

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

BOARD OF NURSING MEETING MINUTES – September 27, 2007

Board President Suzanne K. White called the meeting to order at 8:30 a.m. on September 27, 2007. In accordance with the South Carolina Freedom of Information Act, 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
COMPLIANC
E

Suzanne K. White, RN, MN, FAAN, FAHA, FCCM, CNAA, President
Congressional District 4Present

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

C. Lynn Lewis, RN, EdD, MHS, Secretary
Congressional District 3Present

Debra J. Doria, LPN
Region II, Congressional District 4Present

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

Rose Kearney-Nunnery, RN, PhD, CNE
Congressional District 2 Present (Out at 4:00 p.m.)

Trey Pennington, MBA, MS
Public MemberAbsent

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

One LPN Member Vacancy from Region I / One Public Member Vacancy

BOARD
MEMBERS
PRESENT
AND VOTING

Joan K. Bainer, RN, MN, CNA BC, Board Administrator
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
Mark Dorman, Chief of Investigations
Sheridon Spoon, Associate General Counsel
Marvin Frierson, Assistant General Counsel
Dwight Hayes, Assistant General Counsel
Jamie Saxon, Hearing Counsel
Eddy Lane, Hearing Counsel

BOARD AND
LLR STAFF
MEMBERS
PRESENT
FOR
CERTAIN
AGENDA
ITEMS

The September 27, 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 September 27, 2007 meeting agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The following informational items were adopted on the consent agenda:

APPROVAL
OF
CONSENT
AGENDA

- CORE Interviews
- Commitment to CORE Results for SC
- HR 1585 – US Bill Regarding Nurses in the Armed Forces
- July NCSBN Board of Directors Meeting Highlights
- NCSBN Delegate Assembly Report
- NCLEX RN and PN Summary Statistics for April 1 through June 30, 2007
- Education Knowledge Network Minutes 2007 NCSBN Annual Meeting
- Northeastern Technical College Initial Program Faculty Change Update
- Medical University of South Carolina Notification Regarding Clinical Ratio
- South Carolina State University BSN Nursing Program Update
- Legal Aspects Workshop Evaluation
- June 20, 2007 NCSBN Policy Call – Oregon Scope of Practice Committee
- June 2007 Policy Perspectives
- Licensure Statistics (From Monthly Report)
- Announcement - Licensure Applications Approved by Program Coordinator & Administrator (From Monthly Report)
- Investigation Statistics (From ReLAES)
- Update / Status on Monitoring from Monthly Report (From Monthly Report)

A motion was made to adopt the September 27, 2007 Consent Agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The minutes of the July 26-27, 2007 Board meeting were presented to the Board for their review and approval.

APPROVAL
OF MINUTES

A motion was made to approve the July 26-27, 2007 Board of Nursing Meeting minutes as presented. The motion received a second. The motion carried unanimously.

MOTION

The Office of Investigations and Enforcement (OIE) provided the Board with the August 21, 2007 Investigative Review Committee (IRC) Meeting Report including recommendations for their review and approval.

INVESTIGATI
VE REVIEW
COMMITTEE

A motion was made to approve the Complaint Dismissals in the August 21, 2007 Investigative Review Committee meeting report but changed Case #2007-160 and Case #2007-235 from dismissals to Letters of Concern. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the Formal Complaints in the August 21, 2007 Investigative Review Committee meeting report. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the Letters of Concern in the August 21, 2007 Investigative Review Committee meeting report. The motion received a second. The motion carried unanimously.

MOTION

The Compliance and Monitoring Section provided the Board with the minutes from the August 2, 2007 Disciplinary Review Committee (DRC) Meeting for their review and approval.

DISCIPLINARY REVIEW COMMITTEE

A motion was made to approve the minutes of the August 2, 2007 Disciplinary Review Committee as presented. The motion received a second. The motion carried unanimously.

MOTION

Applicants for the National Council Licensure Examination (NCLEX) for registered nurse and practical nurse licensure appeared before the Board regarding affirmative answers to questions regarding professional licensure discipline and/or criminal records reported on their licensure by examination applications.

LICENSURE APPEARANCES

Valorie N. Jackson, an applicant for the National Council Licensure Examination (NCLEX) for registered nurse appeared before the Board without counsel to respond to questions regarding her licensure by examination application.

