



South Carolina Department of Labor, Licensing and Regulation
South Carolina Board of Nursing
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JANUARY 28-29, 2021 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 2021 meeting to order at 8:35 a.m. on January 28, 2021. 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
Kelli Garber, MSN, APRN, PPCNP-BC	1 st Congressional District	Present	
Rebecca Morrison, APRN, MSN, FNP-BC	2 nd Congressional District	Present	
Kay Swisher, RN, MSN	3 rd Congressional District	Excused	
Sallie Beth Todd, RN, MSN-Ed	Board of Nursing Chair 4 th Congressional District	Present	
Samuel McNutt, RN, CRNA, MHSA	Board of Nursing Vice- Chair 5 th Congressional District	Present	
Jonella Davis, MBA, BSN, RN, NEA-BC	7 th Congressional District	Present	
Neil B. Lipsitz	Board of Nursing Secretary Public Member	Present	
Robert D. Wolff, PhD	Public Member	Present	
Vacancy	6 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	
Ginna West, Board of Nursing Staff	
Mindy Carithers, Nurse Practice Consultant, Board of Nursing	
Peter Kubas, Nurse Education Consultant	
Jennifer O'Shields, Board of Nursing Administrative Coordinator	
Tina Brown, Assistant Disciplinary Counsel	
Princess Hodges, Assistant Disciplinary Counsel	
Prentiss Shealey, Assistant Disciplinary Counsel	
Rowland Alston, Assistant Disciplinary Counsel	
Megan Flannery, Assistant Disciplinary Counsel	
Jenna Martin, Office of Investigations and Enforcement	
Tina Behles, Court Reporter	

EXCUSED ABSENCES:

Motion to excuse Ms. Swisher 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 approve the September 2020 meeting Minutes. Motion carried.

EDUCATION APPEARANCES:

Horry Georgetown Technical College: Horry Georgetown College was previously before the Board due to deficient 2018 NCLEX scores for both the Associate Degree in Nursing program and the Practical Nursing program. The Board accepted the information presented and ordered a reappearance at the January 2020 Board of Nursing meeting. The Program was then issued a citation for deficient 2019 NCLEX scores and at the January 2020 Board meeting, the Associate Degree in Nursing (ADN) program was moved from full to conditional approval with a reappearance in January 2021. The ADN program is accredited through the Accreditation Commission for Education in Nursing (ACEN) through the fall of 2027. The program met the standard in 2020 with an 83.3% pass rate. The Practical Nursing program received previous deficiency citations as noted, was also moved to conditional approval as noted and ordered to return before the Board in January 2020, but also received a citation for deficient 2020 NCLEX scores. The PN Program is also accredited through ACEN through the fall of 2027. Both programs provided materials in advance of the meeting for the Board members' review. Lorraine Aldrich, Ann Daniels, and Dr. Jennifer Wilbanks appeared before the Board representing Horry Georgetown Technical College to provide an update on their Action Plan and answer the Board members' questions.

ADN Program: Motion to leave Horry Georgetown Technical College's ADN Program in conditional status with a reappearance in September 2021. Motion carried.*

LPN Program: Motion to leave Horry Georgetown Technical College's LPN Program in conditional status with a reappearance in September 2021 and the Board notes concern for the program, including highly recommending an increase in the admission GPA. Motion carried.*

Ms. Davis was recused from this portion of the meeting. Ms. Davis completed the recusal form and rejoined the meeting at the conclusion of the Horry Georgetown Technical College appearance.

University of South Carolina- Beaufort Campus: The University of South Carolina Beaufort Campus (USCB) Bachelor of Science in Nursing program was previously before the Board due to deficient 2019 NCLEX scores at the Board's September 2020 meeting. The Board accepted the information as presented at that time and ordered a reappearance at the January 2020 meeting. The program has additionally been issued a citation for deficient 2020 NCLEX scores. The current approval status is full approval and the program is accredited through the Commission on Collegiate Nursing Education (CCNE) through June 2024. The program has submitted an Improvement Plan for the Board members' review in advance of the meeting. Dr. Kimberly Dudas and Dr. Lynne Hutchison

appeared before the Board representing USCB to present their Improvement Plan and answer the Board member's questions.

