

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

BOARD MEETING MINUTES – NOVEMBER 20, 2003

A regular meeting of the State Board of Nursing for South Carolina was held on November 20, 2003 in Room 108 of the Kingtree Building, 110 Centerview Drive, Columbia, South Carolina. Public notice of this meeting was properly posted at the Board of Nursing Offices, Kingtree Building, in the Lobby and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. A quorum was present at all times.

**PLACE OF
MEETING
AND FOIA
COMPLIANCE**

Dr. Rose Kearney-Nunnery, Board President, called the meeting to order at 8:30 a.m. on Thursday, November 20, 2003. 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**

Rose Kearney Nunnery, RN, PhD, President (Cong. District 2)	Present
Sylvia A. Whiting, RN, PhD, CS, Vice-President (Cong. District 1)	Present
Suzanne K. White, RN, MN, FAAN, FCCM, CNAA, Secretary (Cong. District 4)	Present
Mattie Smalls Jenkins, LPN (Region I)	Present
Brenda Y. Martin, RNC, MN, CNAA (Cong. District 5)	Present
Debra J. Newton, LPN (Region II)	Present
James P. Rogers, Esquire (Public Member)	Excused Absence
Keith A. Torgersen, RN, MSN, CRNA (Cong. District 6)	(Out at 2:30 p.m.) Present

**BOARD
MEMBERS
PRESENT AND
VOTING**

Martha Summer Bursinger, RN, MSN, Administrator
David Christian, III, Program Coordinator - Licensing
Maggie Johnson, RN, MSN, Program Nurse Consultant - Practice
Nancy Murphy, RN, MSN, Program Nurse Consultant - Education
Richard P. Wilson, Deputy General Counsel
Pamela Holmes, Administrative Specialist
Janet Scheper, Program Assistant - Licensing
Dottie Buchanan, Administrative Assistant

**BOARD AND
LLR STAFF
MEMBERS
PRESENT FOR
CERTAIN
AGENDA
ITEMS**

The agenda for the November 20, 2003 Board of Nursing for South Carolina meeting was presented for Board review and approval.

**APPROVAL OF
AGENDA**

A motion was made to approve the agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The following items were presented on the consent agenda:

**APPROVAL OF
CONSENT
AGENDA**

- 2.3a Info: National Council of State Boards of Nursing Compact Update
- 2.3b Info: National Council of State Boards of Nursing 2003 Delegate Assembly Minutes
- 5.1 Approval: October 9, 2003 Disciplinary Review Committee (DRC) Minutes
- 5.2 Review: October 2, 2003 Investigative Review Committee (IRC) Minutes
- 5.3 Info: Unlicensed Practice (Not Appearing)

- 5.4 Info: Compliance Statistics
- 5.6 Approval: Panel Member – Richard T. Beaudoin, RN, BSN, MPS
- 6.1 Info: Licensure Statistics
- 6.2 Ratification: Licensure Recommendations
- 6.3 Info: Licensure Announcements
- 7.1 Info: Summary Statistics on Advanced Practice
- 7.2 Approval: August 21, 2003 Nursing Practice & Standards Committee Meeting Minutes
- 7.3 Approval: October 16, 2003 Nursing Practice & Standards Committee Meeting Minutes
- 7.4 Approval: November 7, 2003 Advanced Practice Committee Meeting Minutes
- 7.6 Nursing Practice & Standards Committee Meeting Membership Recommendations
- 8.1a Info: NCLEX Summary Statistics for July 1–Sept. 30, 2003 NCLEX RN Summary Statistics
- 8.1b Info: NCLEX Summary Statistics for July 1–Sept. 30, 2003 NCLEX PN Summary Statistics
- 8.2a Info: Response to Citation-NCLEX Passing Rate Deficiency-Aiken Tech PN Program
- 8.2b Info: Response to Citation-NCLEX Passing Rate Deficiency-Northeastern Tech PN Program
- 8.2c Info: Response to Citation for NCLEX Passing Rate Deficiency USC Aiken ADN Program

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

MOTION

The minutes of the September 25-26, 2003 Board Meeting and October 23, 2003 Conference Call Board Meeting were presented to the Board for review and approval.

