

**SC DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF BOARD SERVICES  
110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA 29210  
SEPTEMBER 30, 2010 BOARD OF NURSING MEETING MINUTES**

<p>President Lewis called the Board of Nursing meeting to order at 8:35 a.m. on September 30, 2010. Public meeting notice was properly posted at the board offices as well as on its website and provided to all requesting persons, organizations and news media in compliance with the S.C. Freedom of Information Act. A quorum was present at all times</p>	<p><u>CALL TO ORDER PLACE OF MEETING &amp; FOIA COMPLIANCE</u></p>														
<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Lynn Lewis, RN, EdD, MHS, President Congressional District 3</td> <td style="width: 40%; text-align: right;">Present</td> </tr> <tr> <td>Sylvia A. Whiting, PhD, APRN-BC, Vice-President Congressional District 1</td> <td style="text-align: right;">Excused</td> </tr> <tr> <td>Trey Pennington, MBA, MS, Secretary Public Member</td> <td style="text-align: right;">Present/Out in Afternoon</td> </tr> <tr> <td>Carrie Houser James, RN, MSN, NE-BC, CCE Congressional District 6</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Rose Kearney-Nunnery, RN, PhD, CNE Congressional District 2</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Brenda Yates Martin, RNC, MN, CNA Congressional District 5</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>One Registered Nurse Vacancy- Congressional District 4 Two Licensed Practical Nurse Vacancies- Regions I &amp; II One Public Member Vacancy</td> <td></td> </tr> </table>	Lynn Lewis, RN, EdD, MHS, President Congressional District 3	Present	Sylvia A. Whiting, PhD, APRN-BC, Vice-President Congressional District 1	Excused	Trey Pennington, MBA, MS, Secretary Public Member	Present/Out in Afternoon	Carrie Houser James, RN, MSN, NE-BC, CCE Congressional District 6	Present	Rose Kearney-Nunnery, RN, PhD, CNE Congressional District 2	Present	Brenda Yates Martin, RNC, MN, CNA Congressional District 5	Present	One Registered Nurse Vacancy- Congressional District 4 Two Licensed Practical Nurse Vacancies- Regions I & II One Public Member Vacancy		<p><u>BOARD MEMBERS PRESENT &amp; VOTING</u></p>
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<p>Joan Bainer, RN, MN, NE BC, Board Administrator Nancy Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education Birdie Felkel, RN, MSN, Program Nurse Consultant-Practice Sheridon Spoon, Assoc. General Counsel, Office of General Counsel Jocelyn Andino, Asst. General Counsel, Office of General Counsel Bea Hightower, Legal Counsel Dwight Hayes, Legal Counsel, Licensure and Compliance Dean Grigg, Hearing Counsel</p>	<p><u>LLR STAFF PRESENT FOR CERTAIN ITEMS</u></p>														
<p>The September 30, 2010 Board of Nursing meeting agenda was presented to the Board for review and approval.</p> <p>A motion was made by Rose Kearney-Nunnery to approve the September 30, 2010 Board of Nursing meeting agenda as presented. Trey Pennington seconded the motion. The motion carried unanimously.</p>	<p><u>APPROVAL OF AGENDA</u></p> <p><u>MOTION</u></p>														
<p>The following items were presented to the Board on the September 30, 2010 Consent Agenda for review and approval or acceptance as information.</p> <ol style="list-style-type: none"> <li>1) Information: Monthly Budget (<i>On Board Table for Review</i>)</li> <li>2) Information: Article Regarding Open Meeting Violation</li> </ol>	<p><u>APPROVAL OF CONSENT AGENDA</u></p>														