Motion to move the program to conditional status with a reappearance at the September 2021 Board of Nursing Meeting. Motion carried.*

Northeastern Technical College: The Northeastern Technical College Associate Degree in Nursing (ADN) program was previously before the Board in March 2018 for a 2017 NCLEX deficiency citation. The Board accepted the information as presented and ordered a reappearance in January 2019. At the January 2019 meeting, the ADN program was cited for deficient 2018 NCLEX scores. The Board changed the ADN program's approval from full to conditional and ordered a reappearance in January 2020. At the January 2020 meeting, the Board cited the ADN program for deficient 2019 scores and ordered a site survey. Due to COVID travel restrictions, the Nurse Education Consultant in collaboration with members of the Advisory Committee on Nursing Education (ACONE) were unable to complete the site survey. Both the LPN and ADN programs received a citation for deficient 2020 NCLEX scores. The LPN program remains in full approval status. Neither the ADN or LPN program are accredited. Hope Pigg and Holly White appeared before the Board representing both the ADN and LPN programs. Ms. Pigg provided updates on changes made to the programs and both Ms. Pigg and Ms. White answered questions from the Board.

ADN Program: Motion for the Northeastern Technical College ADN Program to remain in conditional status, require a reappearance at the March 2021 Board of Nursing meeting with the Deans and President of the College to address the support of the college for the Nursing Programs. The Board requires the following information at that time: the number of nurse faculty, the Curriculum Vitae for all nursing faculty and background information, and the Curriculum Vitae and background information for all those teaching any of the prerequisite courses, including information on the science laboratories. Motion carried.*

LPN Program: Motion to accept the information as presented. Motion carried.*

OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

Investigator Jenna Martin presented the Investigative Review Committee Report for approval.
Conducted in Closed Session.

Motion to approve 18 Dismissals. Motion carried.

Motion to approve 21 Formal Complaints. Motion carried.

Motion to approve 7 Letters of Caution. Motion carried.

Motion to approve the Cease and Desist presented. Motion carried.

The Statistical Report will be presented at the March 2021 meeting.

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.

2017-90 & 2018-182: 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 conditions: a private reprimand; continuation with RPP for the remainder of the five year contract; courses in Legal Aspects and Ethics; and a \$500 civil penalty. Motion carried.*

2014-57: The Respondent appeared before the Board having executed a Stipulation of Facts for the purpose of determining whether a violation of the Nurse Practice Act occurred and to disciplinary sanction if any. Motion to accept the Stipulation of Facts and to dismiss the case. Motion carried.*

2016-564: The Respondent appeared before the Board subsequent to a full disciplinary hearing before the Board's Hearing Panel. The Respondent has also executed a Memorandum of Agreement. The Board has reviewed the transcript of the proceeding, the Panel's recommendation, and the Memorandum of Agreement. Motion to accept the Memorandum of Agreement with a private reprimand and the following courses: Ethics, Legal Aspects, and Medication. Motion carried.*

2017-152: 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 a violation of the Nurse Practice Act Section 40-33-110 (A) (18) and a violation of 40-33-110- (A) (25) with issuance of a private reprimand and the following EBAS courses: unprofessional conduct and professional standards. Motion carried.*

2017-635: The Respondent appeared before the Board having submitted a request to modify a prior order of the Board. Motion to deny the request for modification. Motion carried.*

2017-666: The Respondent was scheduled to appear before the Board subsequent to a full disciplinary hearing before the Board's Hearing Panel. After first determining that proper notice was given, the Board proceeded with the hearing. Motion to accept the Panel's recommendation. Motion carried.

2019-337: The Respondent was scheduled to appear before the Board subsequent to a full disciplinary hearing before the Board's Hearing Panel. After first determining that proper notice was given, the Board proceeded with the hearing. Motion to accept the Panel's recommendation. Motion carried.