APPROVAL OF MINUTES

A motion was made to approve the September 25-26, 2003 Board Meeting minutes with minor editorial changes. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the October 23, 2003 Board Meeting minutes as presented. The motion received a second. The motion carried unanimously.

MOTION

ADMINISTRATOR'S REPORT

Virginia Robertson of Publishing Concepts, Inc. joined the Board by conference call to discuss their newsletter. Publishing Concepts, Inc. prints newsletters in a magazine format for the boards of nursing in Ohio, Arkansas, North and South Dakota, Nevada, the District of Columbia and several other states. The newsletter is printed at no cost to the boards. Selling advertising in the magazine makes up the costs. Ms. Robertson explained that there are a set number of pages that the boards of nursing provide for each issue. If there is not enough information from the boards to fill that space, the publisher has “filler” articles on nursing subjects that can be used. The boards approve these articles in advance. There was discussion as to whether the Board should use this magazine newsletter in place of the newsletter currently published in the SC Nurse or to publish the information in both publications. The Board asked to see samples of the newsletter and will discuss this matter at the January 2004 meeting.

NEWSLETTER

Elizabeth Powers with the South Carolina Hospital Association appeared before the Board to answer questions about the National Council of State Boards of Nursing Multi-State Nurse Licensure Compact (Compact) bill introduced during the last legislative session. There are still some concerns about the possible \$500,000 loss of revenue biennially. Registration of Compact nurses needs to be added to the bill. Forms and possible fees for this registration need to be addressed. The Board endorses the concept of the Compact but is still concerned about patient safety and implementation processes such as reporting discipline.

COMPACT LEGISLATION

PRESIDENT'S REPORT

At the September 25, 2003 Board Meeting, President Rose Kearney-Nunnery appointed Board Members Keith A. Torgersen and Debra J. Newton to serve on the 2004 Nominating Committee. The Committee presented the following slate of 2004 officers for consideration and vote by the Board: Sylvia A. Whiting, RN, -President, Suzanne K. White, RN, -Vice President and Brenda Y. Martin, RN, -Secretary

**ELECTION OF
2004 BOARD OF
NURSING
OFFICERS**

A motion was made to closed nominations. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to accept the slate of officers presented by the Nominating Committee. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to elect Sylvia A. Whiting, RN as Board President, Suzanne K. White, RN as Board Vice-President and Brenda Y. Martin, RN as Board Secretary for a one-year term to begin January 2004. The motion received a second. The motion carried unanimously.

MOTION

The Board discussed committee and task force assignments for 2004. The School Health and Unlicensed Assistive Personnel Task Forces will work together on common issues. The Collaboration Committee and Nurse Practice Act Task Force will work together. Board Members and Board staff were assigned to committees as follows.

**2004
COMMITTEES**

<u>Committee/Task Force</u>	<u>Board Member / Staff Member</u>
Advanced Practice Committee (APC)	Suzanne White / Maggie Johnson
Advisory Committee on Nursing (ACON)	Sylvia Whiting / Martha Bursinger
Legislative Committee	James Rogers* / Martha Bursinger
Nursing Practice and Standards Committee (NPSC)	Brenda Martin / Maggie Johnson
Recovering Professionals Program (RPP)	Sylvia Whiting / Martha Bursinger, Donald Hayden
School Health Task Force / UAP Task Force	Debra Newton, Mattie Jenkins, Rose Kearney-Nunnery / Martha Bursinger
Nurse Practice Act Task Force/ Collaboration Committee ..	Brenda Martin, James Rogers* /Martha Bursinger, Richard Wilson

*Pending acceptance by Mr. Rogers.

The Disciplinary Review Committee (DRC), Investigative Review Committee (IRC) and Hearing Panels use selected members approved by the Board.