<p>3) Information: Letter Received Regarding Criminal Background Checks  4) Information: NCLEX RN/PN Summary Statistics for April 1 - June 30, 2010 (<i>Moved to Regular Agenda</i>)  5) Information: Manager Report July / August 2010 (<i>Moved to Regular Agenda</i>)  6) Information: ECPI Materials (<i>Moved to Regular Agenda</i>)  7) Information: Data Integrity Project for NCSBN  8) Information: ACON Meeting Minutes  9) Information: OGC Report  10) Information: OIE Report  11) Information: OLC Report  12) Action: Request to Delay Formulation of Discipline Graphs</p> <p>A motion was made by Rose Kearney-Nunnery to approve the September 30, 2010 Consent agenda with the removal of Information: NCLEX RN/PN Summary Statistics April 1-June 30, 2010; Information: Manager Report July/August 2010; and Information: ECPI Materials. Carrie Houser James seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>MOTION</u></p>
<p>The July 29-30, 2010 Board of Nursing Meeting Minutes were presented to the Board for review and approval.</p> <p>A motion was made by Brenda Yates Martin to approve the July 29-30, 2010 Board of Nursing Meeting Minutes. Carrie Houser James seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>APPROVAL OF MINUTES</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>Tracey McCarley, Education Coordinator, Office of Board Services, appeared before the Board of Nursing on behalf of Randy Bryant, Assistant Deputy Director, Office of Business Services, in a cooperative effort between the Department of Labor, Licensing and Regulation (LLR) and the boards, to determine what type of financial information regarding the Board of Nursing can provided. Mr. Bryant has mandated that these financial reports become a part of all Board meeting records and memorialized in the board meeting minutes.</p> <p>Ms. McCarley stated that she was not sure of what information had been provided to the Board in the past such as “green bar” reports. She explained that LLR now has a new financial program from which she will be extracting items to format in a custom report. Ms. McCarley asked what types of information the Board would like to receive and whether the Board would like to receive the information on a quarterly or annual basis.</p> <p>A motion was made by Rose Kearney-Nunnery to have Joan Bainer work with Tracey McCarley on the revised financial/ budget format to be provided to the Board at its November Board meeting. Brenda Yates Martin seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>FINANCIAL REPORTS– TRACEY MCCARLEY, OFFICE OF BOARD SERVICES</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>Joan Bainer introduced PC Faglie, Interim Chief Investigator for nursing cases, and Mark Sanders who is the new Chief Investigator for nursing cases. Dr. Lewis explained that the Board would like to be more transparent and publish discipline information similar to the information on the Virginia Board of Nursing’s website.</p>	<p style="text-align: right;"><u>RESOLUTIONS COMMITTEE REPORT</u></p>

<p>The Board was provided with the Resolutions Committee Report with recommendations from its meetings held since the last Board meeting. The Disciplinary Sanctions Guidelines is used in making these recommendations.</p> <p>A motion was made by Rose Kearney-Nunnery to approve Dismissals (Keys #1-6) as recommended by the Resolutions Committee. Brenda Yates Martin seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carrie Houser James to approve Dismissals with Letters of Concern (Keys #5-6) as recommended by the Resolutions Committee. Trey Pennington seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carrie Houser James to approve Formal Complaints (Keys #7-35 with the exception #11 and #31) as recommended by the Resolutions Committee. Brenda Yates Martin seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>MOTION</u></p> <p style="text-align: right;"><u>MOTION</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>Lynn Lewis recused herself from discussion and vote on the associate degree nursing program representative on the Advisory Committee on Nursing (ACON) due to her employment of one of the candidates.</p> <p>The Board reviewed nominations for Tara L. Harris and Cathy M. Ford to serve as the second associate degree nursing (ADN) representative and the nomination for MaryBeth Hendricks to serve as the advanced practice representative on ACON.</p> <p>A motion was made by Rose Kearney-Nunnery to appoint Cathy M. Ford to serve as the second associate degree nursing representative on the Advisory Committee on Nursing (ACON). Brenda Yates Martin seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carrie Houser James to appoint MaryBeth Hendricks to serve as the advanced practice representative on the Advisory Committee on Nursing (ACON). Brenda Yates Martin seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>ACON APPOINTMENT OF MEMBERS</u></p> <p style="text-align: right;"><u>MOTION</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>Joan Bainer has been attending the Adult Protection Council for the past four years. Through this meeting Ms. Bainer has been available for consultation for the Commission on Aging; the University of South Carolina's aging study, as well as other related groups. The selection of the agency representative for the committee will be at the discretion of the agency director. Ms. Bainer asked for the Board's support to be selected to attend these meetings.</p> <p>A motion was made by Rose Kearney-Nunnery for Administrator Joan Bainer to be a permanent member of the Adult Protection Council. Carrie Houser James seconded the motion. The motion carried unanimously.</p>	<p style="text-align: right;"><u>ADULT PROTECTION COUNCIL</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>Theresa Wright, RN, MSN, Nursing Department Head and Margaret Opitz, RN, MSN, PhD Consultant appeared before the Board to discuss the interim site survey report, response materials, curriculum change and faculty for Northeastern Technical College (NETC).</p>	<p style="text-align: right;"><u>NORTHEASTERN TECHNICAL COLLEGE INITIAL TO FULL PROGRAM APPROVAL / CURRICULUM</u></p>

Northeastern Technical College Associate Degree Nursing (ADN) Program Interim Site Survey Report /NETC Response Materials

CHANGE / FACULTY REQUEST

At the March 2007 meeting, the Board voted to grant initial approval for NETC with recommendations. The first graduating class for the NETC ADN Program was in May 2009. The site survey for full program approval was conducted in November 2009 and the report was submitted to the Board at its March 2010 meeting. At the March 2010 meeting, the Board voted to defer full program approval for six months with an interim site survey visit to be conducted by July 2010. NETC will appear to discuss the report of that visit. The Board discussed the interim site survey report and the response materials.

