



NOVEMBER 21-22, 2019 MEETING MINUTES

CALL TO ORDER, PLACE OF MEETING & FOIA COMPLIANCE:

Samuel McNutt, Chairperson of the South Carolina State Board of Nursing, called the November meeting to order at 8:45 a.m. on November 21, 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	Excused	
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	
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 Dr. Baer. 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 approve the Minutes. Motion carried.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

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

Motion to approve 27 Dismissals. Motion carried.

Motion to approve 67 Formal Complaints with the mandatory Board appearances as discussed. Motion carried.

Motion to approve 35 Letters of Caution. Motion carried.

Mr. Sanders then presented the Quarterly Report. 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.

2018-600:

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: issuance of a non-disciplinary Letter of Caution provided that the licensee completes a Legal Aspects course and an Ethics course that is provided through the National Council of State Boards of Nursing. Failure to complete the courses within six months would result in a private reprimand. Motion carried.*

2018-618:

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: issuance of a Private Reprimand; civil penalty in the amount of \$750 due within six months; completion of the following NCSBN courses within six months: Legal Aspects, Ethics, Documentation, and Critical Thinking. Motion carried.*

2016-472:

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: issuance of a Public Reprimand; completion of the following EBAS courses: Boundary Violations, Professional Standards, and Unprofessional Conduct within six months. Motion carried.*

2017-614:

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 Public Reprimand with completion of the following NCSBN courses to be completed within six months: Legal Aspects, Ethics, Documentation, and Critical Thinking. Motion carried.* *Ms. Swisher was recused from this appearance.*

2019-216:

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 issuance of a Private Reprimand; a civil penalty in the amount of \$500 due within six months; and completion of the following NCSBN courses within six months: Legal Aspects, Ethics, 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. *Conducted in Closed Session.*

2016-373: Motion to accept the Panel Recommendation. Motion carried.

2016-274: Motion to approve the Panel's Recommendation. Motion carried.

2018-403 & 2019-10: Motion to accept the Panel Recommendation. Motion carried.

2017-476: Motion to approve the Final Order Recommendation. Motion carried.

2018-605: Motion to approve the Panel Recommendation. 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. *Conducted in Closed Session.*

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

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

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

2018-368: Motion to accept 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 accept the recommendation. Motion carried. *Conducted in Closed Session.*

PRESIDENT'S REPORT:

Dr. Wolff presented the recommendations for 2020 Board of Nursing Officers. Motion to approve Sallie Beth Todd as Chairperson, Sam McNutt as Vice-Chairperson, and Neil Lipsitz as Secretary. Motion carried.

Prisma Healthcare provided information in follow-up to their previous appearance as ordered by the Board. The documents were reviewed by the Board members. Motion to approve changes as presented. Motion carried.

ADMINISTRATOR'S REPORT:

Ms. Moody presented the Administrator's Report for information. No motions were made.

DISCIPLINARY HEARINGS CONTINUED:

2017-109:

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 issuance of a Public Reprimand with a single-state license, with continued RPP compliance and acceptance of the coursework previously completed. Motion carried.*

2018-289:

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

Motion to grant the requested modification. Motion carried.*

2018-649:

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

Motion to deny the requested modification. Motion carried.*

2016-702:

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 stipulations: issuance of a Private Reprimand; a \$1,000 fine; and completion of the following NCSBN courses: Legal Aspects, Ethics, Documentation, and Critical Thinking all to be completed within six months of the date of the order. Motion carried.* *Mr. Lipsitz was recused from this hearing.*

2017-123:

The Respondent appeared before the Board for reinstatement of licensure as stipulated in a previous Board Order.

Motion to grant reinstatement of licensure. Motion carried.*

2017-625:

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 acceptance of the coursework previously completed, and issuance of a non-disciplinary Letter of Caution. Motion carried.*

Motion to adjourn for the evening at 3:43 p.m.

FRIDAY, NOVEMBER 22, 2019

CALL TO ORDER

Mr. McNutt called the meeting to order at 8:32 a.m. on Friday, November 22, 2019. It is noted that a quorum was present at all times.

EXCUSED ABSENCES

Motion to excuse Dr. Baer. Motion carried.

APPLICATION APPEARANCES:

Applicant One: An individual appeared before the Board having submitted an application for licensure as a Licensed Practical Nurse by Endorsement.

