lyn Harris, RN was properly notified; however, she did not appear to respond to the Board. Respondent was not represented by legal counsel. The panel hearing in this case was held on August 23, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found

that Respondent had violated S.C. Code Ann. §40-33-110(A)(15) and (A)(26), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended with a provision for a stay providing that Respondent submit to a psychiatric evaluation, enrolls in Recovering Professional Program (RPP), complies with any program recommendations, and received RPP clearance for return to work, an assessment of a fine in the amount of \$500.00 for failure to provide the Board with a current address, and that Respondent may petition the Board for reinstatement of her license but must comply with any sanctions or restrictions that may be placed upon her license by the Board.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that Respondent Jacquelyn Lyn Harris, RN submit to a psychiatric evaluation, enroll in Recovering Professional Program (RPP), comply with any program recommendations, and receive a RPP clearance to safely return to work, an assessment of a fine in the amount of \$500.00 for failure to provide the Board with a current address, and that Respondent may petition the Board for reinstatement of her license but must comply with any sanctions or restrictions that may be placed upon her license by the Board. The motion received a second. The motion carried unanimously.

Respondent Melissa Jane Venegas, RN was properly notified; however, she did not appear to respond to the Board. Respondent was not represented by legal counsel. The panel hearing in this case was held on August 23, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110(A)(1), (A)(3), (A)(10) and (A)(13), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended with provision for a stay if Respondent enrolls in the Recovering Professional Program (RPP) and complies with any program recommendations, and that Respondent be allowed to petition the Board for reinstatement, and must comply with any sanctions or restrictions that may be placed upon Respondent's license by the Board.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the registered nurse license of Respondent Melissa Jane Venegas be indefinitely suspended with provision for a stay if Respondent enrolls in the Recovering Professional Program (RPP) and complies with any program recommendations, and that Respondent be allowed to petition the Board for reinstatement, and must comply with any sanctions or restrictions that may be placed upon Respondent's license by the Board. The motion received a second. The motion carried unanimously.

Respondent Carolyn Gilbert, LPN was properly notified; however, she did not appear to respond to the Board. Respondent was not represented by legal counsel. The panel hearing in this case was held on July 24, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110(A)(3) and (A)(18), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended until such time as she appears before the Board and has complied with conditions imposed for reinstatement of her license.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact,

Conclusions of Law and Recommendation that the practical nurse license of Respondent Carolyn P. Gilbert be indefinitely suspended until such time as she appears before the Board and has complied with conditions imposed for reinstatement of her license. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to defer action in the matter of Respondent John Raymond Hettinga, LPN until thirty day service can be made on the Respondent and/or the Board President. The motion received a second. The motion carried unanimously.

Respondent Frances E. Reavis, RN was properly notified; however, she did not appear to respond to the Board. Respondent was not represented by legal counsel. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board. The panel hearing in this case was held on September 4, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated S.C. Code Ann. §40-33-110(A)(1) and (A)(7), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended until such time as Respondent petitions the Board for reinstatement and provides evidence that she has complied with the Order Requiring Evaluation.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the registered nurse license of Respondent Frances E. Reavis be indefinitely suspended until such time as Respondent petitions the Board for reinstatement and provides evidence that she has complied with the Order Requiring Evaluation. The motion received a second. The motion carried unanimously.

Administrator Joan Bainer reported that the audit for renewal season ending 2006 has now been concluded. More than 4,000 nurses have been successfully audited with positive results.

AUDIT 2006

The next renewal season will begin at midnight on February 1, 2008. The following suggestions and recommendations were presented to the Board.

- Initiate the audit in March 1, 2008.
- Create smaller, more manageable, groups of audits possibly 30 per month
- Continue audit for two years to meet recommended number of audits.
- Reduce number of audits but assure the number of nurses audited is a representative sample of entire population.
- Mail all correspondence, to include initial notification, via certified mail, encourage licensee to return information via certified mail and discourage review actions for failure to comply with audit to include failure to change address.

An article will be published in the *Palmetto Nurse* as well as the Board's newsletter in the *South Carolina Nurse* reminding licensees about competency requirements, the audit process and possible sanctions for non-compliance.

Ms. Brice is requesting that the Board consider out-sourcing the review of continued education to a vendor. The Board asked that staff research the data on how many nurses choose each of the four options for renewal.

CONSENT
AGREEMENTS

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 a disciplinary hearing. The Board may accept the agreements, amend the agreement or turn down the agreement. Respondents may sign consent agreements amended by the Board but may request a panel hearing instead of signing the amended agreement.