MOTION

A motion was made to allow Valorie N. Jackson to take the National Council Licensure Examination (NCLEX) for registered nurse and upon successful completion of the examination be licensed as a registered nurse in South Carolina. The motion received a second. The motion carried unanimously.

Cathy L. Demery, an applicant for the National Council Licensure Examination (NCLEX) for practice nurse appeared before the Board with a family member but without counsel to respond to questions regarding her licensure by examination application. Dr. Lewis recused herself on this case due knowledge of the applicant.

MOTION

A motion was made to allow Cathy L. Demery to take the National Council Licensure Examination (NCLEX) for practical nurse and upon successful completion of the examination be licensed as a licensed practical nurse in South Carolina. The motion received a second. The motion carried unanimously.

Aziz F. Petiwala, an applicant for the National Council Licensure Examination (NCLEX) for registered nurse appeared before the Board without counsel to respond to questions regarding his licensure by examination application.

MOTION

A motion was made to allow Aziz F. Petiwala to take the National Council Licensure Examination (NCLEX) for registered nurse, upon successful completion of the examination be licensed as a registered nurse, and if / when the conviction reported occurs a letter of caution will be issued. The motion received a second. The motion carried unanimously.

Terry W. Pennington, LPN, an applicant for the National Council Licensure Examination (NCLEX) for registered nurse appeared without counsel before the Board to respond to questions regarding his licensure by examination application.

MOTION

A motion was made to allow Terry W. Pennington, LPN to take the National Council Licensure Examination for registered nurse and upon successful completion be licensed as a registered nurse in South Carolina. The motion received a second. The motion carried unanimously.

Carolyn S Fisher, RN, appeared before the Board without counsel to request reinstatement of her license from her March 2007 Board order. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board.

MOTION

A motion was made to reinstate the registered nurse license of Carolyn S. Fisher however, prior to reinstatement, Ms. Fisher must submit to a psychiatric evaluation and have a copy of the evaluation sent directly to the Board, the license will be under probation for a period of not less than one year, Respondent shall participate in the Recovering Professional Program (RPP), Respondent shall work in a Board approved setting but shall not be 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 Respondent shall have her employer(s) submit quarterly employer reports. The motion received a second. The motion carried unanimously.

P. Christopher Smith, Jr., Esquire of the Law Offices of Desa Ballard appeared to present the request of Kathy J. Crosland, RN for reconsideration of her Final Order. Mr. Smith explained that the order states that she was noncompliant with a board order. Ms. Crosland reported to Recovering Professional Program (RPP) within specified amount of time stated in the order but did not wish to sign a five-year agreement prior to an evaluation with a diagnosis of substance/ alcohol addiction or abuse. The subsequent evaluation showed no addiction/abuse. It was noted that the Nurse Practice Act authorizes the Board to require evaluations. Mr. Smith asked that the Board remove #5 under Findings of Fact which states, "*Based upon the evidence presented, the Panel found that the Respondent had violated the Board's Practice Act by failing to comply with the terms imposed by the Order Requiring Evaluation of January 10, 2007.*" from the final order. A representative from the Recovering Professional Program (RPP) was present to respond to questions from the Board.

FINAL
ORDER
HEARINGS

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 votes or no actions were taken during executive session.

MOTION

A motion was made to approve the request of Respondent Kathy J. Crosland, RN to remove #5 under Findings of Fact of the Final Order which states, "*Based upon the evidence presented, the Panel found that the Respondent had violated the Board's Practice Act by failing to comply with the terms imposed by the Order Requiring Evaluation of January 10, 2007.*"

MOTION

The motion received a second. The motion carried unanimously.

Respondent Aaron Barnet Hyman, RN was properly notified and appeared to respond to questions from the Board. Respondent was represented by John Martin, Esquire. A number of witnesses were also present on Mr. Hyman's behalf. A representative from the Recovering Professional Program (RPP) was also present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, waiving a disciplinary panel hearing, and requesting reinstatement of his registered nurse license.

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. The motion received a second. The motion carried unanimously. No votes or no actions were taken during executive session.

The Board asked additional questions of the Respondent as well as of the witnesses present.

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. The motion received a second. The motion carried unanimously. No votes or no actions were taken during executive session.

