

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

BOARD MEETING MINUTES – November 18, 2004

A meeting of the S.C. Board of Nursing was held on November 18, 2004 in Room 108, Kingstree Building, 110 Centerview Dr., Columbia, S.C. Public meeting notice was properly posted at the Board Offices 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 Whiting, Board President, called the meeting to order at 8:30 a.m. on Thursday, November 18, 2004. 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, President
Congressional District 1.....*Present*
- Suzanne White, RN, MN, FAAN, FCCM, CNAA, Vice-President
Congressional District 4.....*Present*
- Brenda Martin, RNC, MN, CNAA. Secretary
Congressional District 5.....*Present*
- Carrie Houser James, RN, MSN
Congressional District 6.....*Present*
- Mattie Jenkins, LPN
Region I, Congressional Dist. 1.....*Present*
- Rose Kearney-Nunnery, RN, PhD
Congressional District 2.....*Present*
- C. Lynn Lewis, RN, EdD, MHS
Congressional District 3.....*Present*
- Debra Doria, LPN
Region II, Congressional District 4.....*Present*
- James Rogers, Esquire
Public Member.....*Absent*

**BOARD
MEMBERS
PRESENT AND
VOTING**

- Martha Summer Bursinger, RN, MSN, Administrator
- Maggie Johnson, RN, MSN, Program Nurse Consultant-Practice
- Nancy Murphy, RN, MSN, Program Nurse Consultant-Education
- David Christian, Program Coordinator – Licensing
- Ruby B. McClain, Asst. Deputy Director-Health & Medically Related Professions
- Richard P. Wilson, Deputy General Counsel
- Henry B. Morgan, Chief of Investigations, Office of Investigations & Enforcement
- Dottie Buchanan, Administrative Assistant

**STAFF MEMBERS
PRESENT FOR
CERTAIN
AGENDA
ITEMS**

The agenda for the November 18, 2004 Board Meeting was presented to the Board for review and approval.

**APPROVAL OF
AGENDA**

A motion was made to approve the November 18, 2004 Board Meeting agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The following items were adopted on the consent agenda:

**APPROVAL OF
CONSENT
AGENDA**

- C1.1 Oklahoma Medication Aides
- C1.2 Iowa Health Workforce Projections 2002-2012
- C4.1 NCLEX RN/PN - Summary Statistics for July 1 through September 30, 2004
- C4.2 USC Aiken- Associate Degree Nursing Program Closing
- C4.3 Cherokee Technology Ctr School of Practical Nursing –Program Status
- C5.1 Summary Statistics on Advanced Practice
- C5.2 Advanced Practice Committee Meeting Minutes
- C5.3 August 19, 2004 Nursing Practice and Standards Committee Minutes
- C5.4 Denial of 45-Mile Waiver from Board of Medical Examiners
- C6.1 October 7, 2004 Disciplinary Review Committee (DRC) Minutes
- C6.2 September 20, 2004 Investigative Review Committee (IRC) Minutes
- C6.3 Unlicensed Practice (Not Appearing)
- C6.4 Compliance Statistics
- C6.5 Panel Member Approval
- C7.1 Information: Licensure Statistics
- C7.2 Ratification: Licensure Recommendations

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

MOTION

Henry B. Morgan, Chief of Investigations, Office of Investigations and Enforcement, Division of General Counsel, explained that some complaints have been entered as coming from an individual instead of a facility. This entry process will be corrected and reflected on future reports.

The minutes of the September 23-24, 2004 Board Meeting were presented to the Board for review and approval.

**APPROVAL OF
MINUTES**

A motion was made to approve the September 23-24, 2004 Board Meeting minutes with amendments. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed cases and recommendations from the disciplinary hearing panels.

**CERTIFIED
PANEL REPORTS**

(B) Respondent was properly notified; however, did not appear before the Board. In their Findings of Fact and Conclusions of Law, the Hearing Panel found that Respondent was in violation of Sections 40-33-935 and 40-1-110(f). The Hearing Panel made no recommendation regarding a sanction but recommended that Respondent be required to undergo a psychosexual evaluation with a program approved by the Board and to suspend Respondent's license until the Board receives the results of the evaluation and to require Respondent to appear before the Board to determine the appropriate sanction.

