

SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF NURSING

BOARD MEETING MINUTES – MARCH 30, 2006

Vice President Brenda Martin called the meeting to order at 8:30 a.m. In accordance with the S.C. Freedom of Information Act, meeting notice was properly posted in the Kingstree Building Lobby and provided to all requesting persons, organizations, and news media. A quorum was present at all times. The Board mission was read as follows: *The mission of the State Board of Nursing for South Carolina is the protection of public health, safety, and welfare by assuring safe and competent practice of nursing.*

CALL TO ORDER
PLACE OF
MEETING
AND FOIA
COMPLIANCE

Suzanne Kanipe White, RN, MN, FAAN, FCCM, CNAA, President
Congressional District 4Present (Joined Meeting at 11:00 a.m.)
Brenda Yates 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 Houser James, RN, MSN, CNA-BC, CCE
Congressional District 6Present
Mattie Smalls Jenkins, LPN
Region I, Congressional District 1Present
Rose Kearney-Nunnery, RN, PhD, CNE
Congressional District 2Present
Sylvia A. Whiting, PhD, APRN-BC
Congressional District 1Present
Public MemberTwo Vacancies

BOARD MEMBERS
PRESENT AND
VOTING

Ruby Brice McClain, Asst. Deputy Director – Health & Medically Related Professions
Joan Bainer, Administrator
Renatta Loquist, RN, MN
Lynne W. Rogers, General Counsel
Richard P. Wilson, Deputy General Counsel
Dwight Hayes, Litigation Counsel
H. Rion Alvey, Deputy Director - Office of Investigations & Enforcement
Larry Atkins, Chief Investigator – Office of Investigations & Enforcement
Shirley Robinson, Hearing Counsel
Louis Rosen, Hearing Counsel
Annette M. Disher, Program Coordinator – Licensure
Maggie S. Johnson, RN, MSN, Program Nurse Consultant-Practice
Nancy G. Murphy, RN, MSN, Program Nurse Consultant-Education
Theresa Richardson, Administrative Assistant - Licensure
Dottie Buchanan, Administrative Assistant

STAFF MEMBERS
PRESENT

The agenda for the March 30, 2006 Board of Nursing Meeting was presented for review and approval.

AGENDA
APPROVAL

A motion was made to approve the March 30, 2006 Board Meeting agenda as

MOTION

presented. The motion received a second. The motion carried unanimously.

The following items were adopted on the consent agenda:

**APPROVAL OF
CONSENT AGENDA**

- California New Release Regarding Excelsior
- Report from March 12, 2006 NLCA Meeting
- Report March 13, 2006 Joint Boards of Nursing & Boards of Medical Examiners Executive Officers Meeting (NSCBN)
- CGFNS Update
- NCSBN NCLEX Sheets & Summary RN/PN NCLEX Statistics for 2005
- Schools with Deficient NCLEX Pass Rate for Test Year 2005
- Florence Darlington Tech. College Letter of Intent to Offer PN Program Fall 2007

- Denmark Tech. College Letter of Intent to Offer PN Program
- Williamsburg Tech College - Proposal for Establishing a PN Program Aug. 2006
- USC Beaufort - Letter of Intent to Offer Generic BSN Degree Program Jan. 2008
- Advanced Practice Committee Meeting Minutes
- Nursing Practice and Standards Committee Minutes
- Compliance Statistics
- Information: Licensure Statistics

MOTION

A motion was made to adopt the Consent Agenda with the removal of Advanced Practice Committee Meeting Minutes, Nursing Practice and Standards Committee Minutes, and Florence Darlington Technical College Letter of Intent to Offer PN Program Fall 2007 The motion received a second. The motion carried unanimously.

The minutes of the January 26, 2006 Board Meeting were presented to the Board for review and approval.

**APPROVAL OF
MINUTES**

A motion was made to approve the January 26, 2006 Board Meeting minutes with one correction. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed a case and recommendation from the hearing panel.

**FINAL ORDER
HEARINGS**

Although properly notified and with service upon the Board President, Respondent did not appear before the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that the State failed to prove by a preponderance of the evidence that the Respondent violated the provisions of the Nurse Practice Act as set forth in the Formal Complaint. The Hearing Panel recommended that the Complaint be dismissed with a Letter of Caution strongly admonishing the Respondent to follow prudent practice standards, and that the practice of “selective listening” in the operating room setting can be potentially dangerous to patients if it continues.

