



South Carolina
Department of Labor, Licensing and Regulation



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Board of Nursing

Nikki R. Haley
Governor

Holly G. Pisarik
Director

JANUARY 24-25, 2013 BOARD OF NURSING MEETING MINUTES

<p>Board President Samuel McNutt called the Board of Nursing meeting to order at 8:33 a.m. on Thursday, January 24, 2013 and at 8:34 a.m. on Friday, January 25, 2013. Public 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</u> <u>PLACE OF MEETING</u> <u>& FOIA COMPLIANCE</u></p>
<p>Samuel H. McNutt, RN, CRNA, MHSA, PresidentPresent Congressional District 5</p> <p>Carol A. Moody, RN, MAS, NEA-BC, Vice PresidentPresent Congressional District 4</p> <p>Amanda Baker, RN, MSN, CRNA, MNA, SecretaryPresent Congressional District 2</p> <p>Tara F. Hulsey, PhD, RN, CNEPresent 1/24/13/Excused 1/25/13 Congressional District 1</p> <p>W. Kay Swisher, RNC, MSN.....Present Congressional District 3</p> <p>Lisa Cox Schafer, RN, MSN, NEA-BCPresent Congressional District 6</p> <p>Karen R. Hazzard, MSN, RN, NE-BC.....Present Congressional District 7</p> <p>Anne Crook, PhDPresent Public Member</p> <p>James E. Mallory, EdDPresent Public Member</p> <p>Two Licensed Practical Nurse Vacancies</p>	<p><u>BOARD MEMBERS</u> <u>PRESENT &</u> <u>VOTING</u></p>
<p>Nancy Murphy, Board Administrator Kathryn Nedovic, Program Coordinator I Theresa Richardson, Program Coordinator I Kristy Speronis, Practice Consultant Shannon Beaudry, Administrative Assistant Darra Coleman, Advice Counsel Sara McCartha, Advice Counsel Erin Baldwin, Office of General Counsel</p>	<p><u>LLR STAFF</u> <u>PRESENT FOR</u> <u>CERTAIN ITEMS</u></p>
<p>Tara Hulsey was excused from the January 25, 2013 meeting.</p>	<p><u>EXCUSED ABSENCES</u></p>

<p>The Consent Agenda for the January 24-25, 2013 Board of Nursing Meeting was presented for the Board's review and approval/acceptance as information.</p> <ul style="list-style-type: none"> a) For Acceptance: Trident Technical College -- Notification of Proposed Nursing Division Organizational Change b) For Information: VHA Policies for Nursing Practice/ VA APRN Policies c) For Information: Ready or Not? Protecting the Public's Health From Diseases, Disasters, and Bioterrorism – Trust for America's Health d) For Information: National Nursing Licensure v. State Licensure for Healthcare Professionals e) For Information: Telehealth Legal and Regulatory Module f) For Information: Budget (on table) <p>A motion was made by Tara Hulseley to approve the Consent Agenda as presented. Kay Swisher seconded the motion. The motion carried unanimously.</p>	<p style="text-align: center;"><u>APPROVAL OF CONSENT AGENDA</u></p> <p style="text-align: center;"><u>MOTION</u></p>
<p>The January 24-25, 2013 Board of Nursing Meeting Regular Agenda was presented for the Board's review and approval.</p> <p>A motion was made by Kay Swisher to approve the Regular Agenda as presented. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p style="text-align: center;"><u>APPROVAL OF AGENDA</u></p> <p style="text-align: center;"><u>MOTION</u></p>
<p>The November 29-30, 2012 regular Board Meeting minutes were presented for the Board's review and approval.</p> <p>A motion was made by Tara Hulseley to approve the November 29-30, 2012 meeting minutes as presented. Karen Hazzard seconded the motion. The motion carried unanimously.</p>	<p style="text-align: center;"><u>APPROVAL OF MINUTES</u></p> <p style="text-align: center;"><u>MOTION</u></p>