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law, and Recommendation to suspend Respondent's license and to require Respondent to appear before the Board. The motion received a second. The motion carried unanimously.

MOTION

(C) Respondent was properly notified; however, did not appear before 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 (g). The Hearing Panel recommended that Respondent's

license be suspended indefinitely, that the suspension may be stayed and the license reinstated provided that prior to reinstatement Respondent be required to re-enroll with the Recovering Professionals program (RPP), that the RPP provide the Board with a letter clearing Respondent to return to practice, that upon reinstatement Respondent be required to strictly adhere to the terms of the September 2003 order and that any violation of the terms of the order or violation of the agreement with RPP could result in an immediate temporary suspension of Respondent's license.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law, and Recommendation that Respondent's license be suspended indefinitely, that the suspension may be stayed and the license reinstated provided that prior to reinstatement Respondent be required to re-enroll with the Recovering Professionals program (RPP), that the RPP provide the Board with a letter clearing Respondent to return to practice, that upon reinstatement Respondent be required to strictly adhere to the terms of the September 2003 order and that any violation of the terms of the order or violation of the agreement with RPP could result in an immediate temporary suspension of Respondent's license. The motion received a second. The motion carried unanimously.

(D) Respondent was properly notified and appeared 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 Sections 40-33-935(g) and Regulation 91-19(c)(2). The Hearing Panel recommended that the Board issue no sanction but that Respondent be issued a non-disciplinary letter of caution. The panel made this recommendation due to a number of mitigating factors and the length of time since the violation occurred.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law, and Recommendation that no sanction be issued but that Respondent be issued a non-disciplinary letter of caution. The motion received a second. The motion carried unanimously.

(E) This case was rescheduled for the January 2005 Board meeting.

(F) Respondent was properly notified and appeared 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 and Regulation 91-19(c)(3). The Hearing Panel recommended that Respondent be required to enroll in the Recovering Professionals Program (RPP) and adhere to the requirements of the program.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law, and Recommendation that Respondent is required to enroll in the Recovering Professionals Program (RPP) and adhere to the requirements of the program. The motion received a second. The motion carried unanimously.

(G) Respondent was properly notified; however, did not appear before 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 (g). The Hearing Panel recommended that Respondent's license be immediately suspended; however, suspension made be stayed upon Respondent coming into strict compliance with the RPP and upon receipt of a letter of recommendation to return to practice from the RPP.

MOTION

A motion was made to accept the Hearing Panel's Findings of Fact and Conclusions of Law, and Recommendation that Respondent's license be immediately suspended; however,

suspension made be stayed upon Respondent coming into strict compliance with the RPP and upon receipt of a letter of recommendation to return to practice from the RPP. The motion received a second. The motion carried unanimously.

(H) Respondent was properly notified and appeared to respond to questions from the Board. In a Memorandum of Agreement and Stipulations, Respondent stipulates and admits to violation of Section 40-33-935.

MOTION

A motion was made to temporarily suspend Respondent's license, require a Recovering Professionals Program (RPP) evaluation, based on evaluation suspension may be stayed, must work in a board approved practice setting, quarterly employer reports and an evaluation from the psychiatrist of record. The motion received a second. The motion carried unanimously.

(I) This case was rescheduled for the January 2005 Board meeting

(J) Respondent was properly notified and appeared to respond to questions from the Board. Respondent requested the Board consider reinstatement of license as set forth in previous order.

MOTION

Motion to go into executive session to receive legal counsel. The motion received a second. The motion carried unanimously.

MOTION

Motion to return to public session. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to reinstate Respondent's registered nurse license under the condition that Respondent complete all psychological modules prior to reinstatement, remain under psychiatric treatment with quarterly reports to the Board, practice in a Board approved practice setting with no long-term care, home health nor agency (Administrator may approve practice setting), must work under the supervision of a on-site/on-shift registered nurse or licensed physician, and appear before the Board six months after reinstatement for a progress report. The motion received a second. The motion carried with one nay.

(K) Respondent appeared before the Board to answer questions related to unlicensed practice.

MOTION

A motion was made to issue a private reprimand and to delay payment of \$750 civil penalty until after licensure. The motion received a second. The motion carried unanimously.