MOTION

A motion was made to approve the Consent Agreements presented for Deborah Elaine Autry, RN; *Case #2007-153-Private*; Sheila E. Blanton, LPN; Katie Jean Bunch, RN; Melissa G. Droze, RN; Tina G. Hairston, LPN; *Case #2007-26-Private*; Angela L. Johnston, RN; Kathleen F. Keith, RN; Tammy C. McAbee, RN; Sandra W. McCord, LPN; *Case # 2007-289-Private*; Connie Lynn Mclvor, LPN; *Case # 2007-290-Private*; *Case # 2007-205-Private*; Terrian Miller, LPN; Ashley Lynn Moore, RN; Kelly A. Moore, LPN; Monique B. Pickens, RN; Merissa Dawn Pruitt, RN; Kimberly D. Shaw, RN; *Case # 2007-97-Private*; Curtis E. Spann, RN; Johnna Cecilia Stinsman, RN; Sylvia O. Trapp, LPN (*Voluntary Surrender*); Sara L. Tumblin, LPN; and *Case # 2004-107-Private*. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to add an ethics course to the Consent Agreements presented for *Case # 2007-107-Private*; Amy Christine Brown, RN; and Richard S. Cates, RN. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to change the consent agreement on Case #2007-156 to a private agreement and add that the respondent must complete a Legal Aspects of Nursing Workshop. The motion received a second. The motion carried unanimously.

Joan Bainer, Administrator reported that at the April 2007 Strategic Planning Retreat, the Board noted their interest in the Medication Assistant /Medication Aide. At that time, any decision related to this issue was placed on hold until the National Council of State Boards of Nursing (NCSBN) met in August 2007.

MEDICATION
AIDE

At the NCSBN Annual Delegate Assembly Meeting in August 2007, the Medication Assistant-Certified (MA-C) Curriculum was adopted. The goal of this 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 (UAP) who assist in providing nursing-related functions to clients in various settings. Ms. Bainer provided the Board with a copy of the curriculum, which recommends that the first requirement for the UAP is to obtain certified nursing assistant education. This document also includes definitions, terms and objectives.

There was discussion and concern which included, but was not limited to, nurses giving up nursing tasks, infringement on the licensed practical nurse scope of practice, the variety in training for those in this role, whether it would be safer for all in this role to have the same training, Board support of regulating unlicensed personnel in the upper levels, responsibility of nurse delegating this task, the position statement on delegation requiring that the patient receive the same level of care.

This item will be placed on the April 2008 Strategic Planning Retreat agenda.

Nancy Murphy, Program Nurse Consultant for Education reported that the South

REGIONAL

NATIONAL
COUNCIL
LICENSURE
EXAMINATION
(NCLEX)
WORKSHOP

Carolina Board of Nursing has been approved to host a Regional National Council Licensure Examination (NCLEX) Workshop. Our state is one of only three states to host this offering. The Workshop will be held on February 15, 2008. The Deans and Directors Council is co-sponsoring the Workshop. Midlands Technical College is providing the facilities for the Workshop. National Council of State Boards of Nursing (NCSBN) suggested keeping registration to 100 people. North Carolina and Georgia Boards of Nursing have been contacted and offered two Workshop registrations. NCSBN designed the Workshop specifically for nurse educators and is intended to give information to prepare students to take the NCLEX, including such topics as the test plan, alternative items, psychometrics, interpreting program reports and writing test questions in the NCLEX style.

Ms. Murphy requested that the Board accept completion of the workshop for 4.33 contact hours for nurses licensed in South Carolina. A statement to this affect would be added and include that a copy of the certificate must be submitted to the Board if the nurse is audited. The Board had no objections to accepting the contact hours.

Ms. Bainer thanked Ms. Murphy for her hard work on this offering. Ms. Murphy stated the Midlands Technical College staff had been very helpful in this process.

Frank Sheheen, MS, CACII, Program Director and Richard Wilson, Esquire, Special Counsel /Administrative Coordinator with the Recovering Professional Program (RPP) submitted a summary of the principal issues for review by the Board in considering the *Questions from the Recovering Professional Program (RPP) (Rev. 9-13-07)*. The original participating boards provided a model for RPP to use in handling their licensees. Since that time some practices have evolved with experience, therefore, some responses have changed so that RPP practices will conform to the Board expectations.