A motion was made to accept the Hearing Panel’s Findings of Fact and Conclusions of Law and recommendation that the Complaint be dismissed with a letter of caution strongly admonishing the Respondent to follow prudent practice standards, and that the practice of “selective listening” in the operating room setting can be potentially dangerous to patients if it continues. The motion received a second. The motion carried unanimously.

MOTION

Respondent was properly notified and appeared before the Board without counsel. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent was in violation of Section 40-33-170(A)(14)(1976). The Hearing Panel recommended that Respondent's license be suspended but that the suspension may be stayed with a provision that the license be placed in a probationary status for a period of not less than two years provided that Respondent participate in the Recovering Professionals Program (RPP), Respondent's practice will be restricted to an approved employment setting registered nurse on-site, on-shift supervision, with no home health or agency work, and quarterly employer reports.

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law and recommendation that Respondent's license be suspended but that the suspension may be stayed with a provision that the license be placed in a probationary status for a period of not less than two years provided that Respondent participate in the Recovering Professionals Program (RPP); Respondent's practice will be restricted to an approved employment setting registered nurse on-site, on-shift supervision, with no home health or agency work, and quarterly employer reports. The motion received a second. The motion carried unanimously.

MOTION

Although properly notified and with service upon the Board President, Respondent did not appear before the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that the State failed to prove by a preponderance of the evidence that the Respondent violated the provisions of the Nurse Practice Act as set forth in the Formal Complaint. The Hearing Panel recommended that the Complaint be dismissed and a strongly worded letter of caution.

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law and recommendation that the Complaint be dismissed but added that a Letter of Caution be issued and that Respondent also be required to complete a Board approved Legal Aspects Workshop. The motion received a second. The motion carried unanimously.

MOTION

Respondent was properly notified and appeared before the Board without counsel. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent was in violation of the Nurse Practice Act. The Hearing Panel recommended that Respondent's license be suspended provided that the suspension may be stayed with a provision that the license be placed in a probationary status for a period of not less than one year provided that Respondent participate in the Recovering Professionals Program (RPP), practice will be restricted to an approved employment setting registered nurse on-site, on-shift supervision, with no home health or agency work, and quarterly employer reports.

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law and recommendation that Respondent's license be suspended provided that the suspension may be stayed with a provision that the license be placed in a probationary status for a period of not less than one year provided that Respondent participate in the Recovering Professionals Program (RPP); practice will be restricted to an approved employment setting registered nurse on-site, on-shift supervision, with no home health or agency work, and quarterly employer reports. The motion received a second. The motion carried unanimously.

MOTION

Respondent was properly notified and appeared before the Board without counsel. Ms. Martin recused herself on this case. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent was in violation of the Section 04-33-110(A)(18). The Hearing Panel recommended that within sixty (60) days of the date of the final order, the Respondent be required to pay a civil penalty in the amount of five hundred and no/100 (\$500) dollars and within six months Respondent must complete a Board approved course in documentation and a legal aspects workshop.

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law and recommendation that within sixty (60) days of the date of the final order, the Respondent be required to pay a civil penalty in the amount of five hundred and no/100 (\$500) dollars and within six months Respondent must complete a Board approved course in documentation and a legal aspects workshop. The motion received a second. The motion carried unanimously.

MOTION

An applicant for licensure by endorsement as a licensed practical nurse in South Carolina appeared before the Board regarding criminal and/or disciplinary records reported on their South Carolina licensure application.

**APPEARANCES-
LICENSURE**

A licensed practical nurse applicant for licensure by endorsement was notified to appear before the Board regarding a "yes" answer to questions on discipline and criminal records on the application. Applicant was present with spouse to respond to questions from the Board.

A motion was made for Applicant to return to the Board with evidence of continued competency and a recommendation from the psychotherapist indicating that Applicant will be safe to practice as a nurse. The motion received a second. The motion carried unanimously.

MOTION

Sharon A. Stafford, RN, MSN, Interim Associate Dean of Nursing for Florence-Darlington Technical College submitted a letter of intent to begin a new practical nursing program in Hartsville in fall 2007. Currently, Florence Darlington Technical College has a multi-entry/ exit option. This letter of intent is for a separate practical nursing program from their current program. Students for the new program will be admitted to a practical nurse program not be in the associate degree program with practical nursing exit. The new program will have different admission and graduation requirements. There was concern about students starting at one location that could not go to the other location. The Board has questions as to whether this is truly a separate program with different curriculum as well as admission and graduation requirements. The Board asked that the Advisory Committee on Nursing (ACON) request further information for review at their meeting in April.