MOTION

A motion was made to lift the licensure suspension of Respondent Aaron Barnet Hyman, RN, his license shall be placed in a probationary status for 3 years with single state privileges only; Respondent shall continue in the Recovering Professional Program (RPP) with drugs screens *at least* quarterly; access to narcotics shall be at the discretion of the director or nursing, Respondent shall work in a Board approved setting but shall not be 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 his employer(s) submit quarterly employer reports. The motion received a second. The motion carried with one abstention.

Respondent Tracy S. Cox, RN was properly notified and appeared to respond to questions from the Board. Respondent was represented by Tom Jessee, Esquire. Respondent signed a memorandum of agreement admitting to violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

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. The motion received a second. The motion carried unanimously. No votes or no actions were taken during executive session.

A motion was made to continue the suspension of the privilege of practice nursing in South Carolina for Respondent Tracy S. Cox, RN until requirements of the Tennessee Peer Assistance Program and/or any Tennessee Board of Nursing are satisfied. The motion received a second. The motion carried unanimously.

Respondent Debra Carter, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. A representative from the Recovering Professional Program (RPP) was also 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.

MOTION

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. The motion received a second. The motion carried unanimously. No votes or no actions were taken during executive session.

A motion was made to suspend the registered nurse license of Respondent Debra Carter, RN license with an immediate stay, require Respondent to complete necessary competency requirement for reinstatement of license, require a written recommendation from the Recovering Professional Program (RPP) to return to practice, that Respondent complete any remaining requirements of the stipulation and petition and when reinstated the license will be single state only. The motion received a second. The motion carried unanimously.

MOTION

Respondent Melissa M. Cassara, RN was properly notified and appeared to respond to questions from the Board. Respondent was not represented by legal counsel. A representative from the Recovering Professional Program (RPP) was also 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 reinstate the license of Respondent Melissa M. Cassara, RN, the license will be 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, 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.

Respondent Beth Ann Gregory, RN was properly notified and appeared to respond to the Board but 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 April 17, 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 remain suspended and should not be reinstated until Respondent is fully compliant with the Recovering Professional Program (RPP) for a continuous period of one year.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Respondent Beth Ann Gregory, RN remain suspended and should not be reinstated until Respondent is fully compliant with the Recovering Professional Program (RPP) for a continuous period of one year. The motion received a second. The motion carried unanimously.

Respondent Miriam Hurt, RN was properly notified and appeared 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 April 20, 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 be indefinitely suspended with provisions for the suspension to be immediately stayed upon Respondent's re-enrollment with the Recovering Professional Program (RPP), being evaluated and RPP providing the Board with a recommendation as to Respondent's safety to return to active practice.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Respondent Miriam Hurt, RN be indefinitely suspended with provisions for the suspension to be immediately stayed upon Respondent's re-enrollment with the Recovering Professional Program (RPP), being evaluated and RPP providing the Board with a recommendation as to Respondent's safety to return to active practice. The motion received a second. The motion carried unanimously.

MOTION

Respondent Eugenia Meeks, LPN was properly notified but did not appear before the Board and 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 June 5, 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)(6) and (7) 1976, as amended. The Disciplinary

Hearing Panel recommended that Respondent's license remain suspended until Respondent has demonstrated successful compliance with treatment recommendations of Recovering Professional Program (RPP).

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that license of Respondent Eugenia Meeks, LPN remain suspended until Respondent has demonstrated successful compliance with treatment recommendations of Recovering Professional Program (RPP). The motion received a second. The motion carried unanimously.

MOTION

Respondent Karen B. Wood, RN was properly notified but did not appear before the Board and 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 June 19, 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 placed in a probationary status for 1 year; that Respondent participate in the Recovering Professional Program (RPP); Respondent shall work in a Board approved setting but shall not be 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.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and that license of Respondent Karen B. Wood, RN be indefinitely suspended with provisions for the suspension to be immediately stayed upon Respondent's re-enrollment with the Recovering Professional Program (RPP), being evaluated and RPP providing the Board with a recommendation as to Respondent's safety to return to active practice. The motion received a second. The motion carried unanimously.