<p>Mark Sanders, Chief Investigator for the Office of Investigations and Enforcement (OIE) presented the Investigative Review Committee (IRC) Report with recommendations from its meetings held since the November 2012 Board meeting. The Disciplinary Sanctions Guidelines Matrix is used by the IRC in making these recommendations.</p> <p>A motion was made by Amanda Baker to approve 23 cases for Dismissal as recommended by the Investigative Review Committee (IRC). Tara Hulsey seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Lisa Cox Schafer to approve 2 cases for Dismissal – Cease and Desist as recommended by the Investigative Review Committee (IRC). Carol Moody seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carol Moody to approve 66 cases for Formal Complaint as recommended by the Investigative Review Committee (IRC). Tara Hulsey seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Kay Swisher to approve 5 cases for dismissal with a Letter of Caution as recommended by the Investigative Review Committee (IRC). Amanda Baker seconded the motion. The motion carried unanimously.</p> <p>Mr. Sanders stated that there are no new OIE statistics to report at this time because when the report was prepared it was still within the 4th quarter of 2012. The Board of Nursing statistics through the 4th quarter of 2012 will be provided at the March 2013 meeting. Mr. Sanders stated that there were 134 active cases as of January 24, 2013.</p>	<p style="text-align: center;"><u>OFFICE OF INVESTIGATION AND ENFORCEMENT (OIE)</u></p> <p style="text-align: center;"><u>INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT</u></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 style="text-align: right;"><u>MOTION</u></p>
<p>At its November 29-30, 2007 meeting, the Board of Nursing voted to continue full approval for the Aiken Technical College (ATC) practical nursing program for five years (based on the July 17, 2007 survey report).</p> <p>The ATC practical nursing program site survey report regarding continuing full approval status conducted on October 14, 2012 is attached along with the program's response materials.</p> <p>Donna Fortenberry, Department of Nursing Chair and Hermecender Walton, Dean of Health Sciences, Aiken Technical College appeared before the Board to respond to questions.</p> <p>Discussion included but was not limited to number of faculty, obtaining adequate administrative support, NCLEX pass rates and current advisement procedures.</p> <p>A motion was made by Anne Crook to continue approval for the practical nursing program at Aiken Technical College for five years with the caveat to recommend they continue to look at their administrative support. Tara Hulsey seconded the motion. The motion carried unanimously.</p>	<p style="text-align: center;"><u>AIKEN TECHNICAL COLLEGE (ATC)</u></p> <p style="text-align: right;"><u>MOTION</u></p>
<p>At its January 10, 2013 meeting, the Nursing Practice and Standards Committee (NPSC) reviewed/discussed Advisory Opinion (AO) #5 and recommended the Board approve the revisions as presented.</p> <p>A motion was made by Lisa Cox Schafer to accept Advisory Opinion #5 as edited/presented by the Nursing Practice and Standards Committee. Kay Swisher seconded the motion. The motion carried unanimously.</p>	<p style="text-align: center;"><u>ADVISORY OPINION #5</u></p> <p style="text-align: right;"><u>MOTION</u></p>

<p>Dr. John Tomarchio appeared before the Board to request a waiver of the 45 mile restriction for physician supervision of an APRN.</p> <p>Discussion included but was not limited to the practice setting, expectations of an APRN working at the practice setting, the plan to hire APRN Aurelia Allen, physician recruitment matters, length of the APRN employment contract, telemedicine capabilities and the distance Dr. Tomarchio would be from Ms. Allen.</p> <p>A motion was made by Lisa Cox Schafer to go into executive session for the purpose of receiving legal counsel. Tara Hulseley seconded the motion. The motion carried unanimously.</p> <p>A motion was made Amanda Baker to leave executive session. Karen Hazzard seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Amanda Baker to grant a waiver of the mileage restriction to Dr. Tomarchio to be the exclusive supervisor for Aurelia Allen for a period of six months with a return appearance to the Board after the first six months of the contract. Tara Hulseley seconded the motion. The motion carried unanimously.</p> <p>Note: If approved by the Board of Nursing, the request must also be reviewed by the Board of Medical Examiners. (§40-33-20 (52) “. . . When application is made for more than three NP’s, CNM’s, or CNS’s to practice with one physician, or when a NP, CNM, or CNS is performing delegated medical acts in a practice site greater than forty-five miles from the physician, the Board of Nursing and Board of Medical Examiners shall each review the application to determine if adequate supervision exists.”)</p>	<p><u>REQUEST FOR WAIVER OF MILEAGE RESTRICTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>At its November 2012 meeting, the Board voted to table consideration of the proposed AO related to disclosing private reprimands until the January 2013 meeting.</p> <p>A motion was made by Lisa Cox Schafer to go into executive session for the purpose of receiving legal counsel. Karen Hazzard seconded the motion. The motion carried unanimously. The Board asked that Nancy Murphy be present for discussion during executive session.</p> <p>A motion was made by Lisa Cox Schafer to leave executive session. Karen Hazzard seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p> <p>Samuel McNutt stated that the Advisory Opinion was reviewed and that the item will come back on the Board agenda at another time.</p>	<p><u>PROPOSED ADVISORY OPINION – CLARIFICATION OF PRIVATE REPRIMAND DISCLOSURE</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>The NCSBN Midyear meeting has traditionally been attended by the Board President and Administrator. The dates for the meeting are Monday, March 11 through Wednesday, March 13, 2013, in San Jose, CA. There is also a compact NLCA meeting Sunday.</p> <p>A motion was made by Tara Hulseley to approve Samuel McNutt and Nancy Murphy to attend. Karen Hazzard seconded the motion. The motion carried unanimously.</p>	<p><u>PRESIDENT’S REPORT – NATIONAL COUNCIL OF STATE BOARDS OF NURSING MIDYEAR MEETING</u></p> <p><u>MOTION</u></p>