RPP
QUESTIONN
AIRE
SUMMARY

The highlighted questions on pages 3, 8, and 9 are recommended responses that reflect current practices as they have evolved. The new question on page 9 (#57) authorizes RPP to recommend for the Board's consideration participation at a reduced level in special situations, which occasionally arise (e.g., no diagnosis of alcohol/drug abuse or dependency, but confirmed use of an illegal drug such as marijuana) or someone from a program in another state who has documented years of sobriety. The final decision remains with the Board. Mr. Christian noted that some states do not require five years in a program as we do. Under the Compact law, the nurse remains under the program in their home state with a provision for a nurse in a program to be allowed to work in another state with *written* approval of both states. Ms. Bainer is currently on a subcommittee collecting information from the states regarding their alternative programs requirements.

The highlighted footnote added on page 7 (to #45 and #46) is to authorize RPP to prescribe alternative meetings and activities if a participant raises a constitutional objection to attending 12-step programs (AA/NA). This provision is legally prudent if such an objection is ever raised.

Voluntary participants come to the RPP without any investigation or board order. Voluntary participants are reported to the Board after two instances of non-compliance.

A motion was made to approve the changes to the Recovering Professional

MOTION

Program Questionnaire as presented. The motion received a second. The motion carried unanimously.

Board Administrator Joan Bainer provided the following project updates.

PROJECT
UPDATE

100 Years of Nursing

In 2010, the Board will celebrate 100 years of regulation of nursing in South Carolina. Staff will gather historical information for this celebration. Former board administrators and members will be contacted. Another state received the National Council of State Boards of Nursing (NCSBN) Excellence Award after providing a 100 years accomplishment report. It was suggested that the board possibly provide regional workshops with special contact hours.

Community Outreach

An article was published in the newsletters regarding Ms. Bainer going to facilities to provide a Legal Aspects type program tailored to their needs. Several facilities have taken advantage of this opportunity with great response from the nurses.

Commitment to Ongoing Regulatory Excellence (CORE)

The Board is reviewing results from the September 2007 CORE interviews.

Sanctions Reference Points (SRP)

Ms. Bainer reported that staff will be meeting with Vickie Sheets of National Council of State Boards of Nursing (NCSBN) to see if they will take lead on this project. Because the Virginia Board of Nursing is already using the program and there is a possibility of multiple boards utilizing the program, we may be able to negotiate a better price. The Board has approved use of this program.

Discipline

This is the second board meeting utilizing the pilot disciplinary procedure. The pilot has changed the flow of information through the disciplinary hearing process.

NURSYS Upgrade

A representative from National Council of State Boards of Nursing (NCSBN) came down to meet with board staff regarding NURSYS. Many of the Board staff suggestions are in process now. Ms. Bainer was pleased that our staff was thinking in line with national requests.

Newsletter

Per the Board's request and approval, we will begin publishing disciplinary actions in the newsletter.

Recovering Professional Program

Richard Wilson is now Special Counsel and Administrative Coordinator with the Recovering Professional Program (RPP). They have a new drug testing process.

Regulation 91-19 Revision

Regulation 91-19 regarding discipline was not addressed when the Nurse Practice Act was re-written. David Christian is leading the revision of these regulations with plans to introduce the bill at the beginning of the year. Some changes to be addressed include reflecting the Board becoming part of the Department of Labor, Licensing and Regulation (LLR), changing executive director to administrator, etc.

Criminal Background Checks / Nurse Practice Act Housekeeping

These bills will be re-filed this year.

There was concern about nurses who come before the Board multiple times for various, and what may seem to be unrelated, violations. A nurse may have disciplinary actions for diversion, patient abuse, documentation errors, billing fraud, abandonment, etc.

It was reported that multiple violations are discussed at the Investigative Review Committee (IRC) meeting. It is standard procedure for investigators to research for possible prior violations and/or disciplinary actions. IRC members are made aware of any previous discipline. When the IRC suggests a formal complaint, they also recommend parameters for a consent agreement utilizing the Disciplinary Sanctions Guidelines. Consent agreements include an admission of violation to the Nurse Practice Act and a suggested sanction that the Board may accept or reject. Respondents may choose to sign a memorandum of agreement (MOA). In an MOA, the respondent admits to certain facts and the Board decides the sanctions.

Prior discipline is not discussed in the fact-finding portion in the panel hearing. After there is determination that a violation has occurred, prior discipline could be reviewed during the sanctioning phase. This is similar to guilt phase and sentencing phase in criminal court.

