



South Carolina
Department of Labor, Licensing and Regulation



Board of Nursing

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Henry D. McMaster
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JULY 25-26, 2019 MEETING MINUTES

CALL TO ORDER, PLACE OF MEETING & FOIA COMPLIANCE:

Samuel McNutt, President of the South Carolina State Board of Nursing called the March meeting to order at 8:31 a.m. on July 25, 2019. Public notice was properly posed at the Board offices, as well as on its website. A copy was provided to all requesting persons, organizations and news media agencies in compliance with the SC Freedom of Information Act. A quorum was present at all times.

Member	Representing		COMMITTEE MEMBERS PRESENT & VOTING
Samuel McNutt, RN, CRNA, MHSA	Board of Nursing Chair 5 th Congressional District	Present	
Kay Swisher, RN, MSN	Board of Nursing Vice-Chair 3 rd Congressional District	Present	
Jacqueline L. Baer, RN, D-NP	1 st Congressional District	Present	
Sallie Beth Todd, RN, MSN-Ed	4 th Congressional District	Present	
Neil B. Lipsitz	Public Member	Present	
Robert D. Wolff, PhD	Public Member	Present	
Vacancy	2 nd Congressional District	Vacant	
Vacancy	6 th Congressional District	Vacant	
Vacancy	7 th Congressional District	Vacant	
Vacancy	At-Large, LPN	Vacant	
Vacancy	At-Large, LPN	Vacant	

Carol Moody, Administrator, Board of Nursing	LLR STAFF PRESENT
Bob Horner, Advice Counsel for the Board of Nursing (Present 7/25/19)	
Robert Elam, Advice Counsel for the Board of Nursing (Present 7/26/19)	
Christie Watson, Board of Nursing Program Assistant	
Mindy Carithers, Nurse Practice Consultant, Board of Nursing	
Tina Brown, Assistant Disciplinary Counsel	
Shanika Johnson, Assistant Disciplinary Counsel	
Princess Hodges, Assistant Disciplinary Counsel	
Erin Baldwin, Assistant Disciplinary Counsel	
Prentiss Shealey, Assistant Disciplinary Counsel	
Rowland Alston, Assistant Disciplinary Counsel	
Megan Flannery, Assistant Disciplinary Counsel	
Mark Sanders, Chief Investigator, Office of Investigations and Enforcement	
Tina Behles, Court Reporter	

APPROVAL OF AGENDA:

Motion to amend the Agenda to add the APRN FAQs back due to extenuating circumstances. The information provided in the FAQs contains new updated information that the Board of Nursing and the Board of Medical Examiners licensees need to assist within their practices. Motion carried.

CONSENT AGENDA:

Motion to approve Consent Agenda. Motion carried.

BOARD MINUTES:

Motion to approve Minutes with changes noted. Motion carried.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

Chief Investigator, Mark Sanders, presented the Investigative Review Committee Report for approval.

Motion to approve 22 Dismissals. Motion carried.

Motion to approve 50 Formal Complaints. Motion carried.

Motion to approve 27 Letters of Caution. Motion carried.

The quarter has not ended so there is no Statistical Report to present.

FDA APPROVED INTRANASAL MIDAZOLAM:

Chief Advice Counsel Darra Coleman appeared before the Board to discuss recent developments involving the use of Intranasal Midazolam in the school setting. Dr. Daniel Saad appeared before the Board via teleconference as the Board of Medical Examiners representative to the Seizure Safety in Schools Study Committee to discuss the committee's recommendations and the FDA's recent approval of Intranasal Midazolam. A member of the public, Ms. Kathy Ferry, also appeared before the Board to offer testimony.

Motion to thank the Seizure Safety in Schools Study Committee and accept their recommendations from their report, and to send the recommendations to the Practice and Standards Committee to review Advisory Opinion #50 to comport with the recommendations of the Seizure Safety in Schools Study Committee to the General Assembly dated 1-28-2019. Motion carried.

REVIEW OF FAQs

Ms. Coleman then discussed recent updates to the APRN FAQs regarding the 2018 Legislative update. The Board discussed minor changes to questions number four and fifteen.