Candidates for the National Council Licensure Examination (NCLEX) and applicants for licensure by endorsement appeared before the Board to respond to questions regarding reported criminal and/or disciplinary records.

**SPECIAL
LICENSURE
APPEARANCES**

(L) NCLEX-RN Candidate - Candidate was properly notified and appeared for Board questioning.

A motion was made to allow the Candidate to take the NCLEX-RN and upon successful completion be licensed as a registered nurse South Carolina. The motion received a second. The motion carried unanimously.

MOTION

(M) NCLEX-RN Candidate - Candidate was properly notified and appeared for Board questioning.

A motion was made to allow the Candidate to take the NCLEX-RN and upon successful completion be licensed as a registered nurse in South Carolina. The motion received a second. The motion carried unanimously.

MOTION

(N) NCLEX-PN Candidate - Candidate was properly notified and appeared for Board questioning. Dr. Kearney-Nunnery recused herself on this case.

A motion was made to allow the Candidate to take the NCLEX-PN and upon successful completion be licensed as a practical nurse in South Carolina. The motion received a second. The motion carried unanimously.

MOTION

(O) Registered Nurse Endorsement Applicant - Applicant was properly notified and appeared for Board questioning.

A motion was made to allow Applicant to be issued a registered nurse license in South Carolina based on endorsement. The motion received a second. The motion carried unanimously.

MOTION

Sam Finklea of the Office of General Counsel, Department of Health and Environmental Control (DHEC) appeared before the Board to discuss implementation of the Emergency Health Powers Act, which passed in 2003. The Act provides powers to meet catastrophes such as the SARS virus, Spanish Flu, bioterrorism, etc. Existing statutory capabilities and authority may not be sufficient to respond to a rapidly developing epidemic. Mr. Finklea explained that the Act establishes reasonably comprehensive procedures for some areas but further details are needed for other areas, which would be covered in regulation. DHEC has drafted a regulation to complement Section 44-29-10 and Regulations 61-20 and 61-15 as well as filling in details implied by the Act. The DHEC Board will consider the regulation in January 2005 and will accept public comment according to law. DHEC is soliciting comments from other affected entities (healthcare provider organizations, governmental agencies, general public, etc.) Questions that Mr. Finklea wanted considered included: 1) If we assume casualties numbering in the hundreds, should healthcare providers treat on a first come – first served bases or apply some other criteria? and 2) Can triage officer classify some patients as “Dead/Dying” or “Expectant” without violating the applicable standard of care? Questions were asked about interfacing with the military and possible “turf” issues. Mr. Finklea explained that the state emergency operations group would be authority in our state. There was concern that the present coroner system does not require a medical background. It was explained that coroners have medical examiners associated with their offices. Bioterrorism training will be available from Area Health Education Consortium (AHEC).

**EMERGENCY
HEALTH POWERS
ACT**

At the invitation of the Board, Kelly Jones appeared to discuss proposed legislation for the Registered Surgical Technologist and Licensed Surgical Assistant Practice Act (S63 / H3254).

She reported that the South Carolina Nurses Association had reviewed this proposed legislation and has no objections. The Board of Medical Examiners supports the legislation. Currently, there are approximately 700 certified surgical technologists in South Carolina with many in that role who are not certified. The legislation would have the Board of Medical Examiners appoint an advisory committee for surgical technologists and assistants. Ms. Jones reported that they are not trying to create problems for any other healthcare professionals and that this legislation is not tied to reimbursement in any way. They feel it will lead to improved public protection in the future as new professionals enter the field.

**PROPOSED
SURGICAL
TECHNICIAN
REGULATION**

Dorothy Roberts appeared before the Board to request that the Certified Medical-Surgical Registered Nurse (CMSRN) certification be added to the continued competency criteria. She explained that there are two medical-surgical certifications for nurses and that the CMSRN examination is more stringent than the American Nurse Credentialing Center (ANCC) examination. She further explained that the ANCC certification does not have the same clinical focus as the CMSRN certification. She clarified that CMSRN is not an advanced practice examination; however, they are working toward advanced practice status. They are currently working toward American Board of Nursing Specialties (ABNS) approval.