It was suggested that more items be added to the glossary portion of the Disciplinary Sanctions Guidelines chart. This will be discussed at a later meeting.

Some complainants are receiving letters stating the complaint has been dismissed when the respondent actually received a private reprimand or order. Private orders cannot be disclosed to the complainant. There is concern that the language in the letters to the complainants is misleading and may result in some complainants not reporting nurses to the Board. Language will be reviewed to see if it can be better explained that the Board fully investigated the issue and took appropriate action. Concerns will be shared with the Office of Investigations and Enforcement and Office of General Counsel.

At the September 2007 Board Meeting, the Board requested more information on this certification. Melissa O'Neill, President of the Dermatology Nursing Certification Board has requested that their certification be accepted by the Board as demonstration of continued competency for renewal.

In her letter, she reported that the requirements for the initial written multiple choice certification examination include:

- Current and unrestricted license as a registered nurse in the US or Canada
- Minimum of 2 year of dermatology nursing experience as an RN
- Minimum of 2000 hours of work experience in dermatology nursing within the past 2 years in a general staff, administrative, teaching or research capacity.

A motion was made to include Dermatology Nursing Certification in the Competency Requirement Criteria as requested. The motion received a second. The motion carried unanimously.

DISCIPLINARY
SANCTIONS
GUIDELINES
CHART
REVISION –
REPEATED
OFFENSES /
MULTIPLE
VIOLATIONS

COMPLAINANT
NOTIFICATION
OF
INVESTIGATION
OUTCOME

DERMATOLOGY
CERTIFICATION
REQUEST

MOTION

PAIN
MANAGEMENT
POSITION
STATEMENT –
NCSBN

At the National Council of State Boards of Nursing (NCSBN) Annual Delegate Assembly in August 2007 the *NCSBN Statement on the Regulatory Implications of Pain Management* was adopted and is currently working on models. This same topic was reviewed at the Board's April 2007 Strategic Planning Retreat but was deferred pending approval of the NCSBN's statement. The Board would like for the Nursing Practice and Standards Committee and Advanced Practice Committee to review the statement to see how it fits into our state.

MOTION

A motion was made to accept the National Council of State Boards of Nursing (NCSBN) Pain Management Statement. The motion received a second. The motion carried unanimously.

EMERGENCY
NURSES
ASSOCIATION
LETTER – APC

The Advanced Practice Committee reviewed a proposal regarding moderate sedation. They reviewed established procedure guidelines and opinions of the American Society of Anesthesiologist and American Association of Nurse Anesthetists as these organizations are regarded as experts in anesthesia and sedation. They drafted a letter for the Board's review. The Board asked that the following changes be made: change letter to state they cannot recommend approval of the proposal, add a "d" on the word "place" in third paragraph, add an "s" to anesthesiologist and add acronyms for these organizations (ASA and AANA), revise the third paragraph by removing the Board of Medical Examiners as our Board cannot speak for them and change protecting consumers to the public.

MOTION

A motion was made to approve the letter regarding moderate sedation from Advanced Practice Committee (APC) with changes noted. The motion received a second. The motion carried unanimously.

REVISION OF
ADVISORY
OPINIONS

The Board reviewed revisions to current advisory opinions as well as a new advisory opinion recommended by the Nursing Practice and Standards Committee (NPSC).

Advisory Opinion #5

The NPSC recommended revision to Advisory Opinion #5 to clarify that "licensed nurse" in the section on Management and Monitoring of Intrapartum Epidural Anesthesia/Analgesia means a licensed practical nurse or registered nurse.

MOTION

Motion to approve the revision to Advisory Opinion #5 clarifying that "licensed nurse" means a licensed practical nurse or registered nurse as presented. The motion received a second. The motion carried unanimously.

Advisory Opinion #25

The NPSC reviewed Advisory Opinion #25 and invited interested parties to attend the meeting. The physician and nurse who attended the meeting thanked Ms. Bainer and the NPSC for allowing them to attend. This advisory opinion addresses registered nurses with specialized education and training in settings where critical care nursing is provided, assisting in the placement of regional anesthesia blocks in the presence of a qualified provider.

MOTION

Motion to approve the revision to Advisory Opinion #25 allowing registered nurses with specialized education and training in settings where critical care nursing is provided, assisting in the placement of regional anesthesia blocks in the presence of a qualified provider as presented. The motion received a second. The motion carried unanimously.