Respondent Kelly Ann Ott, LPN was properly notified and appeared to respond to questions from 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. Respondent signed a memorandum of agreement admitting to violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

MOTION

A motion was made to restart the probationary period for Respondent Kelly Ann Ott, LPN, assess a civil penalty of \$125 and require Respondent to continue all other stipulations from the previous order. The motion received a second. The motion carried unanimously.

MOTION

Respondent Debra S. Henry, LPN was properly notified and appeared to respond to questions from 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. 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 votes or no actions were taken during executive session.

A motion was made to lift the license suspension of Respondent Debra S. Henry, LPN, assess a fine of \$100 for unlicensed practice, assess a fine of \$500 for failure to comply with a Board order, and restart the probationary period as well as the Recovering Professional Program (RPP). The motion received a second. The motion carried unanimously.

Respondent Adreanna M. Lindley, RN was properly notified and appeared to respond to questions from 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. Respondent signed a memorandum of agreement admitting to violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made to suspend the license of Respondent Adreanna M. Lindley, RN, that the suspension may be stayed provided that Respondent complies with all Recovering Professional Program (RPP) requirements, Respondent's access to narcotics is to be restricted for six months; Respondent shall work in a Board approved setting but shall not be 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.

Respondent Donna H. Miles, LPN was properly notified but did not appear before the Board and was not represented by legal counsel. 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 violation of the Nurse Practice Act, and waiving a disciplinary panel hearing.

MOTION

A motion was made to indefinitely suspend the license of Respondent Donna H. Miles, LPN until such time as the Respondent appears before the Board. The motion received a second. The motion carried unanimously.

Respondent Tina R. P. Brown, RN was properly notified but did not appear before the Board and 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 June 5, 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; that Respondent's license not be reinstated until she complies with the April 2006 Consent Agreement.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that license of Respondent Tina R. P. Brown, RN be indefinitely suspended; that Respondent's license not be reinstated until she complies with the April 2006 Consent Agreement. The motion received a second. The motion carried unanimously.

Board President Suzanne White recused herself on this case. Board Vice President Brenda Martin presided. Respondent Deborah D. Cantrell, LPN was properly notified but did not appear before the Board and 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 April 17, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent had not violated S.C. Code Ann. §40-33-110(A)(24) 1976, as amended as alleged but had acted unprofessionally and without regard for the patients at her place of work. The Disciplinary Hearing Panel recommended that a stern letter of caution be issued to the Respondent warning her to maintain professionalism at all times and at her place of work, and to strive to exercise good judgment, especially when her actions directly affect patient care; and use appropriate resources for conflict resolution.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that a stern letter of caution be issued to the Respondent Deborah D. Cantrell, LPN warning her to maintain professionalism at all times and at her place of work, and to strive to exercise good judgment, especially when her actions directly affect patient care; and use appropriate resources for conflict resolution and added that a letter of caution be issued to the facility. The motion received a second. The motion carried unanimously.

Respondent Holly Cox, LPN was properly notified but did not appear before the Board and was not represented by legal counsel. Representatives from the Recovering Professional Program (RPP) were present to respond to questions of the Board. The panel hearing in this case was held on June 5, 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, that Respondent's license not be reinstated until Respondent complies with the Order of Evaluation, and completes conditions for reinstatement established 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 license of Respondent Holly S. Cox, LPN be indefinitely suspended, that Respondent's license not be reinstated until Respondent complies with the Order of Evaluation, and completion of any conditions for reinstatement established by the Board. The motion received a second. The motion carried unanimously.

Respondent Tammy L. Deschaine, RN was properly notified but did not appear before the Board and 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 July 10, 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(3), (10) and (13), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be suspended until Respondent is evaluated and establishes compliance with the evaluator's treatment recommendation, and that prior to reinstatement, Respondent must provide a written recommendation addressing Respondent's safety to practice nursing, that Respondent present evidence that she has successfully completed a Board-approved Legal Aspects Workshop; and must personally appear before the Board for determination of what practice restrictions, if any, are appropriate based upon the evaluation results and RPP recommendation.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Respondent Tammy L. Deschaine, RN be suspended until Respondent is evaluated and establishes compliance with the evaluator's treatment recommendation, and that prior to reinstatement, Respondent must provide a written recommendation addressing Respondent's safety to practice nursing, that Respondent present evidence that she has successfully completed a Board-approved Legal Aspects Workshop; and that Respondent must personally appear before the Board for determination of what practice restrictions, if any, are appropriate based upon the evaluation results and RPP recommendation. The motion received a second. The motion carried unanimously.