**REQUEST TO ADD
ACADEMY OF
MEDICAL-
SURGICAL
NURSES
CERTIFICATION
TO COMPETENCY
CRITERIA -**

A motion was made to add the Certified Medical-Surgical Registered Nurse (CMSRN) certification for registered nurses (not licensed practical nurses or advanced practice nurse) to the continued competency criteria. The motion received a second. The motion carried with one abstention.

MOTION

ADMINISTRATOR'S REPORT

Ms. Bursinger reported that she is meeting with healthcare facilities throughout the state to explain the Practitioner Remediation and Enhancement Partnership (PREP) program. At the September 2004 meeting, the South Carolina Board of Nursing voted to expand PREP and offer it to all facilities in our state. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) has written patient care standards, which parallel the mission of the PREP program in many ways.

PREP UPDATE

Patricia F. Glenn, Administrator for the South Carolina Boards of Examiners in Psychology and Social Work Examiners, forwarded a copy of the final draft of proposed "Duty To Protect" legislation prepared by the South Carolina Psychological Association (SCPA). The SCPA is seeking support for this legislation. This legislation would require a licensed marriage /family therapist, professional counselor, certified school psychologist, psycho-educational specialist, psychologist, physician, nurse, social worker or certified substance abuse counselor to take reasonable precautions to protect third parties from violent behavior or other serious harm when their patient has communicated an explicit threat to kill or inflict serious bodily injury upon an identifiable third party. The Board reviewed the information provided and supports the legislation.

**"DUTY TO
PROTECT"
LEGISLATION SC
PSYCH.
ASSOCIATION
(SCPA)**

In October 2004, Dr. Whiting and Ms. Bursinger attended the Citizens Advocacy Center meeting. Topics discussed at the meeting included the need for more public members on licensing boards, consumer friendly web sites, processing of complaints, the Practitioner Remediation and Enhancement Partnership (PREP) program, health professional competence, etc. Dr. Whiting said that it was a very thought provoking meeting.

**CITIZENS
ADVOCACY
CENTER REPORT**

PRESIDENT'S REPORT

At the September 23, 2004 Board meeting, Dr. Whiting appointed Board Members Debra Newton and James Rogers to serve on the Nominating Committee for 2005 Board of Nursing Officers. The Nominating Committee presented the following slate of 2005 officers for consideration and vote: Sylvia Whiting -President, Suzanne White -Vice President and Brenda Martin -Secretary. The nominees agreed to serve.

**NOMINATING
COMMITTEE
REPORT -
ELECTION OF
2005 OFFICERS**

Motion that Sylvia Whiting remain Board President for 2005, Suzanne White remain Board Vice- President for 2005, and Brenda Martin remain Board Secretary for 2005. The motion

MOTION

received a second. The motion passed with one abstention.

The Board discussed 2005 committee and task force assignments.

**COMMITTEE
ASSIGNMENTS
FOR 2005**

<u>Committee/Task Force</u>	<u>Board Member</u>	<u>Staff Member</u>
Advanced Practice Committee	White	Johnson
Advisory Committee on Nursing	Lewis	Bursinger, Johnson, Murphy
Disciplinary Review Committee	- - -	Morgan
Investigative Review Committee	- - -	Morgan
Legislative Committee	Rogers	Bursinger, Duncan
Nursing Practice & Standards Committee	Martin	Johnson
RPP Advisory Committee	Whiting	Bursinger, Morgan
School Health /UAP Task Force	Doria, James	Bursinger, Johnson
Nurse Practice Act / Collaboration Committee	Kearney-Nunnery	Bursinger, Johnson, Murphy

The Collaboration Committee and Nurse Practice Act Task Force will continue to work together as the Board of Medical Examiners completes the re-write of their practice act.

A motion was made to approve the above committee assignments for 2005. The motion received a second. The motion carried unanimously.

MOTION

REPORTS/UPDATES

The Board reviewed the following changes that were discussed and approved at the September 2004 Board Meeting:

**PRACTICE ACT
REVISIONS**

Section 40-33-34(F)(1)(d): Delete “the DEA number” and insert in its place “all prescribing numbers required by law.”

