

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

BOARD MEETING MINUTES –July 28, 2005

A regular meeting of the State Board of Nursing for South Carolina was held on July 29, 2005 in Room 108 of the Kingstree Building, 110 Centerview Dr., Columbia, South Carolina. Public meeting notice was properly posted at the Board of Nursing Offices, Kingstree Building Lobby and provided to all requesting persons, organizations, and news media in compliance with the South Carolina Freedom of Information Act. A quorum was present at all times.

PLACE OF
MEETING
AND FOIA
COMPLIANCE

Sylvia A. Whiting, Board Chair, called the meeting to order at 8:35 a.m. on Thursday, July 29, 2005. The mission of the Board was announced 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

Sylvia Whiting, RN, PhD, CS, Chair
Congressional District 1Present
Suzanne White, RN, MN, FAAN, FCCM, CNAA, Vice-Chair
Congressional District 4Absent
Brenda Martin, RNC, MN, CNAA. Secretary
Congressional District 5Absent
Carrie Houser James, RN, MSN
Congressional District 6In at 1:00 p.m.
Mattie Jenkins, LPN
Region I, Congressional District 1Present
Rose Kearney-Nunnery, RN, PhD
Congressional District 2Present
C. Lynn Lewis, RN, EdD, MHS
Congressional District 3Present
Debra Doria, LPN
Region II, Congressional District 4Absent
James Rogers, Esquire
Public MemberPresent
Public MemberVacancy

BOARD MEMBERS
PRESENT AND
VOTING

Martha Summer Bursinger, RN, MSN, Administrator
Maggie Johnson, RN, Program Nurse Consultant-Practice
Nancy Murphy, RN, MSN, Program Nurse Consultant-Education
David Christian, Program Coordinator – Licensure
Annette Disher, Program Coordinator - Licensure
Dottie Buchanan, Administrative Assistant
Judy Moore, Administrative Specialist
Sharon Dantzler, Deputy General Counsel
Rion Alvey, Assistant Deputy Director, Office of Investigations and Enforcement

STAFF MEMBERS
PRESENT FOR
CERTAIN AGENDA
ITEMS

The agenda for the July 28, 2005 Board Meeting was presented to the Board for review and approval.

APPROVAL OF
AGENDA

A motion was made to approve the July 28, 2005 Board Meeting agenda as

MOTION

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

The following items were adopted by the Board on the consent agenda:

APPROVAL OF
CONSENT
AGENDA

- C1.1 Practitioner Remediation and Enhancement Partnership (PREP)
- C1.2 CGFNS / NCSBN Letters Regarding CGFNS Exam and NCLEX
- C4.1 NLN Position Statement – Transforming Nursing Education
- C4.2 Tidewater Tech/ Beta Tech Corporate – Letter of Intent to Offer PN Program January 2007 in Columbia and Charleston
- C4.3 Clinical Nurse Leader Information from ACON
- C5.1 Summary Statistics on Advanced Practice
- C5.4 In House Legal Aspects Workshop Evaluation
- C6.1 June 9, 2005 Disciplinary Review Committee (DRC) Minutes
- C6.2 May19, 2005 Investigative Review Committee (IRC) Minutes
- C6.3 Compliance Statistics
- C6.4 Panel Member Approval – Sue Ann Derrick
- C7.1 Information: Licensure Statistics
- C7.2 Ratification: Licensure Recommendations

A motion was made to adopt the Consent Agenda with the removal of the April 21, 2005 and June 16, 2005 Nursing Practice and Standards Committee Minutes. The motion received a second. The motion carried unanimously.

MOTION

The May 2005 Board meeting minutes were deferred to the September 2005 Board meeting.