Motion to accept the Joint APRN FAQs with the amendment of number four and fifteen. Motion carried.

UPDATE ON APRN AUDIT

Ms. Coleman provided an update on the status of the APRN audit. No motion was made.

DISCIPLINARY HEARINGS:

Respondents appeared before the Board to determine disciplinary actions. Hearings are conducted in Closed Session to meet the statutory requirement that disciplinary actions remain confidential.

2017-674:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanctions.

Motion to accept the Memorandum of Agreement without a finding any violation of code 40-1-110(f) with issuance of a private reprimand and following disciplinary sanctions: civil penalty in the amount of \$500 due within six months; completion of the following NCSBN courses: Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking to be completed within six months. Motion carried.*

2008-53:

The Respondent appeared before the Board pursuant to a request to reinstate licensure.

Motion to grant temporary licensure for the purpose of completion of a Board approved Refresher Course. After successful completion, request a reappearance before the Board for further restrictions. The Respondent is to continue compliance with RPP. Motion carried.*

2016-519:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanctions.

Motion to accept the Memorandum of Agreement and issue a public reprimand with the following sanctions: probation for two years with quarterly reports and worksite approval; civil penalty in the amount of \$1,000 due within 12 months; completion of the following NCSBN courses: Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking to be completed within six months. Motion carried.*

REQUEST FROM THE RECOVERING PROFESSIONALS PROGRAM:

Tia Cooper, Program Director for the Recovering Professionals Program, appeared before the Board to request early release for participants who do not have a current diagnosis requiring continued monitoring. A prior Board order requiring participation prevents RPP from being able to release the participant from monitoring.

Participant #1: Motion to grant release from RPP. Motion carried.

Participant #2: Motion to grant release from RPP. Motion carried.

Participant #3: Motion to grant release from RPP. Motion carried.

Participant #4: Motion to grant release from RPP. Motion carried.

Disciplinary Hearings Continued

2016-149:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanctions.

Motion to accept the Memorandum of Agreement without a finding of a violation of 40-33-110 (A) (3) or 40-33-110 (A) (16) or 40-1-110 (1) (f) with issuance of a private reprimand and the following disciplinary sanctions: civil penalty in the amount of \$500 due within six months; completion of the following NCSBN courses: Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking, also due within six months. Motion carried.*

2017-249:

The Respondent appeared before the Board pursuant for a request for modification of a prior Board order.

Motion to deny the request. Motion carried.*

2018-44:

The Respondent appeared before the Board having previously appeared before the Panel for consideration of the Panel's Recommendation and a determination of the Board.

Motion to accept the Panel's Final Order Recommendation. Motion carried.*

EDUCATION REPORT

REQUEST TO AMEND THE BOARD APPROVED ENGLISH PROFICIENCY SERVICES DOCUMENT ON THE BON WEBSITE

Mr. Kubas appeared before to request that the countries that need English proficiency testing to the document on the BON website.

Motion to approve the language be added to the document. Motion carried.

SOUTH DAKOTA STATE UNIVERSITY BOARD NOTIFICATION OF CHANGES TO REFRESHER PROGRAM

South Dakota State University has updated their admissions criteria. No motion made.

EMPLOYER CERTIFICATION FORM UPDATES

Mr. Kubas asked the Board to review the Employer Certification form to determine if the number of hours should be removed from the form or if a minimum number of hours should be established.

Motion for ACONE to review the form and provide recommendations. Motion carried.

CE BROKER SEMI-ANNUAL REPORT

Mr. Kubas presented the CE Broker Semi-Annual Report. No motion made.

FINAL ORDER HEARING REPORT

The following cases were scheduled for a Final Order Hearing. The Respondents did not appear before the Board at the scheduled time. After first determining that proper notice was given, the Board proceeded with reviewing the Final Order Hearing Recommendations of the Hearing Panel and determining disciplinary sanctions, if any.

2017-627: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2017-418: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2017-532: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2018-239: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2018-273: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2016-242: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2018-183: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2018-267: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2016-509: Motion to approve the Final Order Hearing Recommendation. Motion carried.

5017-562: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2017-354: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2014-210: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2018-377: Motion to approve the Final Order Hearing Recommendation. Motion carried.