Section 40-33-36(D)(3): Add “except that the board, in its discretion, may issue a license to a person on probation in another state when the board determines that the probationary conditions will adequately protect the public and not unreasonably burden the board or department” to the end of that section.

Section 40-33-40(B)(2)(d): Delete “in another jurisdiction where authorized to practice.”

Section 40-33-40(B)(3): Add “within the preceding two years.”

Section 40-33-40: Insert “(C) Demonstration of competency for reinstatement from lapsed or

inactive status or licensure of a person who holds a current authorization to practice another state or jurisdiction of this country or territory or dependency of the United States requires documented evidence of at least one of the requirements in (B) above during the preceding two years.”

Section 40-33-190(A): This paragraph begins “No person connected with any complaint, investigation, or other proceeding before the board including, but not limited to, a witness, counsel, counsel’s secretary, board member, board employee, court reporter, or investigator may . . .” It is suggested that “mention the existence of the complaint, investigation or other proceeding, disclose any information pertaining to the complaint, investigation or other proceeding . . .” be replaced with “disclose any information tending to identify the initial complainant or any witness or party to the complaint” with the paragraph continuing to end with “. . . or discuss any testimony or other evidence in the complaint, investigation, or proceeding, and then only to the extent necessary for the proper disposition of the complaint, investigation, or other proceeding.”

The following changes were presented and recommended for approval at the November meeting.

Staff recently questioned the requirement of a birth certificate or valid passport for licensure. This requirement was carried over from the old Nurse Practice Act and now appears in Sections 40-33-32(B)(4) and 40-33-35(4). Producing a birth certificate sometimes is impossible for nurses with established identities, some of whom are licensed in other states. However, from time to time staff has had to advise applicants that they cannot be licensed in this state, because they cannot provide a copy of a birth certificate or a valid passport. The intent of the requirement is to obtain satisfactory proof of the applicant’s identity and age. That being the case, we should be able to accept other satisfactory proof of an applicant’s identity and age and thereby remove an unnecessary impediment to licensure in this state. This suggestion appears to be appropriate, therefore, this office respectfully recommends that these amendments be approved and presented to the legislature.

Section 40-33-32(B)(4). Delete “a copy of the applicant’s birth certificate or a valid passport issued by the applicant’s country of origin” and insert in its place “satisfactory proof of identity and age.”

Section 40-33-35(4). Delete “a copy of the applicant’s birth certificate or a valid passport issued by the applicant’s country of origin” and insert in its place “satisfactory proof of identity and age.”

The question of what documents to accept as satisfactory proof, of course, is not new and has been addressed by state and federal agencies successfully for many years. The best model for us probably is the list of documents recognized by the Federal Immigration and Naturalization Service (INS). A copy of the INS chart listing the documents accepted for similar purposes is attached for your information and convenience. This can be handled administratively by a motion to authorize the staff to accept documents identified on the list.

Section 40-33-35(7). References should refer to Section 40-33-32 instead of Section 40-33-34.

Section 40-33-36. In paragraph D(1)(a): Add “an advanced practice registered nurse” to the list of practitioners and correct the grammar accordingly. APRNs are not mentioned as

persons to whom a temporary or limited may be issued.

Section 40-33-36. In paragraph D(1)(b): Add at the end of that section “except that the board in its discretion, may issue a license to a person on probation in another state when the board determines that the probationary conditions will adequately protect the public and not unreasonably burden the board or department.” This amendment will provide that the board in its discretion, could determine whether and under what conditions to license an otherwise qualified applicant.

Section 40-33-39. Add new section to read: “A licensed nurse must clearly identify himself or herself as officially licensed by the board. A licensed nurse shall wear a clearly legible identification badge or other adornment at least one inch by three inches in size bearing the nurse’s name and title as officially licensed.” This addition was approved at the September Board meeting.

Ms. White is concerned about the timeframe for employers to report incidents to the Board. She is worried that employers who are past the time may not report an incident because of possibility of being fined. Ms. White suggested that the time frame be changed to 30 days. Ms. James suggested that it be change to 20 business days. The board made no motion to change this requirement.

It was noted that we require that complaints be notarized. Some complainants may not want to pay for notarizing and not file complaint. Ms. McClain stated that if a notary is not required by statute, then complaint form would be revised.