APPROVAL OF
MINUTES

Stephanie Burgess reported that the S.C. Society of Medical Assistants presented a licensure proposal to the Board of Medical Examiners. The Board of Medical Examiners seemed enthusiastic about the proposal but also advised the group that they should present it to the Board of Nursing. This draft has not been introduced to the General Assembly. This proposal has not yet been presented to the Board of Nursing. Dr. Burgess reported that professional nurses groups have not reviewed this draft. She explained that this information would be presented to the Board's Advisory Committee on Nursing (ACON) in August 2005. Dr. Burgess relayed that concerns about this possible legislation include medical assistants performing nursing duties, the proposal of medical assistants preparing and administering oral medications, and providing education to patients and families. The proposal states that the practice of medical assisting must occur under the supervision of a qualified physician, nurse practitioner or physician's assistant in multiple settings. Further discussion included concerns about the broadness of qualifications for medical assistants. Certified Medical Assistants (CMA) are being hired in more areas most likely due to the nursing shortage. Research has shown that patient outcomes are directly related to nursing care.

MEDICAL
ASSISTANT
LEGISLATION

FINAL ORDER HEARINGS

The Board reviewed cases and recommendations from the Hearing Panel. Respondents appeared before the Board to respond to questions.

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 Respondent was in violation of Section 40-33-935(a), (b), and (g) as well as Regulation 91-19(c)(3)(c) and (c)(3)(f). The Hearing

Panel recommended that Respondent's license be revoked.

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law, and recommendation that the Respondent's license be revoked. 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 Respondent was in violation of Sections 40-1-110 and 40-33-110 as well as Regulation 91-19(c)(3)(f). The Hearing Panel recommended that the Respondent's license be suspended, 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 three years and provided that the Respondent participate in the Recovering Professionals Program (RPP); Respondent's practice will be restricted to an approved employment setting with a registered nurse on-site, on-shift supervision, with no home health or agency work, and quarterly employer reports.

MOTION

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

MOTION

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

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law and Recommendation that Respondent's license be suspended, 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 three years provided that the Respondent participate in the Recovering Professionals Program (RPP); Respondent's practice will be restricted to an approved employment setting with a 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.

LICENSURE APPEARANCES

Applicants for licensure by endorsement as registered nurses appeared before the Board to respond to questions regarding reported criminal and/or disciplinary records.

APPEARANCES-
LICENSURE

A registered nurse endorsement applicant appeared before the Board with companion but without counsel to respond to questions by the Board. The application was sworn in.

A motion was made to defer action on this application until documents are received from Colorado and applicant reappears before the Board. The motion received a second. The motion carried unanimously.

MOTION

A registered nurse endorsement applicant appeared before the Board without counsel to respond to questions by the Board. The application was sworn in.

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.

A motion was made to approve applicant for licensure as a registered nurse by endorsement in the State of South Carolina. The motion received a second. The motion carried unanimously.

MOTION

A registered nurse endorsement applicant did not appear before the Board as scheduled.

A motion was made to defer action until applicant reappears before the Board. The motion received a second. The motion carried unanimously.

MOTION

PRACTICE APPEARANCES

Amanda Fortner is an Acute Care Nurse Practitioner (ACNP) with a radiology practice for more than three years and performs image-guided procedures. As an ACNP, she is unable to perform procedures requiring fluoroscopic guidance such as lumbar punctures, central line placements or percutaneous biopsies, which limits her services. Ms. Fortner is requesting that the Board approve an extended protocol to include fluoroscopy. This is not a blanket request. There are not many nurse practitioners working with radiologists. The South Carolina Department of Health and Environmental Control (DHEC) regulations are open to interpretation. Currently, physician's assistants can request and obtain exemptions from the Board of Medical Examiners and then from DHEC. In discussion, there was concern that an exemption such as this would lead to expansions in other areas. It was explained that this is not a "blanket" request and is specific to Ms. Fortner.

PROTOCOLS
APPROVAL

The Board of Nursing does not approve protocols. Currently, the law states that nurse practitioners may perform delegated medical acts.

REPORTS - APPEARANCES

Frank Sheheen, Director of the Recovering Professionals Program (RPP) appeared before the Board to provide an update. The RPP is now under Lexington Richland Alcohol & Drug Abuse Council (LRADAC). LRADAC provides administrative assistance only and has no program input. Tia Cooper is a new case manager who will be covering the area covered by Mr. Sheheen prior to becoming director. Mr. Sheheen will retain 20-25 of the more difficult cases.

