



**SEPTEMBER 26-27, 2019 MEETING MINUTES**

**CALL TO ORDER, PLACE OF MEETING & FOIA COMPLIANCE:**

Kay Swisher, Vice-Chairperson of the South Carolina State Board of Nursing, called the September meeting to order at 8:37 a.m. on September 26, 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 <sup>th</sup> Congressional District	Excused	
Kay Swisher, RN, MSN	Board of Nursing Vice-Chair 3 <sup>rd</sup> Congressional District	Present	
Jacqueline L. Baer, RN, D-NP	1 <sup>st</sup> Congressional District	Present	
Sallie Beth Todd, RN, MSN-Ed	4 <sup>th</sup> Congressional District	Present	
Neil B. Lipsitz	Public Member	Present	
Robert D. Wolff, PhD	Public Member	Present	
Vacancy	2 <sup>nd</sup> Congressional District	Vacant	
Vacancy	6 <sup>th</sup> Congressional District	Vacant	
Vacancy	7 <sup>th</sup> 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)	
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	

**EXCUSED ABSENCES:**

Motion to excuse Samuel McNutt from the meeting. Motion carried.

**APPROVAL OF AGENDA:**

Motion to approve the agenda. Motion carried.

**CONSENT AGENDA:**

Motion to approve the Consent Agenda. Motion carried.

**BOARD MINUTES:**

Motion to defer the Minutes. Motion carried.

**PRISMA HEALTHCARE STUDENT NURSE PIPELINE PROPOSAL:**

*Prior to the beginning of the appearance, Ms. Swisher recused herself and completed the recusal form. Ms. Swisher rejoined the meeting at the conclusion of this appearance.*

Rhonda Hughes, Carolyn Swinton, Dana Murphy, Veronica Deas, Karen Worthy and Elizabeth Bradley appeared before the Board representing Prisma Healthcare and The University of South Carolina Nursing Program in follow-up to a prior appearance related to their request to collaborate in offering a Student Nursing Pipeline Program.

Motion to approve the proposal with the following stipulations: 1) To ensure shoulder-to-shoulder, the preceptor must only precept one program participant in each shift; this will be [under] capacity, Page 7. 2) New bullet point on page 10 in the first section “Preceptor cannot precept or orient another staff member at the same time.” 3) Qualifications of the preceptor “Must not have any disciplinary or pending disciplinary action from any state Board of Nursing. 4) Bold print: “The NSP participant is working under the NSPP preceptor’s license. The preceptor’s license may be subject to disciplinary action.” 5) Quarterly reports will be made to the Board of Nursing 6) A list of students must be provided for random quarterly audits to ensure proper supervision is maintained. 7) The NSPP needs to be resent as modified to the Board for final review at our November meeting. A reappearance before the Board is not required. Motion carried.\*

**EDUCATION APPEARANCES**

**USC Aiken:**

M. Thayer McGahee appeared before the Board on behalf of The University of South Carolina Aiken in regards to a request to offer courses at an additional distance learning location.

Motion to approve the request. Motion carried.

**USC Beaufort:**

Kimberly Dudas appeared before the Board on behalf of The University of South Carolina Beaufort in regards to a request to offer courses at an additional location.

Motion to approve the request. Motion carried.

**Piedmont Technical College:**

Miranda Gaillard appeared before the Board on behalf of Piedmont Technical College in regards to their request for continued Full Board Approval.

Motion to approve request. Motion carried.

**Marion County School of Practical Nursing:**

Shana Lee appeared before the Board on behalf of the Marion County School of Practical Nursing in regards to their request for continued use of an ADN RN as an Adjunct Clinical Instructor and Skills Lab Assistant.

Motion to approve the request for an additional year. Motion carried.

**Newberry College:**

Susan Ludwick, Sidney Parrish, and Maurice Scherrens appeared before the Board representing Newberry College in follow-up to a citation for deficient NCLEX results in prior years.

Motion to grant Newberry College Full Board Approval. Motion carried.

**EDUCATION REPORT:**

Nurse Education Consultant, Peter Kubas, provided an update on the Employer Certification Form edits by the Advisory Committee on Nursing Education and the updates to the Committee by-laws. No motions were made during Mr. Kubas' presentation.