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MOTION

Respondent Leah A. Hall, LPN was properly notified but did not appear before the Board and 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 June 19, 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 suspended until Respondent provides documentation of completion of a Board approved Legal Aspects Workshop as required by the March 2006 Consent Agreement.

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

Fact, Conclusions of Law and Recommendation that the license of Respondent Leah A. Hall, LPN be indefinitely suspended until Respondent appears before the Board. The motion received a second. The motion carried unanimously.

Respondent Cindy L. McCune, LPN was properly notified but did not appear before the Board and 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 June 5, 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 (13), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be suspended indefinitely suspended and may be reinstated after resolution of the arrest warrants, an evaluation by the Recovering Professional Program (RPP) and a recommendation from the RPP that Respondent is competent to practice.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Respondent Cindy L. McCune, LPN be suspended indefinitely suspended, that the license may be reinstated after resolution of the arrest warrants, an evaluation by the Recovering Professional Program (RPP) and a recommendation from the RPP that Respondent is competent to practice. The motion received a second. The motion carried unanimously.

Respondent Cathy C. Milliken, RN was properly notified but did not appear before the Board and 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 July 1, 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), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's licensing privilege be suspended, should Respondent apply for re-licensing in South Carolina, prior to the issuance of the license, Respondent be required to submit to an evaluation through the Recovering Professional Program (RPP) or comparable program to determine whether Respondent is addicted to alcohol and/or drugs, or has some other disability that might impact her practice.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the privilege to practice nursing in South Carolina for Respondent Cathy C. Milliken, RN be suspended, should Respondent apply for relicensure in South Carolina, prior to the issuance of the license, Respondent be required to submit to an evaluation through the Recovering Professional Program (RPP) or comparable program to determine whether Respondent is addicted to alcohol and/or drugs, or has some other disability that might impact her practice. The motion received a second. The motion carried unanimously.

MOTION

Respondent Florence Igwacho Ngwe, RN was properly notified but did not

appear before the Board and was not represented by legal counsel. The panel hearing in this case was held on April 17, 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), (3) and (19), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license to practice nursing in the State of South Carolina be permanently revoked, that a photograph of the Respondent be disseminated to healthcare providers and organizations as to the Respondent and her activities, further that the Board should establish protocol and a means to pictorially alert healthcare providers and organizations of other persons in the profession who engage in identity fraud, or persons who pose as a nurse.

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that Respondent Florence Igwacho Ngwe's license to practice nursing in the State of South Carolina be permanently revoked, that a photograph of the Respondent be disseminated to healthcare providers and organizations as to the Respondent and her activities. The motion received a second. The motion carried unanimously.

MOTION

Respondent Charlotte Ramage, RN was properly notified but did not appear before the Board and 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 June 19, 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), as amended. The Disciplinary Hearing Panel recommended that the complaint against the Respondent be dismissed until Respondent is properly served with the Order Requiring Evaluation and should Respondent apply to have her lapsed license reinstated, that she be required to comply with the Order prior to issuance of the license. The complaint was sent by certified mail to the Respondent at the last known address but returned to the Board marked "Unclaimed".

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and that the license of Respondent Charlotte Ramage, RN be indefinitely suspended until she appears before the Board to answer to allegations. The motion received a second. The motion carried with two nay votes.

Respondent Wendy M. Sanders, LPN was properly notified but did not appear before the Board and 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 June 5, 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 (14) 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license remain suspended until Respondent has complied with the treatment recommendations of the RPP, as determined by the RPP.

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that license of Respondent Wendy M Sanders, LPN be indefinitely suspended until she appears before the Board. The motion received a second. The motion carried unanimously.

MOTION

Respondent Robin Alane L. Slater, RN was properly notified and appeared before the Board to respond to questions from 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 April 5, 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), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be suspended, that the suspension may be stayed after Respondent submits to an evaluation by the RPP, followed by an appearance before the Board to license restrictions, if any, and that prior to licensure reinstatement, Respondent must complete a Board approved Legal Aspects Workshop.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Respondent Robin Alane L. Slater, RN be suspended, that the suspension may be stayed after Respondent submits to an evaluation by the Recovering Professional Program (RPP) and if found to be addicted be on one year probation and if not dependent, followed by an appearance before the Board to license restrictions, if any; that prior to licensure reinstatement, Respondent must complete a Board approved Legal Aspects Workshop. The motion received a second. The motion carried unanimously.