A motion was made to approve “housekeeping” amendments to the Nurse Practice Act as presented. The motion received a second. The motion carried unanimously.

MOTION

The Advisory Committee on Nursing (ACON) accepted the following nominations at their October 12, 2004 meeting with recommendation for appointment by the Board. More than one nomination was received in the category of Educator at Large only. Only one or no nominations were received in the other categories. With the exception of Advanced Practice, these are new appointments for a term of two years. Advanced Practice position would be a re-appointment for a term of three years.

ACON UPDATE

EDUCATION

LPN Educator
Educator at Large
Continuing Education

NOMINEE(S)

Jeanne Gue
Marilyn Brady / Kathleen Crispin
Melissa Blevins

PRACTICE

Nursing Service Admin-Hospital (Urban)
Nursing Service Admin-Mental Health
Nursing Service Admin-Community Care
Nursing Service Admin-Public Health
Nursing Service Admin-Advanced Practice

Catherine Whelchel
Julia Burkette
No Nominations Received
No Nominations Received *
Debbie Hopla

A motion was made to appoint Marilyn Brady as Educator at Large and to approve and appoint the other nominations as presented and recommended by The Advisory Committee on Nursing. The motion received a second. The motion carried unanimously.

MOTION

The Board reviewed the size of ACON and groups represented. Dr. Lewis reported that the Deans and Director's Council sent a letter to the Board requesting to be a voting member of the Advisory Committee on Nursing (ACON). This request will be sent to ACON with the suggestion that ACON consider moving some ex officio membership to consultants and call on them for advice when appropriate.

PRACTICE

At the September 2004 Board meeting, the Board denied an adult nurse practitioner's (ANP) request for waiver of the forty-five miles from the supervising physician requirement. The ANP's supervising physician was to be a psychiatrist. There was discussion about which advanced practice registered nurses (APRN) are providing psychiatric treatment. The Board requested that the Advanced Practice Committee (APC) review this information. The APC agreed that only a qualified Psych Clinical Nurse Specialist and Nurse Practitioner could provide psychotherapy. After a lengthy discussion, the APC made the following recommendation: The Board's responsibility is to ensure as an APRN all requirements for licensure are met. As to individual APRN practices, written protocols between the APRN and physician / dentist / medical staff clarify along with the national specialty certification as to what the scope is of an individual APRN practice.

ADVANCED PRACTICE COMMITTEE

At their September 17, 2004 meeting, the Advanced Practice Committee (APC) elected Sheryl Russell as committee chair and Debby Greenlaw as vice-chair. The APC also nominated Jeremie Sherman and Bernadette Pinkney to represent family practice on the committee.

A motion was made to appoint Jeremie Sherman and Bernadette Pinkney to represent family practice as presented and recommended by Advanced Practice Committee. The motion received a second. The motion carried unanimously.

MOTION

The Nursing Practice and Standards Committee (NPSC) received letters from the following members to serve an additional term on their committee: Benny Marrett representing Emergency Nursing; Cynthia Williams representing Acute Care RN and Cathy Young Jones representing School Health. The NPSC recommends approval of these requests.

NURSING PRACTICE & STANDARDS COMMITTEE

A motion was made to reappoint Benny Marrett – Emergency Nursing; Cynthia Williams – Acute Care RN and Cathy Young Jones- School Health for an additional term as presented and recommended by the Nursing Practice and Standards Committee. The motion received a second. The motion carried unanimously.

MOTION

EDUCATION

Muriel Horton, MSN, RN, Dean of Nursing, Trident Technical College appeared before the Advisory Committee on Nursing (ACON) to request approval to employ Cathleen Brannigan who will complete her masters in nursing degree at the Medical University of South Carolina in May 2005. She currently holds a bachelor's degree in Speech and Hearing as well as a bachelor's degree in nursing. Dean Horton reports that Ms. Brannigan has an excellent medical-surgical background and has demonstrated exemplary clinical and teaching skills with students at Roper St. Francis Healthcare. Dean Horton explained that Trident Technical College admits 276 students each year with a current enrollment of 465 students. They have 22 full time faculty positions with two vacancies. They have run ads in the newspaper for one

TRIDENT TECHNICAL COLLEGE – REQUEST FOR FACULTY APPROVAL

of the positions for over a year and since July for the second position. ACON recommends approval of this request.