RECOVERING
PROFESSIONALS
PROGRAM

Data transfer has made reporting and billing easier. RPP is still working with nurses to find financial assistance for drug screening and participant fees. The biggest cost for participants is the drug testing. RPP is now accepting drug screens from other programs such as Pre-Trial Intervention (PTI). They are looking at other ways at lower costs to screen such as saliva testing, which is less invasive and does not require male watching male or female watching female while collecting for screening.

The Recovering Program Assistance System (RPAS) is not part of RPP. This group accepts donations to assist with costs for evaluations, testing, refresher courses, Legal Aspects Workshops, etc. RPP Participants pay back the loan with no interest. RPAS requires payback to keep the fund going and available for others. Donations are tax deductible.

Alternate testing and RPAS assist with noncompliance. Most noncompliance seems to occur in the area of the work needed to complete order requirement such

as meetings, classes, etc. Finances can be a burden but they working with them on finances. The Board now offering a Legal Aspects Workshop once a month at the Board offices free of charge.

Mr. Sheheen reported that the RPP has a contract with the University of South Carolina to provide research and to develop an outcome study on the RPP. The RPP has been in existence for 5 years, which should provide enough data to see how the program is doing.

ADMINISTRATOR'S REPORT

Martha Bursinger, Board Administrator reported that she had received a letter from Laura Poe of the Nurse Licensure Compact Administrators (NCLA) regarding accepting South Carolina into the Nurse Licensure Compact. Although legislation has passed in our state, the NLCA must approve the legislation for acceptance. The NLCA has concerns regarding the language requiring reporting of employment, education and workforce data. Ms. Bursinger stated that the National Council of State Boards of Nursing (NCSBN) was sent updates on the legislation as it went through the process.

COMPACT
UPDATE

Board of Nursing staff has met several times regarding implementation of the Compact in our state. The required letter for South Carolina nurses with out of state addresses is ready to send. An article has been written for the newsletter. Other implementation tasks have also been planned.

It was asked if regulations could be developed that would address the NLCA concerns. Regulations cannot change mandatory charges of the statute. Generally, regulations are used to further clarify broad areas of statute. The statute would have to be changed.

A letter will be sent to the NCLA regarding their concerns. If the letter is not accepted, changes to the law will need to be drafted for the upcoming session.

Ms. Bursinger reported that Senator Harvey S. Peeler, Jr. has agreed to be a sponsor the Nurse Practice Act "housekeeping" bill, which was approved by the Board at their November 2004 Board Meeting.

LEGISLATION

Ms. Murphy reported that the Advisory Committee on Nursing (ACON) Education Regulation Revision Task Force has worked hard on the rewrite of regulations related to nursing education program. A draft has been provided to the Richard Wilson, LLR Deputy General Counsel, and Ruby McClain, Assistant Deputy Director, Office of Health and Medically Related Boards. The task force hopes to provide the draft to ACON at the August 30, 2005 meeting. The Board commended the task force for their hard work on this project.

Ms. Bursinger reported on a web site that may confuse customers. A corporation owns the web site. The site advertises various products such as continuing education. There is nothing that we can do about this web site but should be careful. The information on all Department of Labor, Licensing and Regulation (LLR) is standardized. We hope to add information on the Practitioner Remediation and Enhancement Partnership (PREP) to the Board's official web site soon.

WEB SITE ALERT

PRESIDENT'S REPORT

Dr. Sylvia Whiting asked that those attending the National Council of State Boards

DELEGATE

of Nursing 2005 Annual Delegate Assembly to coordinate so that all concurrent meetings will be attended and reported on at the September Board Meeting.

ASSEMBLY

The Board received a letter from Alice F. Wyatt, President of the S.C. Nurses Association (SCNA) regarding their 100th Anniversary to be celebrated in 2007. The Centennial Committee has been formed and SCNA would like representation from the Board on that committee. There are many options to consider on this project such as speakers, continuing education offerings, history of nursing in South Carolina, etc. Dr. Whiting asked Board Members to contact her if they interested in volunteering on this project.