Advisory Opinion #53

The NPSC recommended approval of Advisory Opinion #53 which asks if it is within the role and scope of responsibilities of the registered nurse (RN) to advance the scope while assisting the physician during endoscopy procedures? The recommended answer for this question is: The Board of Nursing for South Carolina has determined that it is within the role and scope of an RN to assist the physician during endoscopy procedures with task such as: preparing the equipment for the procedure, suctioning during the procedure, and operating the camera (taking photographs). It is **NOT** within the role or scope of responsibilities of the RN to advance the endoscope during endoscopy procedures. This constitutes a medical act and can only be delegated to an Advance Practice Registered Nurse (APRN). The Board recommended changing “the scope” in the question to endoscope.

Motion to approve the revision to Advisory Opinion #53 with noted changes. The motion received a second. The motion carried unanimously.

MOTION

At the September 27, 2007 meeting, Board members Sylvia A. Whiting, Rose Kearney-Nunnery, and Trey Pennington were chosen to serve on the 2008 Officer Nominating Committee. The Committee presented the following slate of officers for consideration and vote: Brenda Martin as President, Lynn Lewis as Vice President, and Trey Pennington as Secretary.

REPORT OF
NOMINATION
COMMITTEE

A motion was made to elect Brenda Y. Martin as Board President, C. Lynn Lewis as Board Vice President, and Trey Pennington as Secretary. The motion received a second. The motion carried unanimously.

MOTION

FRIDAY, NOVEMBER 30, 2007

This is the first request of this nature under the new regulations. Dr. Lewis requested discussion on this item. She received several calls from Advisory Committee on Nursing (ACON) members asking why this issue had not come before ACON prior to going to the Board. She further stated that ACON members have opinions and concerns about competition for clinical sites. It was explained that the timing of receipt of the documents, deadlines for this meeting and Board request to not hold up schools prompted putting this item on the Board agenda.

DAVIDSON
COUNTY
COMMUNITY
COLLEGE-
CLINICAL IN SC

Davidson County Community College has a clinical contract with the facility. Out of state schools are currently using South Carolina facilities. It was noted that the facilities have the right to not enter into a clinical agreement with a nursing education program.

A motion was made for the Davidson County Community College to request go to the Advisory Committee on Nursing (ACON) in February 2008 for recommendation then coming back before the Board. The motion received a second. The motion carried unanimously.

MOTION

Dr. Alice Frye, Dean of Health Science at Aiken Technical College reported that they will no longer offer a practical nurse (PN) exit option from their associate degree nursing (ADN) program. Students in the ADN program may apply to take the National Council Licensure Examination (NCLEX) for practical nurses by

AIKEN
TECHNICAL
COLLEGE- SITE
SURVEY
REPORT

equivalency. Aiken Technical College is proposing to admit 24 students to their PN program in January 2008. At the July 26-27, 2007 meeting, the Board voted to approve the Aiken Technical College practical nursing program curriculum. At the October 16, 2007 meeting, the Advisory Committee on Nursing (ACON) reviewed proposed substantive program changes in PN faculty and recommended approval. A site survey was conducted on July 17, 2007.

A motion was made to approve the Aiken Technical College Practical Nursing Program for five years. The motion received a second. The motion carried unanimously.

MOTION

At their October 16, 2007 meeting, the Advisory Committee on Nursing (ACON) reviewed the feasibility study presented by Newberry College and recommended that the Board approve the proposed program for development. Betsy McDowell was present at the Board meeting to respond to questions. She reported that 24 students were admitted to pre-nursing courses this year. They plan to admit students in the junior level in 2009 with an expected graduation date in 2011. Per the partnership, clinical experiences will be primarily at Lexington Medical Center. Newberry College has letters of support from other agencies to round out clinical requirements. They will be hiring two faculty members in August 2009, two more in September 2010, who will be at least master prepared along with masters prepared clinical instructors. There are plans to build 7000 sq ft nursing building. They have received a grant from Blue Cross and Blue Shield.

NEWBERRY
COLLEGE-
FEASIBILITY
STUDY FOR
PROPOSED BSN
PROGRAM

A motion was made based on the feasibility study and recommendation of the Advisory Committee on Nursing (ACON) to approve the baccalaureate nursing program development at Newberry College. The motion received a second. The motion carried unanimously.