MOTION

A motion was made to approve Trident Technical College to employ Cathleen Brannigan who will complete her masters in nursing degree at the Medical University of South Carolina in May 2005 as recommended by Advisory Committee on Nursing. The motion received a second. The motion carried unanimously.

The Educational Regulations Subcommittee of the Advisory Committee on Nursing (ACON) met in August, September and October with much progress made. However, due to the complexity of overlaps within the regulations, it is felt that the recommendations need to be presented as a whole. The group also believes that it is premature to approve out-of-state nursing programs before the revisions have been made. In addition to the changes being made, the subcommittee recognizes other facets of out-of-state program need to be explored such as distance learning, clinical teaching versus didactic teaching. The ACON and its Educational Regulations Subcommittee recommend that the Board place a hold on actions for approval of out-of-state nursing program requests until there is final approval of the revisions to the nursing program regulations.

**OUT OF STATE
NURSING
EDUCATION
PROGRAMS
REQUESTING
CLINICAL
EXPERIENCE IN
SC**

It was noted that there is a difference between distance education programs located in and outside of our state. Questions that were raised included: What is driving students to the out-of-state and distance learning programs? Can a state legally approve a program not located in their jurisdiction? For the purpose of licensure, the Board has always accepted education from out-of-state schools as long as they are approved by the state in which they are located. Is there a difference if the school is a distance-learning program? Other states and the National Council of State Board of Nursing (NCSBN) are asking these same questions. Boards of nursing are asking NCSBN for model rules for out of state schools. They are doing research on clinical experience. There is concern that clinical facilities will not have space and time for in state and out of state schools. The schools, facilities and also the South Carolina Organization of Nurse Executives (SCONE) need to maintain good communication.

A motion was made to accept the Advisory Committee on Nursing's recommendation to hold any actions for approval of out-of-state nursing program requests until there is final approval of the revisions to the nursing program regulations. The motion received a second. The motion carried unanimously.

MOTION

At the July 2004 meeting, the Board asked the Advisory Committee on Nursing (ACON) to review and provide input as well as recommendations regarding clarification of the out-of-state registered nurse to bachelors degree in nursing education program approval process and need for approval. At their August 31, 2004 meeting, ACON discussed concerns regarding this program. There was concern about competition for clinical sites. ACON recommended that the Board acknowledge the Kaplan Registered Nurse to Bachelors Degree in Nursing Education Program and that the clinical experience is the responsibility of Kaplan, the clinical agencies and the student.

**KAPLAN
COLLEGE – RN
TO BSN
COMPLETION
PROGRAM**

At the September 2004 meeting, the Board requested that a letter be sent to Kaplan requesting information regarding the accreditation of their RN to BSN nursing education program. That information has not been received.

LICENSING

Mr. Christian reported that staff is having difficulty obtaining licensure verifications from several states with the most difficulty from Pennsylvania, Florida, and New York. These states will not provide information on a licensee's education. We also have problems with states who participate in NURSYS. The information on NURSYS is not always complete. We are able to send a "SpeedMemo" to these states but this lengthens the amount of time it takes to license the nurse. Nurses applying for licensure who were originally licensed in one of the states who do not provide education information must obtain transcripts from their nursing education program. This also lengthens the amount of time it takes to license the nurse. We have asked states to provide us with statements on the information they do not provide; however, our statute has specific requirements for licensure that we must confirm. Staff has extended temporary permits when the other board of nursing holds up the process.

**LICENSURE
VERIFICATIONS
FROM OTHER
STATE BOARDS
OF NURSING**

Mr. Wilson reported that respondent's attorneys are looking at ways to discredit the disciplinary process. He asked that the Board look at parts of the process but could be delegated to avoid ex parte communications, which would in turn reduce the possibility of appeals.

**EX PARTE
COMMUNICATION**

A motion was made to adjourn the meeting at 4:25 p.m. on November 18, 2004. The motion received a second. The motion carried unanimously.

ADJOURNMENT

Respectfully Submitted,
Dottie Buchanan, Administrative Assistant