**PRACTICE REPORT:**

Nurse Practice Consultant, Mindy Carithers, presented a request for Board guidance regarding the use of the DNP credential in the clinical setting.

Motion to request the Advanced Practice Committee draft a document for the Board's review.

Motion carried.

Ms. Carithers then asked the Board for guidance on the termination of a provider-patient relationship by the APRN.

Motion to send the topic to the Advanced Practice Committee for research and development of a document for the Board's review. Motion carried.

### **ADMINISTRATOR'S REPORT:**

- Board of Nursing Administrator, Carol Moody, provided an update on the NCSBN Annual Meeting. No motion was made.
- Ms. Moody asked for approval of documents related to the APRN recertification process. Motion to approve the documents with edits as discussed. Motion carried.
- Ms. Moody provided updates on the 2020 renewal and asked for clarification on whether the Board staff should accept renewal forms that are mailed to the Board office without payment.  
Motion to not accept renewal applications without payment. Motion approved.  
Motion to not accept a single payment for multiple licenses. Motion approved.  
[New process to be implemented with the 2020 renewal will streamline the process for companies/individuals paying for multiple licenses]
- Ms. Moody provided an update on the North Carolina inactivation process. No motion was made.
- Ms. Moody provided a letter to the Palliative Care Quality of Life Study Committee. No motion was made.
- Ms. Moody updated the Board on the new process for handling payments. No motion was made.
- Board of Nursing Advice Counsel, Bob Horner, provided information to the Board on the proposed Inactive/Retired License status. No motion was made.

### **CHAIRPERSON'S REPORT:**

- Vice-Chair of the Board, Kay Swisher, presented the Chairperson's Report in Mr. McNutt's absence.
- Ms. Swisher asked for volunteers for the 2020 Nominating Committee.  
Motion to approve Mr. Lipsitz and Dr. Wolff for the Nominating Committee. Motion carried.
- Ms. Swisher then presented the 2020 Board of Nursing and Committee meeting dates. 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.

### **2018-141:**

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

Motion to reinstate the nursing license with probation for 18 months with the following restrictions: narcotic restriction; worksite approval, which cannot include home health or hospice; continued monitoring by RPP during the probationary period. 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.

### **Waived Final Order Hearing Report**

Respondents were previously before the Board's Panel for a full evidentiary hearing. 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.

**2015-240:** Motion to approve the Panel's Final Order Recommendation. Motion carried.

**2015-247:** Motion to approve the Panel's Final Order Recommendation. Motion carried.

**2015-318:** Motion to approve the Panel's Final Order Recommendation. Motion carried.

### **Administrator Review Report**

The Administrator Review Report was presented 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*

## **Office of Investigations and Enforcement:**

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

Motion to approve 23 Dismissals. Motion carried.

Motion to approve 48 Formal Complaints. Motion carried.

Motion to approve 22 Letters of Caution. Motion carried.

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

## **Disciplinary Hearings Continued**

### **2018-24:**

The Respondent was previously before the Board of Nursing Panel for a full evidentiary hearing.

The Panel's Final Order Hearing Recommendation is presented for the Board's review.

Motion to accept the Panel's Recommendation with a modification to extend the period of time to pay the \$1,000 fine to 12 months. Motion carried.\*

### **2017-685:**

The Respondent was previously before the Board of Nursing Panel for a full evidentiary hearing.

The Panel's Final Order Hearing Recommendation is presented for the Board's review.

Motion to adopt the Panel Recommendation and impose the following restrictions: probation for one year with quarterly reports and worksite approval; narcotic restriction; enrollment in RPP and compliance with their guidelines; no home health or hospice, staffing agencies, or telehealth.

Motion carried.\*

### **2018-637:**

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 sanctions: probation for 12 months; worksite approval; no home health, hospice, staffing agencies, or telehealth; continuation with RPP; a \$1,000 fine payable within 12 months. Motion carried.\*

### **2017-0002:**

The Respondent was scheduled to appear before the Board having requested a modification to a prior Board Order. The Respondent has withdrawn the request.

### **2003-398:**

The Respondent was scheduled to appear before the Board having requested a modification to a prior Board Order. The Respondent has requested to reschedule the appearance due to extenuating circumstances.