<p>The Board's Bylaws subcommittee (members Carol Moody, Amanda Baker, and Tara Hulsey) have reviewed the Advisory Committee on Nursing Bylaws and determined there were no changes needed to the Bylaws.</p>	<p><u>PRESIDENT'S REPORT – ADVISORY COMMITTEE ON NURSING BYLAWS</u></p>
<p>The Board has reviewed/ updated and approved all the committee bylaws to include NPSC, ACON, and APC.</p> <p>A motion was made by Carol Moody that all committees of the Board adhere to their bylaws as written, including stipulations about membership, length of time served, and leadership roles and governance. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>PRESIDENT'S REPORT – BOARD COMMITTEE BYLAWS AND GOVERNANCE</u></p> <p><u>MOTION</u></p>
<p>The Disciplinary Sanctions Guidelines matrix was approved at the November 2012 Board meeting. However, Nancy Murphy stated that the IRC has requested some clarification regarding the matrix.</p> <p>First, the IRC requested the Board's direction regarding the inclusion of investigative/prosecution costs on the Disciplinary Sanctions Guidelines matrix.</p> <p>Discussion included but was not limited to other Boards' inclusion of investigative/prosecution costs, where the recouped costs would go, civil penalties versus investigation costs, method of determining cost accrued, and accepting affidavits of cost for Memoranda of Agreement (MOA) but not Consent Agreements.</p> <p>A motion was made by Karen Hazzard to accept the proposed reimbursement for investigative costs and to authorize the Office of General Counsel to submit affidavits along with disciplinary actions. Amanda Baker seconded the motion. The motion carried with one nay.</p> <p>Discussion followed to include clarification that this would be for MOAs/ matters coming to the Board and not for consent agreements. Ms. Coleman clarified that it was for the Board level.</p> <p>A motion was made by Anne Crook that if reimbursements are not paid, then there would be the same assessment as not paying fines, which would be administrative suspension. Tara Hulsey seconded the motion. The motion carried unanimously.</p> <p>Secondly, the IRC requested clarification regarding case fine range on the Disciplinary Sanctions Guidelines Matrix, specifically in cases with multiple sanctions. The IRC wanted to know whether they should combine the civil penalties for each sanction or whether the Board had a maximum amount to sanction.</p> <p>Discussion included but was not limited to the current fine minimum and maximum for individual sanctions and possible civil penalty caps to implement.</p> <p>A motion was made by Carol Moody that when there are multiple infractions to leave it to the discretion of the IRC to decide how to assess the degree of civil penalty, whether to combine civil penalties or go with the highest infraction. Lisa Cox Schafer seconded the motion. The motion carried unanimously.</p> <p>Finally, the IRC requested clarification of item ME4 on the Disciplinary Sanctions Guidelines Matrix, specifically whether probation should be mandatory as its listed</p>	<p><u>ADMINISTRATOR'S REPORT – DISCIPLINARY SANCTIONS GUIDELINES MATRIX</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>

In Case # 2012-107, a motion was made by Tara Hulsey to issue a Letter of Caution. Amanda Baker seconded the motion. The motion carried unanimously.