DISCIPLINARY HEARINGS CONTINUED

2018-167:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement with the issuance of a private reprimand and the following disciplinary sanction: completion of the following NCSBN courses within six months of the Final Order: Legal Aspects, Ethics, Documentation, and Critical Thinking; issuance of a civil penalty in the amount of \$500 due within six months of returning to work. Motion carried.*

2018-205:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement with the following disciplinary sanction: public reprimand; civil penalty in the amount of \$1,000 due within 12 months; completion of the following NCSBN courses within six months: Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking. Motion carried.*

2016-668:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement with the following disciplinary sanctions: public reprimand; civil penalty of \$1,000 due within 12 months; completion of the following NCSBN courses within six months: Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking. Motion carried.*

2013-378:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement and find that the Respondent did not violate Section 40-1-110 (1) (f) with the following disciplinary sanctions: private reprimand; completion of the following NCSBN courses within six months: Medication Errors and Documentation.

2017-431 & 2018-607:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement without a finding of a violation of 40-1-110 (1) (a); accept the coursework previously complete; issuance of a Letter of Caution. Motion carried.* *Ms. Swisher was recused from this hearing.*

PRACTICE REPORT

REVISION OF ADVISORY OPINION #39

Motion to table revisions to Advisory Opinion #39 pending the Board of Medical Examiners determination as to whether the act is the practice of medicine. Motion carried.

NURSING MANAGEMENT OF INVASIVE DEVICES CHART

Ms. Carithers presented the revised charts for the RN and LPN. The Board recommended changes to make the charts consistent with each other.

Motion to approve with changes noted. Motion carried.

ADMINISTRATOR REVIEW REPORT

Princess Hodges, Assistant Disciplinary Counsel, presented the Administrator Review Report for the Board's approval. Cases on this report are recommended either for Dismissal or a non-disciplinary Letter of Caution. Motion to approve the Administrative Review Report. Motion carried. *Conducted in Closed Session*

WAIVED FINAL ORDER HEARING REPORT

Respondents were previously before the Board's Panel Hearing and have reviewed the Panel's Recommendation for disciplinary sanction, if any. Respondents have chosen to waive their appearance before the Board at a Final Hearing. The Panel's Recommendations are presented to the Board as a final resolution to the case.

2014-540: Motion to approve. Motion carried.

2015-86: Motion to approve. Motion carried.

2018-705: Motion to approve. Motion carried.

2018-69: Motion to approve. Motion carried.

2016-732: Motion to approve. Motion carried.

2017-275: Motion to approve. Motion carried.

2016-731: Motion to approve. Motion carried.

WAIVED FINAL ORDER HEARING REPORT CONTINUED

2016-410 & 2017-546: Motion to approve. Motion carried.

2017-230: Motion to approve. Motion carried.

2017-354: Motion to approve. Motion carried.

2017-53: Motion to approve. Motion carried.

2017-308: Motion to approve. Motion carried.

2015-453: Motion to approve. Motion carried.

2015-424: Motion to approve. Motion carried.

2017-411: Motion to approve. Motion carried.

2015-319: Motion to approve. Motion carried.

UPDATES TO DISCIPLINARY GUIDELINES

Request to add the Board Approved EBAS to the Disciplinary Guidelines so that the Board may begin utilizing the service during the disciplinary process.

Motion to add EBAS to the guidelines. Motion carried.

Motion to adjourn for the evening at 5:32 p.m.

CALL TO ORDER

Mr. McNutt called the meeting to order at 8:28 a.m. on Friday, July 26, 2019. It is noted that a quorum was present at all times.

APPLICATION APPEARANCES:

An applicant for licensure as a Licensed Practical Nurse by examination appeared before the Board. Motion to grant single-state LPN license upon successful completion of the PTI program. The applicant may work with Board administration for the requirements to return to multi-state licensure. Motion carried.*

An applicant for licensure as a Licensed Practical Nurse by examination appeared before the Board. Motion to grant LPN license upon successful completion of the following NCSCBN courses: Legal Aspects, Ethics, and Critical Thinking. Motion carried.*

An applicant for licensure as a Licensed Practical Nurse by examination appeared before the Board. Motion to grant LPN licensure. Motion carried.