**FLORENCE
DARLINGTON
TECHNIAL
COLLEGE –
LETTER OF
INTENT**

The Board reviewed the draft Position Statement regarding Simulation as a Teaching Method in Nursing Education from the Simulation Task Force of the Advisory Committee on Nursing (ACON). Discussion by the Board included but was not limited to low fidelity versus high fidelity, National Council of State Boards of Nursing (NCSBN) recommendations, benefits of clinical rotations with actual patients, supervision by qualified faculty, etc.

SIMULATION

MOTION

A motion was made to approve the draft Position Statement regarding Simulation as a Teaching in Nursing Education with revision the last paragraph needs to mirror National Council of State Boards of Nursing (NCSBN) recommendations. The motion received a second. The motion carried unanimously.

The Board thanked the ACON Task Force and Board staff for their hard work on this position statement.

The Board reviewed the National Council of State Boards of Nursing (NCSBN) Vision Paper: The Future Regulation of Advanced Practice Nursing as well as comments from various advanced practice nursing groups and individuals. This vision paper contains major changes in the credentialing process for advanced practice nurses. Concerns expressed by the advanced practice nursing groups included but were not limited to the decrease in specialization, more generalized nurses working in specialized areas, more responsibility for boards of nursing to assure appropriate training of advanced practice nurses instead of the current certifying agencies, etc.

**APRN VISION
PAPER**

Joan K. Bainer, RN, MN, CNA BC was introduced and welcomed back as the new administrator for the Board of Nursing. The Board thanked Renatta Loquist, RN, MN for her assistance to the Department of Labor, Licensing and Regulation, the Board and the staff by serving as interim administrator during the search for and hiring of a new board administrator.

ADMINISTRATOR

The Board discussed their concerns about the Investigative Review Committee (IRC) minutes and reports as well as the consent agreements. In the past, the IRC minutes and reports have been placed on the consent agenda of board meetings and approved without discussion unless they moved to the regular agenda by a board member. The Board would like to review the report/minutes. Concerns included but were not limited to lack of information in report to support IRC decisions, lack of signature by IRC chairperson, lack of violations under ethics (Code of Ethics was added to the Nurse Practice Act in 2004), consistency in consent agreements, orientation for IRC members as well as members of the Disciplinary Review Committee and Hearing Panel Members, etc. Member of the Investigative Review Committee, Disciplinary Review Committee and Hearing Panel Members were invited to the orientation held in February 2006 along with the Board members.

IRC MINUTES

The IRC has guidelines that were provided by the Board to assist in their decision-making in an effort to be more consistent. Previous guidelines for sanctions will be reviewed and revised where necessary by the Board at their Strategic Planning Meeting. Appointing members to the IRC is very important as well as attendance by the administrator. Ms. Bainer will be in attendance at these meeting. We must be careful about the amount of information shared with board members. If too much information on cases is shared, the board members could be considered tainted. Neither staff nor investigators offer recommendations to IRC. Order templates are consistent with the guidelines. Access to controlled substances is determined by the IRC. Recovering Professionals Program (RPP) language is uniform. Dates and other information will be reviewed prior to sending orders to the Board president for signature.

Ms. Loquist reported that Ms. White, Ms. Bainer, Ms. McClain and she were at the Statehouse this morning for a Senate Medical Affairs Subcommittee meeting regarding

**LEGISLATIVE
UPDATE**

the supervision regulation and the Nurse Practice Act housekeeping bill.

The joint resolution for the Compact regulations did not move in time for implementation on February 1, 2006. Emergency regulations are in place to allow us to continue while we wait for the joint resolution to pass the House and Senate.

Senate Bill 910 Nurse Practice Act Housekeeping – This bill has two elements addressing the Compact. Presently, a current license is needed to endorse into our state. As a nurse moves from one compact state, that Compact state must inactivate the license due to change of primary state of residence. The change will allow nurses whose licenses have been placed on inactive to be endorsed into our state. Not licensing a nurse who is under probation is not consistent with Compact. The Compact allows states to license nurses on probation with concurrence of both boards. The amended version of this S910 was reported favorably. Senator Fair's concerns regarding discipline must be addressed prior to the full committee meeting.