In Case # 2011-331, Respondent signed a Memorandum of Agreement (MOA) and waived the right to a panel hearing. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

A motion was made by Carol Moody to go into executive session for the purpose of receiving legal counsel. Kay Swisher seconded the motion. The motion carried unanimously.

A motion was made by Carol Moody to leave executive session. Amanda Baker seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

In Case # 2011-331, a motion was made by Amanda Baker to accept the MOA with a private reprimand. Tara Hulsey seconded the motion. The motion carried unanimously.

In Case # 2011-25, Respondent signed a Memorandum of Agreement (MOA) and waived the right to a panel hearing. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

In Case # 2011-25, a motion was made by Lisa Cox Schafer to accept the physician as the supervising licensee, that respondent continues in RPP and as outlined by the physician's agreement of no prescriptive privileges or access to controlled substances, and to incorporate all other terms of the Consent Agreement that were referred to. Tara Hulsey seconded the motion. The motion carried unanimously.

A respondent appeared before the Board to request information from his/her original Consent Agreement be redacted, to request a worksite approval for a specified CRNA to supervise and to have a two year narcotics restriction reduced to one year. Respondent was represented by T. Micah Leddy, Esq.

A motion was made by Lisa Cox Schafer to go into executive session for the purpose of receiving legal counsel. Carol Moody seconded the motion. The motion carried unanimously.

A motion was made by Lisa Cox Schafer to leave executive session. Tara Hulsey seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

A motion was made by Lisa Cox Schafer to grant the request to redact paragraph five of the original Consent Order, to deny the request for the specified CRNA supervisor and recommend respondent return to the Board once a new physician is on site and is in agreement to supervise practice, and to deny the request to reduce the two year narcotics restriction to one year. Carol Moody seconded the motion. The motion carried unanimously.

MOTION

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Carol Moody recused herself from the proceedings. A quorum was still present.

In Case # 2012-518; 2012-71, Respondent requested to modify an existing final order/consent agreement. Respondent was aware of his/her right to legal counsel

and waived that right. Respondent appeared but was not represented by legal counsel.

MOTION

A motion was made by Lisa Cox Schafer to go into executive session for the purpose of receiving legal counsel. Tara Hulseley seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Tara Hulseley to leave executive session. Kay Swisher seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

In Case # 2012-518; 2012-71, a motion was made by Karen Hazzard to accept and modify the terms of the agreement only in regards to the payment terms of the \$1500 civil penalty addressed in paragraph 1a of the Consent Agreement for 2012. Said payment is to be paid within one year of securing employment, and all other conditions remain in effect. Anne Crook seconded the motion. The motion carried with the recusal of Carol Moody.

In Case # 2012-517; 2011-20, Respondent requested to modify an existing final order/consent agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

MOTION

In Case # 2012-517; 2011-20, a motion was made by Carol Moody to grant the request to lift the narcotics restriction. Tara Hulseley seconded the motion. The motion carried unanimously.

Lisa Cox Schafer recused herself from the proceedings. A quorum was still present.

In Case # 2012-516; 2008-362, Respondent requested to modify an existing final order/consent agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

MOTION

A motion was made by Kay Swisher to go into executive session for the purpose of receiving legal counsel. Karen Hazzard seconded the motion. The motion carried unanimously.

MOTION

A motion was made by Kay Swisher to leave executive session. Karen Hazzard seconded the motion. The motion carried unanimously. No official actions were taken during executive session.

MOTION

In Case # 2012-516; 2008-362, a motion was made by Tara Hulseley to release the respondent from RPP. Anne Crook seconded the motion. The motion carried with one nay and the recusal of Lisa Cox Schafer.

In Case # 2012-519; 2003-527, Respondent requested to modify an existing final order/consent agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.

MOTION

A motion was made by Carol Moody to go into executive session for the purpose of receiving legal counsel. Karen Hazzard seconded the motion. The motion carried unanimously.