As Governor Sanford appoints new board members, the Board will review and revise committee assignments as needed. Ms. McClain reported that a team from the Department of Labor, Licensing and Regulation (LLR) met with Governor Sanford's staff to review the vacancies on all boards and commissions. The Governor's staff reported that they had completed appointments to the technical college boards and are now working on appointments to licensing boards. The governor's staff for board appointments changed after that meeting. LLR staff is following up with the new staff on the appointments.

Board members were provided with a copy of the Institute of Medicine of the National Academies press release entitled, "Substantial Changes Required in Nurses' Work Environment To Protect Patients From Health Care Errors." A copy of the full text of the report is available on the Institute of Medicine web site.

IOM REPORT

REPORTS/UPDATES

Board of Pharmacy

On behalf of her board, Lee Ann Bundrick, R.Ph, Administrator of the Board of Pharmacy appeared before the Board of Nursing to express the concerns and suggestions regarding the revised Nurse Practice Act.

**NURSE
PRACTICE ACT
REVISION**

A motion was made to reorder the agenda and allow the Board of Pharmacy Administrator, Lee Ann Bundrick, to express the concerns of her board and then to further discuss the draft nurse practice act as originally scheduled. The motion received a second. The motion carried unanimously.

MOTION

Ms. Bundrick stated that the Board of Pharmacy had no objection to expanded prescriptive authority for advanced practice registered nurses (APRN) with the provision for additional education. The Board of Pharmacy would like to see more than two of the fifteen hours of education in legal requirements specific to controlled substances. They feels random audits should be performed at least biennially. Mr. Wilson explained that the revision allows the board to perform audits biennially or more frequently if deemed necessary.

Adrienne Riggins Youmans, Director of the South Carolina Department of Labor, Licensing and Regulation (LLR) suggested that the requirement for a DEA number be added to Section 40-33-34(f)(4) and that "or as otherwise provided" be added to Section 40-33-38(A) regarding biennial renewal. APRNs will need to apply for Drug Enforcement Agency (DEA) numbers. There is concern about enforcement during the transition period. The Board agreed with these changes. The draft Nurse Practice Act bill with these approved changes will be presented to Ms. Youmans for final approval.

Ms. Bursinger reported that she and LLR Communications and Governmental Affairs staff have met with various legislators regarding sponsorship of the bill. Senator Harvey Peeler will be asked to be the primary sponsor. After Ms. Youmans has given her final approval, the draft bill will be provided to and discussed with potential sponsors.

**NURSE
PRACTICE ACT
SPONSORSHIP
UPDATE**

EDUCATION

Spartanburg Technical College

Spartanburg Technical College Practical Nursing Program has been cited for three National Council Licensing Examination (NCLEX) passing rate deficiencies in the previous five-year period (1999, 2000 and 2002). Per Board policy, Rita Melton, DMD, BSN, RN, Dean appeared before the Board to discuss school plans for correcting identified problems. She recently became the dean of this program. Dr. Melton reviewed changes to improve their passing rate as addressed in her letter to the Board. (See attached)

**NCLEX
PASSING RATE
DEFICIENCY
APPEARANCES**

A motion was made to recommend development of a plan to strengthen preadmission requirements including a specific grade point average; increase faculty development activities, obtain an outside

MOTION

consultant to assist in developing test plans and NCLEX test preparation and also for Spartanburg Technical College to present their new ADN curriculum planned to open August 2003 at the January 2004 Board Meeting. The motion received a second. The motion carried unanimously.

Piedmont Technical College

Piedmont Technical College Associate Degree and Practical Nursing Programs have both been cited for NCLEX passing rate deficiencies in 2002. Per Board policy, Rebecca B. King, MSN, RN, Director of Nursing Education and Bennie R. Dietrichsen, RN, Practical Nurse Program Coordinator appeared before the Board to discuss school plans for correcting identified problems. Piedmont Technical College is now offering their Practical Nursing Program at satellite campus locations in Newberry and Laurens.