A motion was made by Rose Kearney-Nunnery grant full approval for the Northeastern Technical College Associate Degree Nursing Program while they prepare for National League for Nursing Accrediting Commission (NLNAC) accreditation with their approval period to be adjusted to match NLNAC. Trey Pennington seconded the motion. The motion carried unanimously.

MOTION

ADN Program Curriculum Change Request

Theresa Wright and Margaret Opitz provided information on curriculum change to the Board for review and approval.

A motion was made by Rose Kearney-Nunnery to approve the curriculum change for Northeastern Technical College Associate Degree Nursing (ADN) Program as presented. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Request to Increase Clinical Instructors Percentage / Faculty Approval

Theresa Wright explained that a faculty member had resigned at the end of the 2010 spring semester. Due to their rural location it is difficult to find qualified nursing instructors. NETC is actively recruiting for a full-time, masters prepared instructor to meet the requirements of the position, to add diversity to the faculty and to meet the requirements of Regulation 91-11(C)(3). NETC is requesting to either be allowed to increase the percentage of clinical instructors beyond the 30% or be granted an exception for a current clinical instructor who has begun her master's program.

Discussion included but was not limited to 30% ratio of full time faculty to part time clinical instructors required by Regulation 91-11 (C)(4); difficulty for faculty to travel to a more rural area; and finding faculty who meet all requirements including the masters degree/clinical experience.

A motion was made by Rose Kearney-Nunnery to allow Northeastern Technical College Associate Degree Nursing (ADN) Program to increase their percentage of clinical instructors beyond the 30% in accordance with Regulation 91-11(C)(4) until May 2011 but to deny the faculty exception. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Peggy Hewlett, Dean and Professor, College of Nursing, University of South Carolina (USC) - Columbia appeared before the Board to provide an update on the Designated Education Unit (DEU) experimental project. USC-Columbia faculty involved with the DEU project along with clinical partners from Palmetto and Providence Health Systems accompanied Dean Hewlett. Dean

USC - COLUMBIA - DEU EXPERIMENTAL PROJECT STATUS REPORT

Hewlett introduced Kay Edgecombe of Flinders University, Australia. She has worked closely with the DEU program and offered insights as to where they started and where they are now. In July 2009, the Board of Nursing approved the USC-Columbia DEU experimental project. Dean Hewlett provided the Board with status narrative; project evaluation; sample DEU communications; project evaluation model; and University of Portland “Evaluating Innovations in Nursing Education” Grant Project. Discussion included but was not limited to recognition that DEU is not a cost saving measure; need for more clinical instructors; looking at home health and mother/child health in the future; and increase in simulated clinical in appropriate areas.

The following items were moved from the consent agenda to the regular meeting agenda: 4) Information: NCLEX RN/PN Summary Statistics April 1-June 30, 2010; 5) Information: Manager Report July/August 2010; and 6) Information: ECPI Materials.

NCLEX RN/PN Summary Statistics April 1-June 30, 2010

Rose. Kearney-Nunnery asked that this item be placed on the regular agenda for the November meeting. She cited that some statistics may be problematic.

Manager Report July/August 2010

The Board asked that future reports include a key for the categories.

ECPI

Representatives from ECPI were watching the meeting live; however, due to technical difficulties was not able to call in. ECPI provided information requested by the Board at its last meeting. The Board received the information and made observations. Rose Kearney-Nunnery asked that ECPI look at secondary versus post secondary education; and changes in hours.

Lynn Lewis announced that she plans to rotate off the Board at the end of her term in December 2011. There are nominees for Board vacancies currently at the statehouse. The Board is hopeful that appointments to the Board will be made when the legislature comes back in session in 2012. It was noted that members of the nominating committee may be nominated for an office.

A motion was made by Trey Pennington for Lynn Lewis and Brenda Yates Martin to serve on the Nominating Committee for 2011 Board of Nursing Officers with a report and vote at the November 2010 meeting. Carrie Houser James seconded the motion. The motion carried unanimously.