Motion to reschedule. Motion carried.

**2016-34:**

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

Motion to accept the MOA with the coursework already completed; issuance of a private reprimand and a civil penalty in the amount of \$1,000 payable within 12 months of the Final Order. Motion carried.\*

**2018-498:**

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

Motion to accept the MOA with the following disciplinary sanctions: public reprimand; civil penalty in the amount of \$500 due within six months; completion of the following NCSBN courses within six months: Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking. Motion carried.\*

**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.

**2017-340:** Motion to accept the Panel Recommendation. Motion carried.

**2017-650:** Motion to accept the Final Order Hearing Recommendation. Motion carried.

**2017-596:** Motion to accept the Panel Recommendation. Motion carried.

**2019-57:** Motion to accept the Panel Recommendation. Motion carried.

**2015-40:** Motion to accept the Panel Recommendation. Motion carried.

**2018-245:** Motion to accept the Panel Recommendation. Motion carried.

Motion to adjourn for the evening at 3:45 p.m.

**CALL TO ORDER**

Ms. Swisher called the meeting to order at 8:33 a.m. on Friday, September 27, 2019. Mr. McNutt remains excused from the meeting. It is noted that a quorum was present at all times.

**LICENSE FEE ANALYSIS AND RECOMMENDATION:**

Director Emily Farr and Finance Director, Abhi Deshpande, appeared before the Board to discuss the License Fee Analysis and Recommendation.

Motion to recommend that the proposal be adopted and passed on to all appropriate parties.

Motion carried.

**APPLICATION APPEARANCES:**

**Applicant One:** An individual appeared before the Board having submitted an application for licensure as a Registered Nurse by Reinstatement.

Motion to grant licensure. Motion carried.

**Applicant Two:** An individual appeared before the Board having submitted an application for licensure as a Registered Nurse by Examination.

Motion to grant licensure. Motion carried.

**Applicant Three:** An individual appeared before the Board having submitted an application for licensure as a Registered Nurse by Endorsement.

Motion to grant single-state licensure with the condition that the applicant enroll in RPP and comply with any recommendations.\*

**Applicant Four:** An individual appeared before the Board having submitted an application for licensure as a Registered Nurse by Endorsement.

Motion to grant licensure. Motion carried.

**Applicant Five:** An individual appeared before the Board having submitted an application for licensure as a Registered Nurse by Reinstatement.

Motion to grant single-state licensure. Applicant is continue participation with RPP. Motion carried.\*

**Individual Six:** A licensee appeared before the Board regarding a request for release from RPP.

Motion to continue participation with RPP with testing reduced to once per month. Licensee may reappear before the Board in one year's time. Motion carried.\*



**Individual Seven:** A licensee appeared before the Board regarding a request for release from RPP.

Motion to continue participation with RPP until March 2020 with no positive drug test results. After that time, licensee may transition into the Senior Monitoring Program [with RPP] for one year with no positive drug testing. After that time, licensee may petition the Board for early release. Motion carried.\*

**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.

**2018-75:**

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

Motion to accept the MOA with the courses previously completed and issue a private reprimand. Motion carried.\*

**2017-487:**

The Respondent is before the Board having submitted a request for modification of a prior Board Order.

Motion that the prior Public Temporary Suspension Order be made Private. Motion carried.\*

*Dr. Baer was excused from the remainder of the meeting.*

**2016-511:**

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 a finding of no violation of 40-1-110 (1) (f) and issuance of a private reprimand and completion of the following NCSBN courses within six months: Ethics and Critical Thinking. Motion carried.\*

**2017-554:**

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.\*

**2016-412:**

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 non-disciplinary Letter of Caution. Motion carried.\*

**2018-518:**

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

Motion to dismiss. Motion carried.\*

**2017-352:**

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

Motion to accept the MOA with admission of a violation of Section 40-33 (A) (13) and no finding of the remaining allegations with issuance of a non-disciplinary Letter of Caution.\*

**2017-409:**

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 in regards to the Stipulation of Facts, without a finding of a violation of the Nurse Practice Act and issuance of a non-disciplinary Letter of Caution. Motion carried.

Motion to adjourn the September 2019 Board of Nursing Meeting at 4:13 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.