SCNA 100TH
ANNIVERSARY

EDUCATION

Bob Jones University Division of Nursing Chair, Kathleen M. Crispin, RN, EdD appeared before the Board to report on their preceptored learning experience project. Dr. Crispin and her staff provided very detailed information on the experimental project. The feedback from faculty, students, preceptors and facilities was favorable. In January 2005, the Board granted a trial exception for preceptor regulations for Bob Jones University to allow junior level nursing students to do preceptored clinical experiences during their pediatric clinical rotations, which occur during the spring semester. Junior level nursing students at Bob Jones University have three full years of clinical experience because they start their clinicals at the sophomore level and have already completed the fundamentals course as well as three semesters of medical-surgical nursing for one semester. They asked that Bob Jones University provide a report at the end of that semester.

APPEARANCE
BOB JONES
UNIVERSITY

A motion was made to allow Bob Jones University to have junior level student in a preceptorship in their 4th semester clinicals with continued appropriate documentation and an annual summary each July. The motion received a second. The motion carried unanimously.

MOTION

Midlands Technical College Nursing Department Chair, Janet H. Ancone, MSN, RN appeared before the Board to request approval to hire adjunct faculty member Susan Poe who holds a baccalaureate degree in nursing and a masters degree in health care management. Ms. Poe has is willing to return to school to obtain her masters degree in nursing. If approved, the college would require her to take at least three courses a year and receive a "B" on all course work. She would carry a full-time faculty load. Her responsibilities would include clinical as well as some classroom teaching. She would be paired with a mentor and would not be responsible for coordinating the course. Ms. Ancone explained that they have interviewed for four positions. Several people have turned down the position based on the salary. The Advisory Committee on Nursing (ACON) has reviewed this request and recommends Board approval based on the requirements outlined in Ms. Ancone's letter.

APPEARANCE
MIDLANDS
TECHNICAL
COLLEGE

A motion was made to accept Advisory Committee on Nursing (ACON) recommendation to approve Susan Poe based on the conditions stated in the request. The motion received a second. The motion carried unanimously.

MOTION

Greenville Technical College Dean of Health Sciences/Nursing Division Gayle Heller appeared before the Board to discuss their recent National League for Nursing Accrediting Commission (NLNAC) accreditation visit for their associate degree and practical nursing programs. NLNAC approved both programs with the condition that the associate degree program submit a focused report in two year and the practical nursing program submit a focused report in 18 months.

APPEARANCE
GREENVILLE
TECHNICAL
COLLEGE

With Board approval, Greenville Technical College has hired bachelor's degree in nursing (BSN) prepared nurses to serve as full time faculty. There are a total of six BSN who have a plan of study on file. The majority of this group will have completed their master's degree in nursing (MSN) by May 2006. One will complete in May 2007. The NLNAC cited Greenville Technical College for not having all MSN faculty.

Due to new admission criteria and the modular process, the retention rate increased from approximately 60% to 80%. At the time the self-study was written there were six vacant full time faculty positions. Since that time, they have hired five additional full time faculty, which brought them into compliance with the 30/70 teaching assistants to full time faculty ratio. This summer they maintained a 25% percentage of teaching assistants. Greenville Technical College is currently looking for funding to send some part time faculty back to school.

A motion was made to require Greenville Technical College to maintain the ratio as they have for the summer for the fall semester and future semesters. The motion received a second. The motion carried unanimously.

MOTION

At the March 2005, the Board granted initial approval for the Aiken Technical College Associate Degree Nursing (ADN) Program. Three faculty members resigned effective July 31, 2005. These positions have been filled and there are plans to hire two more master's in nursing (MSN) instructors. Jody Madden, MSN is the interim department chair. Dr. Julia Ball has been contracted to serve as a mentor for the new department chair. A bachelor's in nursing (BSN) prepared skills lab instructor has been hired on a temporary basis for 30 hours a week. They are trying to bring new staff on board at least one semester before they are needed. New faculty will visit Midlands Technical College to observe their ADN operations and to exchange ideas. The administrative support position has been filled. Aiken Technical College will admit their first ADN class in fall 2005. This class has been limited to 32 students due to recent personnel changes but plans are to return to 45 students in January 2006. The first class will take four courses in the first semester. Accredited faculty in the biology and psychology departments will teach those courses. The two nursing courses will be taught by MSN faculty. The Board asked that an interim report be provided at the November Board Meeting.