Stephanie Burgess, Vice Chair of the Advanced Practice Committee (APC) and University of South Carolina-Columbia faculty member along with Rosanne Pruitt, Clemson University; Sharon Bond, Medical University of South Carolina; and Peggy Hewlett of the University of South Carolina-Columbia appeared before the Board to discuss the requirement for 45 hours of pharmacotherapeutics to be completed within two years of application for prescriptive authority.

This issue was discussed at the August 6, 2010 APC meeting. APC recommended that the Board accept pharmacotherapeutics for the applicant, provided the applicant has had continuous enrollment in the program without a lapse.

ITEMS REMOVED FROM CONSENT AGENDA

APPOINTMENT OF NOMINATING COMMITTEE MEMBERS FOR 2011 OFFICERS

MOTION

TWO YEAR PRESCRIPTIVE AUTHORITY REQUIREMENT / NON ACCEPTANCE OF AUDITED PHARMACOLOGY COURSES FOR APRN

Discussion included but was not limited to requirements for 45 hours within two years of prescriptive authority application in the Nurse Practice Act and the Position Statement on Pharmacotherapeutics Education Required For Prescriptive Authority Application; lack of flexibility for not adhering to the statute; number of students affected by law; concerns that students auditing classes are not required to attend class, complete assignments or complete the examination; Board has not historically accepted audited courses; some schools require students who have been out for a while to retake the course but must do it as an audit; processes needing to be applied equally for in-state and out of state applicants; and revision of the information currently submitted by schools to include a statement about audited classes; and program directors to submit current syllabi to the Board and revisions as the courses may change.

A motion was made by Rose Kearney-Nunnery to allow students who have completed pharmacotherapeutics courses in their program as long as they maintain continuous enrollment with no lapses until graduation allow them to meet the requirement for prescriptive authority or on a case by case a letter from the professor that the student cannot retake the course and fully participated in the audited course. Carrie Houser James seconded the motion. The motion was withdrawn.

MOTION

A motion was made by Rose Kearney-Nunnery that in compliance with Section 40-33-34 a nursing graduate who is applying for prescriptive authority must document evidence of completion of forty five (45) hours of education in pharmacotherapeutics within two years of application acceptable to the Board or through documentation acceptable to the Board, each program director shall submit a syllabi, a letter as documented evidence of forty five (45) hours and student submits documentation of students continued enrollment with a friendly amendment that the Board Administrator will be part of this process. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

The administration of intranasal Versed (midazolam) in school setting for treating status epilepticus has been reviewed by the Nursing Practice and Standards Committee in July 2010 and by the Advanced Practice Committee in August 2010. Both committees feel that Administration of Intranasal Versed (midazolam) in school setting for treating status epilepticus is not within the scope of practice for the nurse. This information has also been reviewed by the Board of Medical Examiners who agrees with this recommendation. Discussion included but was not limited to this administration being an off label use of the medication and differences in education and experience among the nurses.

ADMINISTRATION OF  
INTRANASAL VERSED  
IN SCHOOL SETTINGS

A motion was made by Brenda Yates Martin to accept the Nurse Practice and Standards Committee as well as the Advance Practice Committee recommendation that the administration of intranasal Versed (midazolam) in school setting for treating status epilepticus is not within the scope of practice for the nurse. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

Birdie Felkel explained that the current expert reviewers list has been revised and updated. It was recommend that the current list be used but to continue adding reviewers from across the state and continually updating the