Motion to issue a single-state temporary license for the completion of the practicum portion of the Refresher Course, with the issuance of a single-state license upon completion of the Refresher Course. Motion carried.*

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

Motion to grant single- state license contingent upon RPP evaluation and compliance with recommendation and to require a reappearance before the Board if RPP recommends services. Motion carried.*

Applicant Three: The individual did not appear at the scheduled time and the appearance is continued until such time as the applicant requests the appearance be rescheduled.

PRACTICE REPORT:

Nurse Practice Consultant, Mindy Carithers, MSN, BSBA, RN-BC, presented the Practice Report.

Updates from the Nursing Practice & Standards Committee:

New Position Statement: Registered Nurses Compounding Medications- Ms. Carithers read the new Position Statement drafted by the Nursing Practice and Standards Committee regarding the compounding of medications by the RN into the record. Motion to approve. Motion carried.

New Position Statement: Practicing at Level Other Than Highest

Licensure/Approval/Recognition- Ms. Carithers read the new Position Statement drafted by the Nursing Practice and Standards Committee regarding individuals practicing at a lower level than his/her highest licensure, approval or recognition. Motion to approve. Motion carried.

Review of Advisory Opinions: Advisory Opinions #1, 6, 8, 9A, 10, 14, 15, 16, 17, 18, 26, 36, 38, 40, 49, and 64 were reviewed by the Nursing Practice and Standards Committee with no changes recommended. Motion to approve the review of the Advisory Opinions listed. Motion carried.

Revision of Advisory Opinions: Advisory Opinions #13, 22, 23, 34, 46, and 52 were reviewed by the Nursing Practice and Standards Committee. Ms. Carithers read the suggested changes to each Advisory Opinion into the record. Motion to approve the changes as presented. Motion carried.

NOMINATIONS FOR BOARD OF NURSING COMMITTEES:

The Board reviewed the following applications for vacant positions on the Board of Nursing Committees:

Laurie Havice as the plastics/esthetics Registered Nurse on the Nursing Practice and Standards Committee: Motion to approve the nomination. Motion carried.

Blake Wilson as an Expert Witness for Psychiatric Mental Health: Motion to approve. Motion carried.

Frank Munn for the Emergency Acute Care Expert Reviewer: Motion to approve. Motion carried.

SCOPE OF PRACTICE DECISION TREE:

Nurse Education Consultant, Peter Kubas, MSN, RN presented the Scope of Practice Decision Tree as recommended by the Advance Practice Committee. Motion to accept the APRN Scope of Practice Decision Tree. Motion carried.

ADMINISTRATOR'S REPORT CONTINUED:

Ms. Moody provided further updates regarding NCSBN, the APRN Recertification process, Board Member vacancies, the RPP Voluntary Participation Monitoring Agreement, and the upcoming 2020 renewal.

Inactive/Retired Nurse Status: Ms. Moody and Advice Counsel, Bob Horner, provided information about the Inactive/Retired status to be added to the forms beginning in the 2020 renewal cycle. The Board discussed the prepared document and suggested changes and clarifications. Motion to approve the Retired Nurse Status Proposal with changes as recommended. Motion carried.

Committee Designees: The Board discussed the Board of Nursing representatives to the Board of Nursing Committees. Motion to keep Ms. Swisher as an alternate to the Joint APRN Committee. Motion carried. All other designees will remain the same with any vacancies unfilled at this time.

Board Direction on Ketamine Requests: Ms. Moody sought the Board's guidance on the process for future Ketamine inquiries. Motion to approve the Board's process on Ketamine requests for RNs and LPNs to the Practice and Standards Committee for recommendations. Motion carried. Motion to send any requests for Advanced Practice Registered Nurses to the Advance Practice Committee for recommendations. Motion carried.

EDUCATION APPEARANCE:

Fortis College:

Yvette Spees appeared before the Board representing Fortis College subsequent to a request for approval of a plan to deliver three additional courses in the Nursing Program's online offerings through an agreement with Fortis College in Centerville, Ohio. The Advisory Committee on Nursing Education has previously reviewed the request and recommended it for Board approval. Motion to approve the request for the additional online classes. Motion carried.

Motion to adjourn the November 2019 Board of Nursing Meeting at 10:42 a.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.