<p>A motion was made by Lisa Cox Schafer to leave executive session. Karen Hazzard seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p> <p>In Case # 2012-519; 2003-527, a motion was made by Kay Swisher to lift the narcotics restrictions. Tara Hulseley seconded the motion. The motion carried unanimously.</p> <p>Lisa Cox Schafer recused herself from the proceedings. A quorum was still present.</p> <p>In Case # 2012-515; 2008-137, Respondent appeared before the Board to comply with the order that he/she appear before the Board six months from the date of obtaining employment. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>In Case # 2012-515; 2008-137, the respondent's report was accepted and no motion was made.</p>	<p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>NCSBN has provided the proposed 2014 NCLEX-PN Test Plan for member board feedback with a request for executive session discussion for purposes of exam security.</p> <p>A motion was made by Kay Swisher to go into executive session. Tara Hulseley seconded the motion. The motion carried unanimously. The Board asked that Nancy Murphy be present for discussion during executive session.</p> <p>A motion was made by Tara Hulseley to leave executive session. James Mallory seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>ADMINISTRATOR'S REPORT – PROPOSED 2014 NCLEX-PN TEST PLAN (EXECUTIVE SESSION)</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>Nancy Murphy stated that NCSBN would like for her to attend the new executive officer orientation.</p> <p>A motion was made by Anne Crook to allow Nancy Murphy to attend the orientation. Tara Hulseley seconded the motion. The motion carried unanimously.</p>	<p><u>ADMINISTRATOR'S REPORT – NEW EXECUTIVE OFFICER ORIENTATION</u></p> <p><u>MOTION</u></p>
<p>At its January 2013 meeting, the NPSC voted to recommend the Board approve a collaborative task force, comprised of the Pharmacy Board, the Board of Medical Examiners and the Nursing Board, to meet regarding pain management to include the use of Ketamine, Fentanyl and off-label drug use in pain management. The NPSC requested that consideration be given for Amanda Baker, Cynthia Williams and Lena Warner to participate.</p>	<p><u>ADMINISTRATOR'S REPORT – COLLABORATIVE TASK FORCE TO DISCUSS PAIN MANAGEMENT</u></p>

<p>A motion was made by Anne Crook to support the formation of a collaborative task force for pain management and off-label medications and to have Amanda Baker, Cynthia Williams and Lena Warner as their representatives. Tara Hulsey seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Anne Crook to move the Licensure item of regarding Model Rules to Friday's agenda due to the lateness of the hour. Kay Swisher seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Carol Moody to go into executive session for the purpose of receiving legal counsel to include discussion of contractual obligations arising from a contractual relationship with RPP. Karen Hazzard seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Kay Swisher to leave executive session. Carol Moody seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p>	<p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>A motion was made by Carol Moody to adjourn the meeting on January 24, 2013 at 6:30 p.m. Karen Hazzard seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION TO ADJOURN</u></p>
<p>Friday, January 25, 2013</p> <p>At the January 24, 2013 meeting, the Board voted to accept Advisory Opinion #5 as presented. However, it was brought to the Board's attention that two of the references at the end of the Advisory Opinion were outdated.</p> <p>Discussion included but was not limited to removing the references at the end of the AO, as other AOs do not include references.</p> <p>A motion was made by Carol Moody to remove the outdated references from Advisory Opinion #5. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>ADVISORY OPINION #5</u></p> <p><u>MOTION</u></p>
<p>The Board reviewed the proposed revisions made to the Nurse Licensure Compact Model Rules and Regulations as presented.</p> <p>Discussion included but was not limited to the model rules and regulation changes, applying these model changes to the Nurse Practice Act, and introducing these changes to the legislative session.</p> <p>A motion was made by Carol Moody to accept the Nurse Licensure Compact modifications as presented and to move forward in the state of South Carolina with these regulations. Amanda Baker seconded the motion. The motion carried unanimously.</p>	<p><u>COMPACT MODEL RULES UPDATE</u></p> <p><u>MOTION</u></p>
<p>The Board reviewed initial, reactivation and reinstatement licensure applications with "yes" responses to questions regarding criminal convictions, discipline in another state and discipline by employers. In addition, the Board reviewed a</p>	<p><u>HEARINGS/APPLICATIONS</u></p>