LIST OF EXPERT  
REVIEWERS

<p>list as needed.</p> <p>A motion was made by Rose Kearney-Nunnery to approve the list of expert reviewers as presented. Carrie Houser James seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p>
<p>Birdie Felkel presented applications for Connie Conner, Jill Greene, Misti Burgess, and Freda Kelley to serve as panel hearing members to the Board for review and appointment.</p> <p>A motion was by Rose Kearney-Nunnery to appoint Connie Conner, Jill Greene, Misti Burgess, and Freda Kelley to serve as panel members and to orient them as soon as possible. Carrie Houser James seconded the motion. The motion carried unanimously.</p>	<p><u>APPOINTMENT OF PANEL HEARING MEMBERS</u></p> <p><u>MOTION</u></p>
<p>Joan Bainer provided the Board with suggested revisions to the Disciplinary Sanctions Guidelines Chart. She explained that these revisions came from input from the Offices of Investigations and Enforcement as well as General Counsel. Discussion included but was not limited to increasing the narcotic restriction period for second offenders; adding narcotic restrictions to possession of a controlled substance and medication theft; clarifying medication administration courses versus medication documentation courses versus medication errors courses; adding more than one medication course on most medication error violations; adding documentation course for falsifying records in addition to the ethics course; changing private reprimand to a public reprimand on patient infractions such as substandard care, abandonment, neglect, abuse, failure to report abuse, theft of patient property, and sexual misconduct; adding the NCSBN Delegating Effectively course to improper delegation/supervision; adding the NCSBN Patient Privacy course for confidentiality violations; suspending a licensure pending psychiatric evaluation where applicable; adding failure to report misconduct/incapacities within 15 days as required in §40-33-111 with a public reprimand, \$500 fine, courses in legal aspects and ethics as well as the NCSBN Disciplinary Actions: What Every Nurse Should Know course; and adding an administrative suspension for advanced practice registered nurses who do not maintain their specialty certification as part of the licensure requirement.</p> <p>A motion was made by Rose Kearney-Nunnery to approve the recommended revisions to the Disciplinary Sanctions Guidelines Chart as presented. Brenda Yates Martin seconded the motion. The motion carried unanimously.</p>	<p><u>REVISION OF DISCIPLINARY SANCTIONS GUIDELINES CHART</u></p> <p><u>MOTION</u></p>
<p>Joan Bainer provided the Board with an application for Alice Wyatt, FNP to serve on the Disciplinary Review Committee. Ms. Wyatt is an advanced practice registered nurse and served on the Board of Nursing.</p> <p>A motion was made by Brenda Yates martin to appoint Alice Wyatt, FNP to serve on the Disciplinary Review Committee. Carrie Houser James seconded the motion. The motion carried unanimously.</p>	<p><u>APPOINTMENT OF DRC MEMBERS</u></p> <p><u>MOTION</u></p>
<p>Requests to serve on the Joint Pharmacist Administered Influenza Vaccines Committee were reviewed with possible conflicts of interest, education and employment as part of the review process. Jane Reno Munro, FNP and Jane</p>	<p><u>RATIFICATION OF JOINT PHARMACIST ADMINISTERED</u></p>

<p>Cooper, ANP were chosen from a group of well qualified nurses. By statute; the committee is comprised of two physicians, two pharmacists, two advanced practice registered nurses, and a representative from the Department of Health and Environmental Control. Protocols developed by the committee will be presented to the Board of Medical Examiners for review and approval.</p> <p>A motion was made by Brenda Yates Martin to ratify the selection of Jane Reno Munro, FNP and Jane Cooper, ANP to serve on the Joint Pharmacist Administered Influenza Vaccines Committee. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.</p>	<p><u>INFLUENZA VACCINES COMMITTEE APRN MEMBERS</u></p> <p><u>MOTION</u></p>
<p>Joan Bainer reported that all recommendations passed at the National Council of State Boards of Nursing (NCSBN) 2010 Annual Meeting/Delegate Assembly. The Board reviewed the officers elected at the meeting. The South Carolina Board of Nursing received an award for 100 years of nursing regulation. The plaque will be part of an upcoming issue of the Palmetto Nurse.</p>	<p><u>NCSBN ANNUAL MEETING/ DELEGATE ASSEMBLY</u></p>
<p>Joan Bainer provided the Board with multiple articles and other research regarding the BSN in 10. The "BSN in 10" initiative would require nurses who have completed an associate degree nursing program to continue their education and obtain a baccalaureate degree in nursing (BSN) within ten years. Discussion included but was not limited to New York introducing legislation to enact BSN in 10 in their state that ultimately was not passed by their legislature; articles indicate that the BSN adds a sense of professionalism to the nurse; mortality rates lower with more BSNs on staff; statistics such as mortality must also consider compounding variables not limited to workload and rural versus urban; and believing the good nurses in South Carolina should be encouraged to further their education.</p> <p>This item will be taken to the Advisory Committee on Nursing and then to the Nursing Practice and Standards.</p>	<p><u>BSN IN 10</u></p>
<p>Joan Bainer noted that a memorandum explaining the new South Carolina Department of Motor Vehicles process for specialized license plates had been provided to Board members. If Board members have questions, they may contact Dottie Buchanan.</p>	<p><u>MANAGEMENT REPORT</u></p>
<p>To determine appropriate disciplinary actions, the Board reviewed Disciplinary Hearing Panel Reports along with transcripts and exhibits as well as memoranda of agreement stipulating to violations of the Nurse Practice Act. Respondents appeared before the Board. Representatives from the Recovering Professional Program (RPP) were also present to respond to questions from the Board in cases regarding their clients.</p> <p>Prior to the hearings, A motion was made by Rose Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel. Trey Pennington seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Trey Pennington to leave executive session. Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>OGC HEARINGS</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>