Respondent Lisa A .Yancey, RN was properly notified but did not appear before the Board and 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 June 5, 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),1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license remain suspended and should not be reinstated until Respondent has been evaluated by the RPP and Respondent can demonstrate that she is fully compliant with RPP recommendations.

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that the license of Respondent Lisa A. Yancey, RN remain suspended and should not be reinstated until Respondent has been evaluated by the Recovering Professional Program (RPP) and Respondent can demonstrate that she is fully compliant with RPP recommendations. The motion received a second. The motion carried unanimously.

Respondent Lisa Michelle V. Bowman, RN was properly notified and appeared to respond to questions from 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. Respondent was seeking reinstatement of her license.

A motion was made to stay the licensure suspension of Respondent Lisa Michelle V. Bowman, RN, that Respondent's license will be in a probationary status for one year provided the Board receives a release from her physician, Respondent must participate in the Recovering Professionals Program (RPP), Respondent shall work in a Board approved setting but shall not be 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 unanimously.

Richard P. Wilson, JD, Special Counsel / Administrative Coordinator and Frank Sheheen, MS, CACII, Program Director of the South Carolina Recovering Professional Program (RPP) appeared before the Board to present a proposed policy for *Modification or Termination of RPP Monitoring Requirements After Evaluation*.

This policy would apply to certain licensees with personal drug or alcohol related violations of the Nurse Practice Act who after proper evaluation might not require the full measure of the five year monitoring program directed by the Board for participation in the RPP. The policy is intended to serve as guidance for identifying those special situations in which RPP may, in its discretion, recommend for the Board's consideration specific modifications or termination of program requirements.

If the RPP staff concurs with the evaluation team's conclusion that the personal drug or alcohol violation was not the result of a pattern of substance abuse or dependence and the RPP staff believes that the licensee's safety to practice can be assured through a less comprehensive set of monitoring requirements than the full five year monitoring program directed by the Board, then the RPP may recommend, in writing, such terms and conditions as it believes would adequately protect the public for consideration by the full Board in deciding on an appropriate sanction. The full Board would consider the RPP recommendation and advise the Board staff and RPP of its decision. Legal staff will prepare an appropriate document for service and filing in the Board's records. Mr. Wilson and Mr. Sheheen explained that this policy would be used when a client does not receive a diagnosis of substance abuse or addiction but that the RPP is not comfortable releasing the client from the program. Board members asked if they would receive information on clients in this situation. Mr. Wilson said that a summary of those under this policy would be provided to the Board. Ms. Sheheen explained to the Board that this situation is very rare and only a small number will fall into this group.

A motion was made to accept the proposed policy for *Modification or Termination of RPP Monitoring Requirements After Evaluation* as presented.

POLICY /
PROCED
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The motion received a second. The motion carried unanimously.

MOTION

At its August 28, 2007 meeting, the Advisory Committee on Nursing (ACON) recommended that the Board approve the changes to the associate degree nursing (ADN) curriculum at York Technical College. Mary Anne Laney, Associate Dean of Nursing and Allied Health and Carolyn Stewart, Vice President of Academic Affairs of York Technical College appeared before the Board to present their request to offer a distributed learning program for second year nursing courses. The courses will be offered during the evening through the same online conferencing software as used for the practical nurse program. This distributed learning program for the practical nurse program was approved by the Board in 2006.

YORK
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A motion was made to approve York Technical College's request to offer a distributed learning program for the second year nursing courses. The motion received a second. The motion carried unanimously.

MOTION

The Advisory Committee on Nursing (ACON) reviewed the following nominations for committee representatives for mental health and long term care. Per committee Bylaws, these nominations are being forwarded to the Board for their review and appointments.

ADVISORY
COMMITTEE
ON NURSING

Mental Health

Dalton Blankenship, Honea Path, SC
Kathy J. Jenkins, Irmo, SC

Long Term Care

Arrin Barrett, Summerville, SC
Mary A. H. McKeen, Greer, SC
Angela G. Dickerson Reeves, Anderson, SC
Lynn Thaxton, Hilton Head, SC

ACON Members are appointed by the Board for an initial term of two years with a possibility of reappointment for three years to provide for staggering of terms.