A motion was made to recommend that both the Piedmont Technical College Associate Degree and Practical Nursing Programs look at the following areas raise their outcome: 1) raising the grade point average (GPA) from 2.0 to 2.5, 2) raising admission criteria; 3) looking at remediation and readiness to include requiring remediation for unsuccessful students at mid-term to improve their outcomes; 4) obtaining an outside consultant to assist with looking at outcomes including NCLEX, test plans, and requirements; 5) including faculty development activity as part of this process; and 6) considering medication competencies beyond the pharmacology course and throughout the curriculum. The motion received a second. The motion carried unanimously.

MOTION

Curriculum Change and Course Number Change

Rebecca B. King, MSN, RN, Director of Nursing Education and Bennie R. Dietrichsen, RN, Practical Nurse Program Coordinator appeared before the Board. In March 2003, the Board approved the expansion of the Piedmont Technical College Practical Nurse program to an alternate site in Laurens County and a curriculum change from 51 to 47 credits. They reported that the State Board for Technical and Comprehensive Education notified them that their newly approved course numbers have been dropped from the State CAC.

**PIEDMONT
TECHNICAL
COLLEGE
CURRICULUM
CHANGE**

A motion was made to approve the new numbering system and previously approved curriculum. The motion received a second. The motion carried unanimously.

MOTION

Enrollment Increase

Rebecca King, MSN, RN, Director of Nursing Education submitted a request to increase their associate degree nursing (ADN) program enrollment by adding a third class of 35 students beginning in January 2004. Self Regional Healthcare has proposed a partnership to finance an additional class and salaries of two to three additional master's degree prepared faculty. The new class would adhere to the same curriculum and guidelines as the current ADN program.

A motion was made to not allow enrolling an additional 35 students due to current deficiencies and recommend delay seeking additional resources, faculty and increase faculty development. The motion received a second. The motion carried unanimously.

MOTION

REGULATORY COMPLIANCE

The Board reviewed findings of fact, conclusions of law, and recommendations included in reports from the Hearing Panel. Respondents appeared before the Board to respond to questions.

**CERTIFIED
PANEL
REPORTS**

5.5a Respondent although properly notified did not appear to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent was in

violation of Section 40-33-935 (b) and (g) and Regulation 91-19(c)(3)(b). The Hearing Panel recommended Respondent's license be revoked.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law, but to place Respondent's license on indefinite suspension. The motion received a second. The motion carried unanimously.

MOTION

5.5b Respondent was properly notified and appeared without counsel to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent violated Section 40-33-945(g). The Hearing Panel recommended that prior to reinstatement of Respondent's lapsed license that Respondent be required to undergo an evaluation by the Recovering Professionals Program (RPP); that prior to reinstatement Respondent be required to complete a medication administration course; that upon reinstatement Respondent's license be placed on a two year probationary status requiring registered nurse on-site, on-shift supervision, in an approved employment setting with no home health or agency work, and quarterly employer reports.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law; and Recommendation that Respondent be required to undergo an evaluation by the Recovering Professionals Program (RPP); prior to reinstatement Respondent be required to undergo an evaluation by the Recovering Professionals Program (RPP); that prior to reinstatement Respondent be required to complete a medication administration course; that upon reinstatement Respondent's license be placed on a two year probationary status requiring registered nurse on-site, on-shift supervision, in an approved employment setting with no home health or agency work, and quarterly employer reports. The motion received a second. The motion carried unanimously.

MOTION

5.5c Respondent was properly notified and appeared without counsel to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found Respondent violated Section 40-33-935(g) and Regulation 91-19-(c)(3)(g). The Hearing Panel recommended that Respondent enroll in the Recovering Professionals Program (RPP) as an active participant and that Respondent's license be suspended for one year with an immediate stay if the RPP evaluation shows that Respondent is not a threat or danger to the public.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law; and Recommendation that Respondent enroll in the Recovering Professionals Program (RPP) as an active participant and that Respondent's license be suspended for a period of one year with an immediate stay if the RPP evaluation shows that Respondent is not a threat or danger to the public. The motion received a second. The motion carried unanimously.

