

**MAY 21, 2020 MEETING MINUTES**

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

Sallie Beth Todd, Chairperson of the South Carolina State Board of Nursing, called the January 2020 meeting to order at 1:26 p.m. on May 21, 2020. 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		BOARD MEMBERS PRESENT & VOTING
Sallie Beth Todd, RN, MSN-Ed	Board of Nursing Chair 4 <sup>th</sup> Congressional District	Present	
Samuel McNutt, RN, CRNA, MHSA	Board of Nursing Vice-Chair 5 <sup>th</sup> Congressional District	Present	
Kay Swisher, RN, MSN	3 <sup>rd</sup> Congressional District	Present	
Neil B. Lipsitz	Public Member	Present	
Robert D. Wolff, PhD	Public Member	Present	
Vacancy	1 <sup>st</sup> Congressional District	Vacant	
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	
Christie Watson, Board of Nursing Program Assistant	
Jenna West, Board of Nursing Compliance Staff	
Mindy Carithers, Nurse Practice Consultant, Board of Nursing	
Peter Kubas, Nurse Education 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	
Jennifer O'Shields, Administrative Coordinator for the Board of Nursing	
Sean Cary, Court Reporter	

Agenda:

Motion to approve the agenda. Motion carried.

The following appearances were conducted in Closed Session. Open Session began as noted below.

Applicant One: A licensee appeared before the Board requesting a modification of a prior Board order regarding probation terms. A member of Compliance Staff presented the request before the Board for their determination.

Motion to grant the modification. Motion carried.

Office of Investigations and Enforcement:

Mark Sanders presented the Investigative Review Committee Report for the Board's approval.

Mr. Sanders presented 20 Dismissals: Motion to approve the Dismissals as listed. Motion carried.

Mr. Sanders presented a Dismissal with a Cease and Desist: Motion to approve the Dismissal and Cease and Desist. Motion carried.

Mr. Sanders presented 49 Formal Complaints: Motion to approve the Formal Complaints. Motion carried.

Mr. Sanders presented 27 Letters of Caution: Motion to approve the Letters of Caution. Motion carried.

Mr. Sanders then presented the Statistical Report for information.

#### Application Appearances:

Applicant Two: An applicant for licensure as a Licensed Practical Nurse by Endorsement appeared before the Board. There was also a potential disciplinary matter that needed to be resolved before the license could be issued.

Motion to grant licensure upon completion of the following: Legal Aspects Course, Ethics Course, and payment of a \$250 civil penalty, all to be completed within 90 days. Motion carried.\*

Applicant Three: An applicant for licensure as a Registered Nurse by Endorsement appeared before the Board.

Motion to extend the Temporary License on the condition of the following: Ethics Course, Legal Aspects course, Critical Thinking course within three months. After that time, a regular single-state license will be issued contingent that the Applicant complete RPP's five year requirement. Motion carried\*

#### Administrator Review Report:

Prentiss Shealey with the office of Disciplinary Counsel presented the Administrator Review Report for the Board's approval.

Motion to approve the Administrative Review Report. Motion carried.

#### Waived Final Hearing Report:

2015-342: Motion to approve the Panel Hearing Recommendation. Motion carried.

#### Open Session:

Minutes: Motion to approve the January 2020 Minutes. Motion carried.

Consent Agenda: Motion to approve the Consent Agenda. Motion carried.

#### Education Appearances:

Chamberlin University- Chamberlin University submitted a request to conduct clinical experiences in South Carolina for the pre-licensure DSN program. The Advisory Committee on Nursing Education (ACONE) approved their request to conduct clinicals for their fundamentals and Med-Surg courses. If Chamberlin wants to expand their clinicals within South Carolina, ACONE requests that they notify the Board. Ms. Nelda Webb appeared before the Board representing Chamberlin University.

Education Consultant, Peter Kubas, reviewed the approval by the Board in the University's "home" state as well as NCLEX scores with the Board. The request received preliminary approval by the Board Chair due to the cancellation of the March 2020 Board of Nursing meeting. The matter is now before the Board for approval by the full Board.

Motion to approve the request. Motion carried.

Emory University- Emory University submitted a request to conduct clinical experiences in South Carolina for their pre-licensure distant accredited BSN program. The ACON recommended that the Board approve the request, and also sought acknowledgment with compliance to the requirements set forth in Regulation 91-11-C5-F1-D\* from Emory. Mr. Kubas, reviewed the approval by the Board in the University's "home" state as well as NCLEX scores with the Board.

Motion to approve the request. Motion carried.