<p>licensed practical nurse (LPN) equivalency/examination application.</p> <p>An applicant for licensure as an advanced practice registered nurse (APRN) by update application appeared before the Board regarding both his/her “yes” responses to application questions regarding employer discipline, complaints and a recently-signed Consent Agreement. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Amanda Baker to approve the applicant for an APRN license. Anne Crook seconded the motion. The motion carried unanimously.</p> <p>An applicant for licensure as an LPN by examination/equivalency appeared before the Board regarding his/her LPN equivalency application. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Lisa Cox Schafer to allow the applicant to proceed with the PN licensure exam. Karen Hazzard seconded the motion. The motion carried unanimously.</p> <p>An applicant for licensure as a licensed practical nurse by endorsement appeared before the Board regarding his/her “yes” responses to questions regarding employer discipline. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Lisa Cox Schafer to go into executive session for the purpose of receiving legal counsel. Amanda Baker seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Lisa Cox Schafer to leave executive session. Kay Swisher seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Amanda Baker to approve the LPN license for endorsement contingent upon the completion of two courses – a Medication Administration and Medication Documentation course within 90 days. Carol Moody seconded the motion. The motion carried unanimously.</p> <p>In Case # 2011-102, Respondent did not appear due to inclement weather and a continuance was discussed for an appearance at the March meeting.</p>	<p style="text-align: right;"><u>MOTION</u></p>
<p>James Mallory recused himself as having previously worked with South Carolina State University (SCSU). A quorum was still present.</p> <p>At its July 26, 2012 meeting, the Board met with South Carolina State SCSU to discuss their plan for voluntarily closing their generic nursing degree program. At the July 26, 2012 meeting, the Board made the ruling to accept the proposal for voluntary closure with the following modifications to SCSU’s proposal:</p> <ul style="list-style-type: none"> • Withdraw nursing as a major degree option, effective Fall 2012, which means to cease matriculation of incoming freshmen and rising sophomores with intended major of nursing, effective Fall 2012 • For all rising juniors and seniors: <ul style="list-style-type: none"> ○ Review all previous ATI scores for nursing courses taken in the previous academic year to ensure a minimum of Level 2 	<p style="text-align: right;"><u>SOUTH CAROLINA STATE UNIVERSITY – NURSING PROGRAM STATUS UPDATE</u></p>

performance in all courses; and

- Review all academic records for these students to ensure compliance with all stated admission criteria for upper division admission.
- Following reviews, any students who have not satisfied the minimum score of 2 on the ATI and stated admission criteria for upper division shall not progress in the nursing program.

Based on these recommendations, the Board recommended that voluntary closure be moved to December 2014. The Board asked that SCSU return to the Board in September to provide an update and a written report detailing the following:

- Efforts to assist in the transfer of students
- List of names of all students who transferred to approved nursing programs
- Efforts to maintain custody and control of existing student records

On August 13, 2012, SCSU requested a follow-up meeting for the Board to discuss the impact of the academic audit of students admitted into the Upper Division in the College of Nursing.

At the August 15, 2012 meeting, the Board modified the July 26, 2012 ruling as follows:

- 1) All Upper Division students who scored below the national mean on the ATI Pharmacology exam are required to repeat the Pharmacology class in the Fall 2012 semester. These students must re-test by the end of the Fall 2012 semester and achieve the national mean or higher in order to progress in the nursing program; and
- 2) All Upper Division students who scored below Level 2 on any ATI exam, other than Pharmacology, are required to remediate through specific programs to be offered by SCSU and re-test in all deficient areas by the end of the Fall 2012 semester. Students must achieve a Level 2 on all content areas tested in order to progress in the nursing program.

All other terms set forth in the Board's July 26, 2012 ruling remain in effect.

At the September 2012 Board of Nursing meeting, Dr. Cynthia Warrick, Interim President, South Carolina State University and Stanley Harris, Interim Chair, Department of Nursing appeared before the Board to present the written report as requested in the July meeting and answer the Board's questions.

Discussion included but was not limited to the transfer and placement of freshmen and sophomore students, ATI testing, remediation courses, faculty teaching loads and student commitment.