Ms. Loquist reported that the Board staff has continued to meet weekly to track progress in Compact Implementation. Major activities since the January Board Meeting have focused on:

COMPACT
UPDATE

- Filed of Emergency Regulations to approve Compact Rules since Regulation 3035 (R 3035) had not passed the legislature.
- Responded to the House Labor Commerce and Industry Committee questions regarding Compact Regulations and requested a Joint Resolution be passed to adopt the rules.
- Met with Senate Medical Affairs Committee staff twice to discuss amendments to S. 910 (Nursing Housekeeping bill) needed to change language in Nurse Practice Act that restricts Compact implementation.
- Met with Senator Peeler to request a subcommittee hearing on proposed nursing legislation to implement Compact.
- Participated in Nurse Licensure Compact Administrators (NLCA) face-to-face meeting during the National Council of State Boards of Nursing (NCSBN) Mid-year meeting in Chicago, IL.
- Continued collaboration with Office of Investigations and Enforcement (OIE) and Office of General Counsel (OGC) regarding disciplinary process and Compact requirements.
- Created disciplinary flowchart.
- Discussed application processes and fee structure for advanced practice registered nurses (APRN) who choose to practice as registered nurses only. Surveyed other compact states as to how they licensed APRNs coming into their states to practice.
- Addressed technical problems in relationship to duplicate licenses being issued.
- Participated in North Carolina / South Carolina Border Conference Call to discuss issues of mutual concern regarding compact licensure.
- Created a registry database to process Multi-state Notification Forms.
- Continued to respond to numerous questions by phone, mail and e-mail regarding licensure renewal.
- Staff spoke to South Carolina Hospital Association (SCHA) Nurse recruiters.

Upcoming Initiatives:

- Inactivate all Compact licenses for nurses with addresses in other compact states

and send letter of information.

- Continue to communicate with employers about their responsibility to verify licenses and the Multi-state Notification Form from all compact nurses practicing in South Carolina.
- Finalize disciplinary policies and procedures.
- Ensure passage of necessary legislation.
- Review licensure applications and fee structure, especially for APRN practice.

An orientation for new nurse executives similar to North Carolina was discussed. It was suggested that such an orientation should include other nurse employers and front line managers. Notices will be sent to SCHA, S.C. Organization of Nurse Executives (SCONE), S.C. Department of Health and Environmental Control (DHEC), long term care, and will be open for any employers who wish to attend.

Related Fields

Board staff asked the Board which types of related fields should be recognized for continued competency. Board staff also asked if the Board wanted all requests for recognition of related fields to come before them or if the staff or the administrator could approve some of these requests as they are received. The Board discussed that nursing is a very diverse field. The Board asked that staff compile a list of fields that are most often submitted for recognition by the Board and to submit the list along with recommendations.

CONTINUED COMPETENCY REQUIREMENT CRITERIA

AACN as an Accepted Provider

American Association of Colleges of Nursing (AACN) approves some of the nursing programs in South Carolina. AACN offers continuing education courses especially for faculty. Dr. Opal Brown of the University of South Carolina requested that the Board recognize the continuing education offered by AACN.

Certified Professional in Healthcare Quality (CPHQ)

The Healthcare Quality Certification Board (HQC) offers the Certified Professional in Healthcare Quality (CPHQ) designation to a variety of professionals not just nurses. There is no clinical component for this certification. More than 11,000 professional in a variety of educational and employment backgrounds have qualified for this certification. Currently, 7,400 CPHQs in the United States and worldwide. The certification includes quality management, quality improvement, case/care/disease/utilization management, and risk management.

A motion was made to revise the Competency Requirement Criteria by adding American Association of Colleges of Nursing (AACN) as a Board accepted provider for continuing education and adding CPHQ as a certification for continued competence. The motion received a second. The motion carried unanimously.

MOTION

Staff asked if all similar requests should come before the Board or if staff could approve some based on direction of the Board. The Board discussed that it may slow down renewals but requests could be submitted prior to renewal time. Nurses are causing their own urgency by waiting. Dr. Kearney-Nunnery reported that continued competency would be discussed at National Council of State Boards of Nursing (NSCBN) Delegate Assembly in August. The NSCBN task force was concerned about certifications because some require re-certification, some more education, etc.

National League for Nursing (NLN)

The Board reviewed information on the new nurse educator certification. This certification is offered by National League for Nursing (NLN)

A motion was made to revise the Competency Requirement Criteria by adding the National League for Nursing (NLN) nurse educator certification. The motion received a second. The motion carried unanimously.

MOTION

The Site Survey Team appointed by the Advisory Committee on Nursing completed their survey for the proposed ECPI College of Technology's practical nursing program on December 12, 2005. The survey was reviewed by ACON. The site survey team deferred their recommendation pending receipt of documentation regarding the "I – Needs Improvement" items from the survey. ECPI provided documentation regarding all items marked "I – Needs Improvement."