MOTION

A motion was made to appoint Kathy J. Jenkins, RN as Mental Health Representative on the Advisory Committee on Nursing (ACON) for an initial term of two years. The motion received a second. The motion carried with one nay vote.

MOTION

A motion was made to appoint Angela G. Dickerson Reeves, APRN as Long Term Care Representative on the Advisory Committee on Nursing (ACON) for an initial term of two years. The motion received a second. The motion carried unanimously.

Dates for 2008 regular Board of Nursing Meetings as well as the 2008 Strategic Planning Meeting were presented for review and approval of the

APPROVAL OF
2008 BOARD OF

Board. The 2008 dates for the Advanced Practice Committee (APC), Advisory Committee on Nursing (ACON), Nursing Practice and Standards Committee (NPSC) and National Council of State Boards of Nursing (NCSBN) meetings were provided to the Board as information.

NURSING
MEETING
DATES

Board Meeting, January 24-25, 2008
Board Meeting, March 27-28, 2008
Board Strategic Planning Meeting, April 10, 2008
Board Meeting, May 15-16, 2008
Board Meeting, July 24-25, 2008
Board Meeting, September 25-26, 2008
Board Meeting, November 20-21, 2008

APC Meeting, February 1, 2008
APC Meeting, May 2, 2008
APC Meeting, August 1, 2008
APC Meeting, November 7, 2008

ACON Meeting, February 19, 2008
ACON Meeting, April 15, 2008
ACON Meeting, June 17, 2008
ACON Meeting, August 26, 2008
ACON Meeting, October 21, 2008
ACON Meeting, December 2, 2008

NPSC Meeting, February 21, 2008
NPSC Meeting, April 17, 2008
NPSC Meeting, June 19, 2008
NPSC Meeting, August 21, 2008
NPSC Meeting, October 16, 2008
NPSC Meeting, December 18, 2008

NCSBN Mid-Year Meeting, March 4-5, 2008, Chicago, IL
NCSBN Annual Meeting, August 5-8, 2008, Nashville, TN

MOTION

A motion was made to approve the Board of Nursing meeting dates as well as the strategic planning meeting date and that Board members will notify staff of their availability for the May 2008 meeting for possible change and to accept the 2008 meeting dates for the Advanced Practice Committee (APC), Advisory Committee on Nursing (ACON), Nursing Practice and Standards Committee (NPSC) and National Council of State Boards of Nursing (NCSBN) as information. The motion received a second. The motion carried unanimously.

Board members Sylvia Whiting, Rose Kearney-Nunnery, and Trey Pennington were chosen to serve on the 2008 Board of Nursing Officer Nominating Committee. Dr. Kearney-Nunnery and Mr. Pennington will be

NOMINATION
COMMITTEE-
2008 BOARD

contacted as to their ability to serve on this committee. The Nominating Committee will present a slate of 2008 officers for Board consideration and vote at the November 29-30, 2007 Board Meeting.

OFFICERS

The Board reviewed items requiring action from the minutes of the Nursing Practice and Standards Committee (NPSC) as well as the Advanced Practice Committee (APC).

NPSC / APC

At their July 5, 2007 meeting the Nursing Practice and Standards Committee (NPSC) reviewed the request and resume from Susan A. Smith, MN, RN to serve as Pediatric Representative on NPSC. Ms. Smith is a nurse consultant with the South Carolina Department of Health and Environmental Control (DHEC) in the Immunization Division of the Bureau of Drug Control. NPSC voted to forward the request to the Board with recommendation for appointment.

MOTION

A motion was made to appoint Susan A. Smith, MN, RN as the Pediatric Representative on the Nursing Practice and Standards Committee (NPSC) with an initial term of two years. The motion received a second. The motion carried unanimously.

NPSC also received a request to include the Dermatology Nurse Certification in the list of accepted certifications on the Competency Requirement Criteria.

MOTION

A motion was made to defer action on including the Dermatology Nurse Certification in the list of accepted certifications on the Competency Requirement Criteria and to request additional information for review. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to accept the Nursing Practice and Standards Committee (NPSC) minutes with the exception of Ketamine use as analgesia, regional anesthetic block, and request for an advisory opinion on advancing "scopes." The motion received a second. The motion carried unanimously.