MOTION

Byron Kirby of the Office of Research and Statistics, Budget and Control Board provided the Board with a presentation on nursing statistics. These statistics provide information on numbers and types of nurses in our state, numbers and types of nurses in regions as well as information on educational backgrounds of our nurses. The Board made suggestions for changes to the presentation. Ms. Bainer will meet with Mr. Kirby to make requested changes.

RESEARCH &
STATISTICS
PRESENTATION

The next Board of Nursing meeting will be held on January 24-25, 2008.

ADJOURNMENT

A motion was made to adjourn the meeting at 11:30 a.m. on November 30, 2007. The motion received a second. The motion carried.

MOTION

Respectfully Submitted,
Dottie Buchanan, 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 November 29 and 30, 2007 - Kingstree Building, Room 108

BOARD MEMBERS: Suzanne Kanipe White, RN, *Board President*
Brenda Yates Martin, RN, *Board Vice President*
C. Lynn Lewis, RN, *Board Secretary*
Debra Doria, LPN
Carrie Houser James, RN
Rose Kearney-Nunnery, RN
Trey Pennington
Sylvia Whiting, RN

REVISED AGENDA

8:30 a Call to Order
Review/Approval: Full Agenda
Review/Approval: Consent Agenda
Review/Approval: Board Meeting Minutes

APPEARANCES – THURSDAY, NOVEMBER 29, 2007

8:35 a **For Review/Approval:** Investigative Review Committee (IRC) Report
a. Approval of Dismissals
b. Approval of Formal Complaints
c. Approval of Letters of Caution
For Review/Approval: Disciplinary Review Committee (DRC) Minutes
For Action: Hearing Officers – Lynne Rogers, LLR General Counsel
For Action: Licensure Appearances
For Action: Final Order Hearings
For Review/Approval: Consent Agreements
For Review/Approval: Summary of RPP Questionnaire Responses & Authorizations

APPEARANCES – FRIDAY, NOVEMBER 30, 2007

9:00 a **For Action:** Davidson County Community College – Request for Out-of-State Nursing Program to Conduct Clinical Experiences in SC (*By Conference Call*)
For Action: Aiken Technical College Practical Nursing Site Survey Report
For Action: Newberry College – Feasibility Study for Establishing a Proposed Baccalaureate Degree Nursing Program Fall 2009
10:30 a **For Information:** Research & Statistics

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

ADMINISTRATOR'S REPORT

- 1) For Discussion: Medication Assistant – Certified – Model Curriculum
- 2) For Information: Project Update

PRESIDENT'S REPORT

- 1) For Action: Election of 2008 Board Officers

EDUCATION

- 1) For Discussion: NCLEX Regional Workshop

MONITORING / COMPLIANCE / ENFORCEMENT / INVESTIGATIONS / GENERAL COUNSEL

- 1) For Discussion/Action: Revision to Disciplinary Sanctions Guidelines Chart – Repeated Offenses / Multiple Violations (verbal)
- 2) For Discussion/Action: Process for Notifying Complainant of Investigation Outcome (verbal)
- 3) For Discussion: Revision of Regulation 91-19 (verbal)

PRACTICE

- 1) For Information: Audit 2006
- 2) For Action: Adding Dermatology Certification to Competency Requirement Criteria
- 3) For Action: Pain Management Position Statement – NCSBN
- 4) For Action: Emergency Nurses Association Letter from Advanced Practice Committee
- 5) For Action: Advisory Opinions #5 -Dialysis, #25– Regional Blocks & #53– Advancing the Scope

CONSENT AGENDA

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

ADMINISTRATOR'S REPORT - CONSENT- FOR INFORMATION

- 1) For Information: Bits from the Board Evaluations
- 2) For Information: Advisory Committee on Nursing Minutes
- 3) For Information: Article on Nursing Shortage - The Post and Courier

EDUCATION – CONSENT- FOR INFORMATION

- 1) For Information: NCLEX RN & PN Summary Statistics for July 1 through September 30, 2007

PRACTICE - CONSENT- FOR INFORMATION

- 1) For Information: Legal Aspects Workshop Evaluations

LICENSURE - CONSENT- FOR INFORMATION

- 1) For Information: Licensure Statistics (From Monthly Report-Buchanan)
- 2) Announcement: Licensure Applications Approved by Program Coordinator & Administrator

OFFICE OF INVESTIGATIONS & ENFORCEMENT - CONSENT- FOR INFORMATION

- 1) For Information: Investigation Statistics

COMPLIANCE / MONITORING STATISTICS - CONSENT- FOR INFORMATION

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