**ECPI
COLLEGE OF
TECHNOLOGY**

A motion was made to approve the ECPI College of Technology's practical nursing program. The motion received a second. The motion carried unanimously.

MOTION

Board staff received request for the Board to allow a nurse to practice as a Nurse Hypnotherapist in our state as well as a request to recognize hypnotherapy as an advanced nursing practice. The Board reviewed the information provided.

HYNOTHERAPY

A motion was made to go into executive session for the purpose of receiving legal counsel. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to return to public session. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to decline the request for approval as an advanced practice nurse due to lack of statutory authority. The motion received a second. The motion carried unanimously.

MOTION

Frank Sheheen, Director of the Recovering Professionals Program (RPP) appeared before the Board to provide a report including their budget.

**RECOVERING
PROFESSIONALS
PROGRAM (RPP)**

Mr. Sheheen reported that Kaley Wilson had retired from the RPP. Her caseload has been taken over by Bruce Fisk. Mr. Fisk was introduced to the Board.

Voluntary referrals are increasing especially during renewal. The RPP is looking at conducting an outcome study to include relapse study and trends to see how they may tie into noncompliance.

Ms. Loquist stated that nurses currently in an alternative program couldn't work in another Compact state while in that program even if it is voluntary. The RPP agreement will be reviewed and revised in accordance with the Compact.

The Medical Practice Act (MPA) rewrite has been introduced in the legislature.

**MEDICAL
PRACTICE ACT**

Dr. Stephanie Burgess of the Advanced Practice Nurse Coalition stated that she appreciated Mr. Wilson working openly with her group and listening to advanced

practice registered nurse concerns. She said that while some concerns had been addressed, there are still concerns about the MPA. The bill will be heard next week at the Senate Medical Affairs Subcommittee.

JoLee Gudmundson of the South Carolina Association of Nurse Anesthetists has been working with South Carolina Nurses Association, advanced practice nurses and the Midwives Committee. She provided a list of potential amendments to the MPA bill which included: the inclusion of a definition of “written protocols” which is not referred to anywhere else in the document, the definition of “delegated medical acts” which will cause two definitions of delegated medical acts within Title 40; and the definition of “readily available” for unlicensed personnel which should be “immediately available.” There is concern about nurses and advanced practice nurses being asked to supervise unlicensed assistive personnel and delegate administration of medication, etc. Other groups are also concerned about unlicensed assistive personnel performing such tasks as taking x-rays. Section 195 has language that is similar to the old language but changes “nurse” to “supervised practitioner.” This section requires nurse guidelines to be provided to the Board of Medical Examiners. Also in Section 195, the addition of item D makes the entire section applicable to certified registered nurse anesthetists. Ms. Gudmundson suggests that item D be shown as a separate item. Referring back to another practice act would allow the MPA to not be changed as often.

Board President White shared information and presentations she received at the National Council of State Boards of Nursing (NSCBN) Mid Year Meeting. Ms. Loquist shared information from the Nurse Licensure Compact Administrators (NLCA) meeting. The Mississippi Board of Nursing had expressed interest in leaving the Multi-state Compact and cited other nursing groups similar interest. A number of those groups attended that meeting, had their questions, and stated they were satisfied with the answers and were no longer interested in leaving the Compact.

MID YEAR

The Board was provided with the Investigative Review Committee (IRC) Report/Minutes for their review and approval.

IRC/DRC

A motion was made to approve the Investigative Review Committee (IRC) Dismissals, and Formal Complaints with corrections. The motion received a second. The motion carried with one nay vote.

MOTION

A motion was made to approve the Letters of Caution. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the Disciplinary Review Committee (DRC) minutes. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed lists of members of the Investigative Review Committee (IRC), Disciplinary Review Committee (DRC) and hearing panel members. The Board asked that this information be provided every year at their November meeting.

**REAFFIRM
DRC/IRC/PANEL
MEMBERS**

The Board discussed the membership and questioned why there were only two people on the DRC. This could cause delays should one person be sick or unable to serve. It is important that this is considered and that succession planning be considered. The Board would like to see more members on the DRC.

A motion was made to reaffirm the members of the Investigative Review Committee (IRC), Disciplinary Review Committee (DRC) and hearing panel members. The motion received a second. The motion carried unanimously.

MOTION

The next regular meeting of the South Carolina Board of Nursing is scheduled for Friday, May 19, 2006.

NEXT MEETING

A motion was made to adjourn the meeting at 4:30 p.m. on March 30, 2006. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Dottie Buchanan, Administrative Assistant