At their August 3, 2007 meeting, the APC considered curriculum vitae for nurses interested in the APRN educator representative on the committee. Several were deleted because they either did not teach in South Carolina or they were not teaching APRNs at this time. The Committee considered Stephanie Davis and Stephanie Burgess for the position. The Committee recommended appointment of Stephanie Burgess for the APRN Educator Representative.

MOTION

A motion was made to appoint of Stephanie Burgess as the APRN Educator Representative on the Advanced Practice Committee. The motion received a second. The motion carried unanimously.

The Board discussed the NPSC minutes. Minutes from the Advanced Practice Committee (APC), Advisory Committee on Nursing (ACON), Nursing

Practice and Standards Committee (NPSC) are approved by that committee and provided to the Board. The Board may either accept the minutes or send them back to the committee for further review on particular issues. Committees submit suggestions or recommendations to the Board for their official approval. Because committees are extension of the Board, letters should not go out from any Board committee until approved by the Board.

The Board asked that research on all issues brought before the committees include information from other states and national standards. Those submitting questions or requests to the committees along with others who may be able to provide expertise or insights in the issue should be invited to the committee meeting when the issue is scheduled to be discussed. Careful consideration should be given to assure that the answers and recommendations to the Board are not just for a particular nurse or facility. The minutes should reflect the research used to make recommendations to the Board.

The Office of Investigations and Enforcement (OIE), Office of General Counsel (OGC) 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 panel hearing. The Board may accept the agreements as presented, amend the agreement or turn down the agreement.

CONSENT
AGREEMENT
S

A motion was made to approve the Consent Agreements presented for Charlotte Leigh Adams, LPN; Michelle L. Banta, APRN; Katie Jean Bunch, RN; Jennifer G. Carter, RN; Faith M. Chappell, RN; Laura Lee Ciocca, RN; Marsha Kay W. Foster, RN; Ruth Lynn H. Funderburk; RN; Private agreement for Case # 2006-088; Kevin J. Lawrence, RN; Jennifer Paige Lewis, LPN; Private agreement for Case # 2004-242 & 2003-514; Private agreement for Case# 2007-108; Cheryl E Miller, RN; Private agreement for Case # 2006-122; Ricky Lee Neal, RN; Candice Nicole Parris, LPN; Private agreement for Case # 2006-247; Carolyn Y Tomlinson, LPN; Myla Nicole Turano, RN; Ashley Denice Turner, LPN; and Private agreement for Case # 2007-305. The motion received a second. The motion carried unanimously.

MOTION

Ms. Martin recused herself in the case of Deborah Elaine Autry, RN.

A motion was made to send the public consent agreement for Deborah Elaine Autry, RN back for further investigation. The motion received a second. The motion carried with one recusal.

MOTION

A motion was made to approve the public consent agreement for Janet Crandell Burt, RN but to add a \$150 civil penalty. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the public consent agreement for Tammy C. McAbee, RN but to add a \$150 civil penalty. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the private consent agreement for Case #2006-178 but to make the agreement public. The motion received a second. The motion carried unanimously.

MOTION

Ms. White recused herself in the case of Albert L. Robinson, CRNA. Ms. Martin presided in the case.

A motion was made to approve the public consent agreement for Albert L. Robinson, CRNA but to increase the civil penalty to \$750 and to add a requirement for successful completion of a Board-approved ethics course. The motion received a second. The motion carried with one recusal.

MOTION

A motion was made to approve the private consent agreement for Case #2007-097 but to remove the requirement for a medication course and add a Board-approved Legal Aspects of Nursing Workshop and a \$500 civil penalty. The motion received a second. The motion carried unanimously.

MOTION

It was noted that respondents may sign the consent agreement as amended by the Board but that they have the legal right to request a panel hearing instead of signing the amended consent agreement.

The next Board of Nursing meeting will be held on November 29-30, 2007.

ADJOURNME
NT

A motion was made to adjourn the meeting at 5:40 p.m. on September 27, 2007. The motion received a second. The motion carried.

MOTION

Respectfully Submitted,
Dottie Buchanan, Assistant to the Administrator