In Case #2007-496, a panel hearing was held on March 30, 2010. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right. The Hearing Panel recommended Respondent be issued a public reprimand, successfully complete an ethics course and a legal aspects course, pay a civil penalty of \$500, that Respondent's license to be placed on one year probation, for the South Carolina Board of Nursing to notify the California Board of Nursing of the final order and for Respondent to be monitored in California.

A motion was made by Rose Kearney-Nunnery in Case #2007-496 to go into executive session for the purpose of receiving legal counsel. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Trey Pennington to leave executive session in Case #2007-496. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Carrie Houser James to take no action in Case #2007-496 until Respondent renews/reinstates South Carolina license and require Respondent to appear before the Board at that time. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

In Case #2009-259, Respondent signed a Memorandum of Agreement in lieu of a hearing admitting to violation of Section 40-33-110(A)(9) and (21) as well as 40-1-110(f), South Carolina Codes of Laws, as amended. Respondent appeared with James Griffin, Esquire.

A motion was made by Brenda Yates Martin in Case #2009-259 to issue a private reprimand, a civil penalty of \$500, and completion of an ethics course. Trey Pennington seconded the motion. The motion passed with one nay vote from Rose Kearney-Nunnery.

MOTION

In Case #2010-172, Respondent signed a Memorandum of Agreement in lieu of a hearing and admitting to violation of Section 40-33-110(A)(1) and (19) as well as 40-1-110(f), South Carolina Codes of Laws, as amended. Respondent appeared without legal counsel before the Board. Respondent was aware of his/her right to legal counsel and waived that right.

A motion was made by Rose Kearney-Nunnery in Case #2010-172 to go into executive session for the purpose of receiving legal counsel. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Trey Pennington to leave executive session in Case #2010-172. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

A motion was made by Rose Kearney-Nunnery in Case #2010-172 to accept the memorandum of agreement, for Respondent's license to remain suspended, Respondent to appear at the January 2011 Board meeting, for the Recovering Professional Program to provide an update and for Respondent to provide information on the status of his/her arrests. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

In Case #2009-334, Respondent signed a Memorandum of Agreement in lieu of a hearing and admitting to violation of Section 40-33-110(A)(18) and 40-1-110(f), South Carolina Codes of Laws, as amended. Respondent appeared with Alissa DeCarlo, Esquire.

A motion was made by Rose Kearney-Nunnery to accept the Memorandum of Agreement, issue a public reprimand, completion of a legal aspects course and an ethics course and a civil penalty of \$500. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

In Case #2008-98, Carrie Houser James recused herself due Respondent being her former student. A panel hearing in this case was held on March 30, 2010. Respondent appeared with Desa Ballard, Esquire. The hearing panel recommended that the case be dismissed.

A motion was made by Trey Pennington to accept the Hearing Panel's findings of fact, conclusions of law and recommendation to dismiss this case. Rose Kearney-Nunnery seconded the motion. The motion carried unanimously.

MOTION

Trey Pennington left the meeting; however, a quorum was still present.

In Case #2009-260, Respondent signed a Memorandum of Agreement in lieu of a hearing and admitting to violation of Section 40-33-110(A)(13) and (18) as well as 40-1-110(f), South Carolina Codes of Laws, as amended. Respondent appeared with Sandi Wilson, Esquire.

A motion was made by Rose Kearney-Nunnery in Case #2009-260 to issue a private reprimand, require completion of a documentation course as well as a legal aspects course and a \$200 fine payable within one year. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

Respondent petitioned to modify or terminate terms and conditions of a consent agreement with the Board. Respondent appeared before the Board with Desa Ballard, Esquire and Stephanie Weissenstein, Esquire.

A motion was made by Rose Kearney-Nunnery to go into executive session for the purpose of receiving legal counsel. Carrie Houser James seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Brenda Yates Martin to leave executive. Carrie Houser James seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

The petition to modify or terminate terms and conditions is dismissed for being moot.

A motion was made by Rose Kearney-Nunnery to lift the administrative suspension on Respondent's license. Brenda Yates Martin seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Rose Kearney-Nunnery for Respondent to appear that

MOTION