APPEARANCE
AIKEN TECHNICAL
COLLEGE

Dr. Whiting and Carrie House James recused themselves because they work at South Carolina State University. There was not a quorum therefore no official decisions or actions were taken.

APPEARANCE
SC STATE
UNIVERSITY

Dr. Gwendolyn D. Wilson, Chair of Health Sciences for South Carolina State University (SCSU) and Angela K. Woods, SCSU College of Nursing Faculty appeared before the Board to discuss changes to the initial program. Dr. Wilson reported that Dr. Barbara Westphal is no longer the director of the nursing program at SCSU. Discussion included but was not limited to changes made to the program, National Council Licensure Examination (NCLEX) passing rates, analysis of SCSU examinations, changes in test types, feed back from students, etc.

The Board of Nursing accepted a letter of intent from Williamsburg Technical College on its July 2002 consent agenda. The notice of intent to establish a practical nursing program was listed as Spring 2004. Regulation 91-24 requires that an institution seeking to establish a nursing education program submit a letter of intent eighteen months in advance of the expected opening date. Williamsburg Technical College has requested an extension and is seeking to establish a

APPEARANCE
WILLIAMSBURG
TECHNICAL
COLLEGE

practical nursing program in fall 2006. Williamsburg Technical College Dean of Instruction Mr. Clifton Elliott appeared before the Board to answer questions. Mr. Elliott explained that he was deployed to Iraq November 2003. The Board thanked Mr. Elliott for his service.

A motion was made that due to extenuating circumstances Williamsburg Technical College be allowed to move forward with their intent to establish a practical nursing program as presented in 2002. The motion received a second. The motion carried unanimously.

MOTION

Ms. Murphy presented information on the approved nursing education programs section of the Board's web site. The section says that they are approved programs; however, registered nurse to baccalaureate and master's degree programs are listed. The Board does not have jurisdiction over programs other than those leading to licensure. Accreditations are also listed but the question has arisen as to whether the status of the accreditation should be listed. Should it be noted on the web site when a school receives other than continuing accreditation status such as accreditation with conditions, with warning, etc.? Most states do not list accreditations.

WEB SITE DESIGN
FOR PROGRAM
LISTINGS

The Board considers the accreditation when it grants approval the school. It was discussed that the accreditation should be listed but with a hyperlink to the accrediting agency for the status of the accreditation. It was noted that not all accrediting agencies list the same information. Schools have wanted to make public aware of registered nurse to baccalaureate and graduate programs in our state. We must be sure that that the site is updated.

PRACTICE

Ms. Johnson provided the Board with copies of the School Nurse Advisory Opinions for Select Nursing Tasks and for Emergency. The Board commended the committee on their hard work on this project. The Board discussed the advisory opinions. Concern was expressed for the word "supervision" used throughout the document.

SCHOOL NURSE
ADVISORY
OPINIONS

A motion was made to approve, with a report in June 2006 with a full report in summer 2007, the School Nurse Advisory Opinions for Select Nursing Tasks changing the word "supervision" to "evaluation" and changing "principal or designee" to "principal/administrator". The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve, with a report in June 2006 with a full report in summer 2007, School Nurse Advisory Opinions for Emergency changing the word "supervision" to "evaluation" and changing "principal or designee" to "principal/administrator". The motion received a second. The motion carried unanimously.

MOTION

The Nursing Practice and Standards Committee has reviewed all advisory opinions and recommends that the obsolete advisories be removed and the remaining advisories be renumbered. Ms. Johnson provided the Board for their review a set of advisory opinions with the recommended changes made.

REVIEW OF
ADVISORY
OPINIONS

A motion was made to approve the renumbering and changes to the advisory opinions as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to adjourn the meeting at 3:30 p.m. on July 28, 2005. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,
Dottie Buchanan, Administrative Assistant