An applicant for licensure as an Advanced Practice Registered Nurse by endorsement appeared before the Board. Motion to grant single-state licensure. Motion carried.*

An applicant for licensure as an Advanced Practice Registered Nurse by endorsement appeared before the Board. Motion to grant licensure. Motion carried.*

An applicant for reinstatement of licensure as a Registered Nurse appeared before the Board. Motion to deny request for licensure, but to grant a temporary license for the purpose of completion of an in-person clinical and the original requirements of the Board. Upon successful completion, return before the Board for further evaluation of the request. Motion carried.* *Ms. Todd was recused from this appearance.*

DISCIPLINARY HEARINGS:

Respondents appeared before the Board to determine disciplinary actions. Hearings are conducted in Closed Session to meet the statutory requirement that disciplinary actions remain confidential.

2015-624:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to dismiss the case. Motion carried.*

2017-368:

The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement and issue a private reprimand with the following disciplinary sanction: civil penalty in the amount of \$500 due within six months; acceptance of the coursework already completed; completion of the following NCSBN course: Critical Thinking due within six months. Motion carried.*

2003-222:

The Respondent appeared before the Board pursuant to a request to modify a previous Board order. Motion to deny request for expungement, but Board staff is to ensure that the previous order is Private and does not appear on the website. Motion carried.*

ADMINISTRATOR'S REPORT:

PERSONNEL CHANGES

Ms. Moody updated the Board on personnel changes. No motion made.

VACANT BON POSITIONS

Ms. Moody updated the Board on Board vacancies. No motion made.

BOARD OF NURSING FACEBOOK PAGE:

Ms. Moody updated the Board on the status of staff inquiry of availability of a Facebook page. Motion to request a Facebook page. Motion carried.

NEW WEBSITE/LOGO

Ms. Moody provided an update on the new BON website and the agency logo. No motion made.

2020 RENEWALS

Ms. Moody provided an update on progress preparing for the 2020 renewal cycle. No motion made.

APRN RECERTIFICATION PROCESS

Ms. Moody provided an update on the automation of the APRN Certification process. No motion made.

RPP VOLUNTARY PARTICIPATION MONITORING AGREEMENT

Ms. Moody presented updates to the agreement. No motion made.

NURSYS FLAG PROCESS FOR SIGNIFICANT INVESTIGATIONS

Ms. Moody provided an update on progress. No motion made.

NLC UPDATE

Ms. Moody provided an update on the Nurse Licensure Compact. No motion made.

NEW FISCAL YEAR

Ms. Moody provided an update on the new State Fiscal Year. No motion made.

UPCOMING PRESENTATION

Ms. Moody provided information about upcoming presentations by Board staff. No motion made.

PRESIDENT'S REPORT:

Nominations Committee

Motion to add an individual to the NPSC with a specialty in Esthetic/Plastic Surgery Nursing. Motion carried.

Ms. Thompson for the APC: Motion to approve. Motion carried.

Dr. Webb as an Expert Reviewer: Motion to approve. Motion carried.

Motion to deny appointment by another applicant as an Expert Reviewer. Motion carried.

Motion to require an appearance before the Board for all future applicants. Motion carried.

Ms. Carlson as an Expert Reviewer: Motion to approve. Motion carried.

Ms. Bush as an Expert Reviewer: Motion to approve. Motion carried.

Ms. Keller for the IRC: Motion to approve. Motion carried.

State Public Health Emergency Plan Committee Update

Mr. McNutt provided an update on a recent meeting. No motion made.

Discussion of Order Language with Advice Counsel and Transition for Nurses from One Compact State to Another with Advice Counsel

Motion to meet in Closed Session to confer with Advice Counsel and Board Staff. Motion carried.

Motion to return from Executive Session. Motion carried.

Motion to allow Advice Counsel to create language regarding a six month restriction on time before a Respondent can request modification to a Board order and to create language with an additional time frame for subsequent requests for modification. Motion carried.

Motion to adjourn at 12:49 p.m. Motion carried.

* Indicates that the Board entered into Executive Session for the purpose of receiving legal counsel.

No official actions were taken while in Executive Session.