Florence-Darlington Technical College- Florence Darlington Technical College has requested an exception to the faculty requirements. They would like to use a Registered Nurse with a BSN as a faculty member in the position of obstetrics and pediatrics care. The statute requires a minimum of a Master's Degree or higher. The request received preliminary approval by the Board Chair due to the cancellation of the March 2020 Board of Nursing meeting. The matter is now before the Board for approval by the full Board. Mr. Kubas stated that their current Board approval status is conditional due to NCLEX deficiency in prior years. The faculty member currently teaches the same course in the LPN program, which will carry over to the ADN program.

Motion to approve the request. Motion carried.

Georgetown University- Georgetown University has submitted a request to conduct clinical experiences in South Carolina for the pre-licensure distance learning Master's entry program. The ACON has approved the request. Mr. Peter Kubas, reviewed the approval by the Board in the University's "home" state as well as NCLEX scores with the Board. The request received preliminary approval by the Board Chair due to the cancellation of the March 2020 Board of Nursing meeting. The matter is now before the Board for approval by the full Board.

Motion to approve the request. Motion carried.

Richmond Community College- Richmond Community College has submitted a request to conduct clinical experiences in South Carolina for their pre-licensure ADN program. Mr. Kubas, reviewed the approval by the Board in the University's "home" state as well as NCLEX scores with the Board.

Motion to approve the request. Motion carried.

#### Practice Report:

Nurse Practice Consultant, Mindy Carithers, appeared before the Board to present her Practice Report. Ms. Carithers provided an update on tele-health requests in response to the pandemic. Ms. Carithers also stated that most of the certifications for Advanced Practice Registered Nurses have been extended by the certifying bodies. The Compliance Department is spot-checking to ensure that the updated expiration date is captured in the APRN's file. A request was received to use EMTs as staff for nursing homes and the requesting party was referred to DHEC for information. Ms. Carithers also provided an update on licensure renewals by APRNs who inadvertently choose to inactivate their prescriptive authority through the renewal and the steps taken by Compliance staff to remedy the error so that the nurse is not out of compliance with statute.

As a follow-up to Ms. Carithers' tele-health update, Bob Horner, Advice Counsel for the Board asked the Board to ratify an order approved by the Board Chair regarding APRNs in bordering states so that the practitioners can continue to see patients via telehealth during the pandemic.

Motion to ratify. Motion approved.

#### Education Report:

Mr. Kubas appeared before the Board to present his Education report. The Board received a notification from South Dakota State University that they would be replacing in-person clinicals with simulation due to the pandemic in their Refresher program. Greenville Technical College likewise notified the Board that they would replace in-person clinical experiences with simulation due to the pandemic. The Board has approved online-only Refresher programs in the past. In the past the Board has utilized their discretion to require that applicants participate in an in-person Refresher program due to their individual circumstances when those applicants appeared before the Board. Mr. Horner reiterated that it is within the Board's discretion to require applicants participate in in-person clinicals when those individuals are before the Board.

Motion to approve the requests from South Dakota State University and Greenville Technical College. Motion carried.

Mr. Kubas then reviewed the use of Simulation in clinicals during the pandemic as a whole and the requests that have been received from pre-licensure programs, the discussion that occurred with the Board Administrator, Board Chair, Board Vice-Chair, and Board Counsel to temporarily pull the Simulation Position Statement during the pandemic.

Mr. Kubas then discussed the potential for a Graduate Nurse License or authorization to practice in light of the pandemic and the closing or restricted NCLEX testing sites.

Mr. Horner provided information to the Board about requests that he receives from APRNs to administer low-dose ketamine infusions at private clinics for depression or chronic pain. Mr. Horner requested that the Board refer the matter to the Advanced Practice Committee (APC) to decide the scope of practice issue and to establish practice requirements if it is found to be within the APRNs scope of practice.

Motion to send the matter to the APC. Motion carried.

#### Administrator's Report:

Board Administrator, Carol Moody, appeared before the Board to present her Administrator's Report. Ms. Moody followed-up on Mr. Kubas' discussion about the NCLEX sites being restricted or shut-down and the possible impact on NCLEX scores both currently and going forward and whether the decline is due to the use of simulation, virtual learning, or the inability to take the NCLEX in a timely manner. National Counsel is researching the issue and speaking with stakeholders in an effort to determine what has caused the slight dip in scores and to work to resolve any issues to correct the problem going forward. Ms. Moody provided an update on testing sites and the challenges for new graduates to obtain open testing positions and the impact of students from other states traveling to South Carolina to take the NCLEX due to unavailability in their home states. Ms. Moody provided an update on Renewals and licensing. Ms. Moody updated the Board that the in-person National Council meetings have been changed to virtual due to the pandemic and opened up the opportunity for additional Board members to participate if they so desire. Ms. Moody also provided a staffing update.

Having no further business before them, a motion was made to adjourn the meeting at 4:24 p.m.  
Motion carried.

\* Indicates that the Board entered into Executive Session for the purposes of receiving legal counsel.  
No official actions were taken while in Executive Session.