MOTION

5.5d Respondent was properly notified and requested a continuance until the January 2004 meeting.

A motion was made to grant a continuance until the January 2004 meeting in this case. The motion received a second. The motion carried unanimously.

MOTION

5.5e Respondent was properly notified and appeared without counsel to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found Respondent violated Section 40-33-935(g) and Regulation 91-19-(c)(3). The Hearing Panel recommended that Respondent be issued a Public Reprimand, attend an anger management course and attend a legal aspects workshop within six months of the Board's Final Order.

A motion was made to accept the Hearing Panel's Findings of Fact, Conclusions of Law; and Recommendation that Respondent be issued a Public Reprimand, attend an anger management course and attend a legal aspects workshop. The motion received a second. The motion carried unanimously.

MOTION

LICENSING

The National Council of State Board of Nursing (NCSBN) Board of Directors approved an NCSBN Examination Committee recommendation to reduce the minimum number of interval days between repeating the National Council Licensing Examination (NCLEX) administrations from 90-days to 45-days. This change was part of the original plan when moving to computerized NCLEX administration. This change will allow candidates to test up to eight times a year but no more than once in a 45-day period, unless limited by that Board of Nursing. Mr. Christian provided the Board with a survey from NCSBN asking if South Carolina would adopt this policy. Implementation is expected in January 2004.

**APPROVAL OF
TESTING
FREQUENCY
CHANGE**

A motion was made to approve the drafting of an emergency regulation to reduce the minimum number of interval days between repeating the National Council Licensing Examination (NCLEX) administrations from 90-days to 45-days. The motion received a second. The motion carried unanimously.

MOTION

A licensure endorsement applicant with convictions and/or prior disciplinary action appeared before the Board according to policy.

**SPECIAL
APPEARANCES**

6.5a – Registered Nurse Endorsement Applicant. Applicant was properly notified and appeared without counsel to respond to questions from the Board.

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

MOTION

PRACTICE

The Nursing Practice and Standards Committee (NPSC) reviewed the following advisory opinions and made recommendations:

**NEW/REVISED
ADVISORY
OPINIONS**

Advisory Opinion #24

Is it within the role and scope of responsibilities of the registered nurse (RN) to determine if a patient is in labor, and if not, to discharge the patient home, without consulting a physician?

Recommendation: Reviewed - No Change

Advisory Opinion #41

Is it within the role and scope of responsibilities of the registered nurse (RN) to perform needle decompression for tension pneumothorax?

Recommendation: Reviewed - No Change

Advisory Opinion #42

Is it within the role and scope of responsibilities of the registered nurse (RN) to perform certain cosmetic procedures?

Recommendation: Reviewed - No Change

Advisory Opinion #5

What is within the role and scope of responsibilities of the registered nurse (RN) in the administration of epidural, intrathecal or peripheral nerve therapies?

This opinion was reviewed by the Board at the September 2003 meeting and sent back to the NPSC for revision relating to checks and balances by another licensed nurse. Revisions were made to include verification by a second registered nurse.

Recommendation: Approve As Revised

A motion was made to approve Advisory Opinion #5 as revised to include verification by a second registered nurse. The motion received a second. The motion carried unanimously.

MOTION

Chart on Central Nervous System

This chart was reviewed by the Board at the September 2003 meeting and sent back to the NPSC for clarification. Cautionary language and references are listed on the chart for clarification.

Recommendation: Approve As Revised

A motion was made to approve the Central Nervous System Chart as revised adding cautionary language and references for clarification. The motion received a second. The motion carried unanimously.

MOTION

Chart on Cardiovascular System

This chart was reviewed by the Board at the September 2003 meeting and sent back to the NPSC for clarification. Cautionary language and references are listed on the chart for clarification.

Recommendation: Approve As Revised

A motion was made to approve the Cardiovascular System Chart as revised adding cautionary language and references for clarification. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to adjourn the meeting at 2:50 p.m. on November 20, 2003. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,
Dottie Buchanan, Administrative Assistant