A motion was made by Carol Moody to accept the information presented by South Carolina State University and to have the school return to the Board in January 2013 to thoroughly present their findings and progression. Anne Crook seconded the motion. The motion carried with the recusal of James Mallory.

Dr. Cynthia Warrick, Interim President and Stanley Harris, Interim Chair, Department of Nursing, South Carolina State University appeared before the Board to present a report on student ATI exam scores and to update the Board

<p>on their program/ faculty status.</p> <p>Discussion included but was not limited to the number of students SCSU allowed to progress, the national mean versus Level I pharmacology scores, not progressing those students who did not meet the pharmacology national mean score, the resignation of the obstetric faculty member, the plan for the obstetrics didactic/ clinical instruction and the assistance received from the Orangeburg-Calhoun Technical College and the Orangeburg Regional Medical Center, faculty/student ratio, the use of simulation versus clinicals, and plans for those students who progressed below the pharmacology national mean. The Board asked that SCSU update their report with the revised number of students who will progress, specific information regarding the students pharmacology ATI score in relation to the pharmacology national mean and present it at the March meeting.</p>	
<p>The Board reviewed initial, reinstatement and reactivation licensure applications with “yes” responses to questions regarding criminal convictions, discipline in another state and discipline by employers.</p> <p>An applicant for licensure as a registered nurse by endorsement appeared before the Board regarding his/her “yes” responses to questions regarding criminal convictions. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Anne Crook to allow the applicant to be endorsed in South Carolina. Kay Swisher seconded the motion. The motion carried unanimously.</p> <p>An applicant for licensure as a registered nurse by reactivation appeared before the Board regarding his/her “yes” responses to questions regarding criminal convictions and action by another Board. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Amanda Baker to go into executive session for the purpose of receiving legal counsel. Lisa Cox Schafer seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Kay Swisher to leave executive session. Amanda Baker seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Amanda Baker to deny the request for RN licensure reactivation based on South Carolina regulation 91-2 B.4 which states that a license in the new home state under pending investigation of a former home state shall be held in abeyance and other applicable time periods shall be stayed until resolution of a pending investigation. After the investigation concludes in the other state, the applicant may reapply. Karen Hazzard seconded the motion. The motion carried unanimously.</p> <p>An applicant for licensure as a licensed practical nurse by reinstatement appeared before the Board regarding the criminal background check information received by the Board and failure to report conviction(s) on previous applications. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Kay Swisher to go into executive session for the purpose of</p>	<p><u>HEARINGS/APPLICATIONS</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>

<p>receiving legal counsel. Karen Hazzard seconded the motion. The motion carried unanimously.</p> <p>A motion was made by Lisa Cox Schafer to leave executive session. Kay Swisher seconded the motion. The motion carried unanimously. No official actions were taken during executive session.</p> <p>A motion was made by Amanda Baker to grant reinstatement of the LPN license and to issue a non-disciplinary Letter of Caution for not being forthcoming on previous applications. Lisa Cox Schafer seconded the motion. The motion carried unanimously.</p> <p>An applicant for licensure as a licensed practical nurse by reinstatement appeared before the Board regarding his/her "yes" responses to questions regarding criminal convictions and failure to report these convictions on previous applications. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Lisa Cox Schafer to allow the application for reinstatement to occur. Karen Hazzard seconded the motion. The motion carried unanimously.</p> <p>An applicant for licensure as a licensed practical nurse by reinstatement appeared before the Board regarding his/her "yes" responses to questions regarding criminal convictions and failure to report on previous applications. Respondent was aware of his/her right to legal counsel and waived that right. Respondent appeared but was not represented by legal counsel.</p> <p>A motion was made by Lisa Cox Schafer to reinstate the license with a non-disciplinary Letter of Caution about not reporting on his/her previous renewal application. Anne Crook seconded the motion. The motion carried unanimously.</p>	<p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p> <p><u>MOTION</u></p>
<p>A motion was made by Kay Swisher to adjourn the meeting at 11:19 a.m. on Friday, January 25, 2013. Karen Hazzard seconded the motion. The motion carried unanimously.</p> <p>NOTE: These minutes are a brief summary of the meeting and a record of the motions and official actions taken by the Board.</p>	<p><u>MOTION TO ADJOURN</u></p>