2016-781: The Respondent appeared before the Board having submitted a request to modify a prior order of the Board. Motion to deny the request for modification. 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.*

2019-16 & 2019-66: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2019-324: Motion to approve the Final Order Hearing 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:

Graduate Nurse Temporary Authorization to Practice: Advice Counsel, Bob Horner, provided an update on pending legislation that seeks to mimic the Executive Orders of the Governor that are already in place for the duration of the pandemic and includes nursing students. Mr. Horner provided a copy of the pending legislation for the Board member's information. No motions were made.

Motion to adjourn for the evening at 6:04 p.m.

CALL TO ORDER

Ms. Todd called the meeting to order at 8:33 a.m. on Friday, January 29, 2021. It is noted that a quorum was present at all times.

EXCUSED ABSENCES

Motion to excuse Ms. Swisher. Motion carried.

GRADUATE NURSE TEMPORARY LICENSE LEGISLATION:

Lara Hewitt, Vice President of the South Carolina Hospital Association (SCNA), appeared before the Board with Edward Bender, general counsel for the SCNA, to discuss the Graduate Nurse Temporary Legislation. Ms. Hewitt discussed the time period when the effects from the pandemic were first felt in South Carolina and the NCLEX testing center was shut down and the challenge to get new graduates into the workforce to support the COVID response efforts. workforce was a challenge. The first approach was to work with nursing leadership throughout the state, DHEC, National Council State Boards of Nursing (NCSBN) and Pearson Vue (the administrators of the NCLEX) to reopen testing centers. South Carolina was one of the first states to reopen testing centers, although with a decreased capacity. That led to the need for a temporary process until new graduates had the opportunity to take the examination. Chief nursing officers had expressed that they were counting on the new graduates to come into the workforce and the need for a process to bring in new graduates, have them trained and oriented and ready to work while they were waiting to take the NCLEX. The process has been successful and the need to make it a permanent process going forward was expressed. Working in collaboration, legislation was drafted to put the process in place permanently and closely mirrors the current process. Mr. Bender then discussed the pending legislation, the definition of a graduate nurse, the supervision requirement, and that it builds on current statute. Mr. Bender also discussed situations that would lead to the revocation of the temporary graduate license. Mr. Bender then provided an update on the current status of the legislation. The Board thanked Ms. Hewitt and Mr. Bender for the information presented. No motions were made.

PROFESSIONALISM AND SOCIAL MEDIA:

Kathleen Valentine, Carolyn Swinton, and Linda Weglicki appeared before the Board to discuss professionalism and social media. Ms. Valentine, Ms. Swinton, and Ms. Weglicki presented information about nurses who have made inappropriate or unprofessional comments or posts on social media platforms and the impact on the reputation of the nursing community as a whole and the individual nurse's employer and their ability to be trusted to provide patient care. The group sought guidance about what the Board of Nursing can specifically help with to make sure that nurses adhere to the standards of practice, their ethical code, and the trusted presence that nurses need in order to provide safe care to patients. Bob Horner, Advice Counsel for the Board, expressed the Board's limitations and concerns with drafting a Position Statement. The Board thanked Ms. Valentine, Ms. Swinton, and Ms. Weglicki for the information presented and wishes to look at what is out there from NCSBN and other states. No motions were made.*

PROPOSED CMA LEGISLATION:

Jennifer Turner appeared before the Board to discuss the proposed CMA Legislation. Ms. Turner stated that over the last ten years there has been an increase in certified medical assistants, registered medical assistants, and medical assistants who are neither certified nor registered. She further testified that there is currently not a scope of practice for medical assistants in South Carolina and expressed that this is a patient safety concern because at times medical assistants are performing similar duties as a nurse without a scope of practice or real oversight. Currently medical assistants are categorized as unlicensed assistive personnel, in the same way as a nursing assistant or unit secretary. Ms. Turner stated that with more clinics being staffed by Physician Assistants (PAs) and Advanced Practice Registered Nurses (APRNs), there is a need to address the ability for those practitioners to delegate to medical assistants who may be the only other staff at the clinic. She further stated that the proposed legislation seeks to allow appropriate delegation and define what a medical assistant is and how a medical assistant differs from other unlicensed assistive personnel, both in education/training and role. Ms. Turner then discussed the verbiage which would allow medical assistants, under the supervision of the healthcare team, to perform routine nursing tasks that do not require judgment or the skill of a licensed nurse, with the clearly continuing the restriction that unlicensed assistive personnel cannot administer medications. Ms. Turner stated that the proposed legislation would amend the code by adding specific tasks that may be delegated to a certified medical assistant by a physician, a PA, or an APRN if the APRN is authorized to do so in their practice agreement. She further stated that the proposed legislation would list tasks that could never be delegated to a CMA and would require the allowed tasks to be delegated directly to the CMA by the licensed practitioner who is to be in close proximity to oversee the task and ensure that it is completed correctly, which will ensure patient safety. Ms. Turner then discussed the amendment to the code to delineate the difference between unlicensed assistive personnel and the certified medical assistant. Ms. Turner stated that the proposed legislation is scheduled to be presented during the 2021 legislative session and should it pass that it would take effect 60 days after approval by the Governor. Ms. Turner requested an appearance before the Board to provide the Board with the opportunity to provide feedback or to see if there are any barriers to making these changes. Ms. Turner stated that the proposed legislation is very similar to other neighboring states allow CMAs to do, how it's delineated, and who is allowed to delegate with them. The Board members had an opportunity to ask for further clarification regarding some of the points in the proposal. The Board accepted the information as presented and thanked Ms. Turner for the presentation and her efforts in bringing the proposed legislation. No motions were made.

APPLICATION APPEARANCES:

Applicant One: An applicant for licensure as a Registered Nurse by Endorsement appeared before the Board. Motion to grant full RN endorsement. Motion carried.*

Applicant Two: An applicant for licensure as a Licensed Practical Nurse by Endorsement appeared before the Board. Motion to grant single-state LPN license contingent upon the applicant's enrollment and compliance with RPP who would then collaborate with the recovery monitor program already in place in the state of Georgia. Further the Board directs that a Letter of Caution be issued, cautioning the applicant to be mindful of answering disciplinary questions truthfully on any application. Motion carried.*

Applicant Three: An applicant for licensure as a Licensed Practical Nurse by Reinstatement appeared before the Board. It is noted that there is prior disciplinary history with the Board. Motion for reinstatement of the LPN license contingent upon successful completion of a Board-approved Refresher program or successful completion of the NCLEX with the requirement for compliance with RPP, and restriction of access to narcotics at the discretion of the Director of Nursing. Motion carried.*

Applicant Four: An applicant for licensure as a Registered Nurse by Reinstatement appeared before the Board. Motion to reinstate single-state RN license contingent upon evaluation, enrollment, and compliance with RPP for continued monitoring. 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.

2019-83: The Respondent appeared before the Board subsequent to a full disciplinary hearing before the Board's Hearing Panel. The Respondent has also executed a Memorandum of Agreement. The Board has reviewed the transcript of the proceeding, the Panel's recommendation, and the Memorandum of Agreement. Motion to accept the Final Order Hearing Recommendation. Motion carried.*

2018-502: 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: issuance of a private reprimand; a civil penalty in the amount of \$250 payable within six months; and completion of the following courses within six months: Documentation and Medication Errors. Motion carried.*

2019-370: 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: issuance of a public reprimand; a civil penalty in the amount of \$500 due within 12 months; and completion of the following courses within 12 months: Legal Aspects and Ethics.

Updates from the Nursing Practice and Standards Committee:

Nurse Practice Consultant, Mindy Carithers, presented updates to Advisory Opinion 9B "Administration and Intravenous Therapies and Procedures. Motion to accept the revisions. Motion carried.

Ms. Carithers then presented updates to the Nursing Management of Invasive Devices Charts. Motion to approve the changes in the Nursing Management of Invasive Devices, Catheters, Lines, and Tubes. Motion carried.

Updates from the Advanced Practice Committee:

Nurse Education Consultant, Peter Kubas, provided an update from the Advanced Practice Committee. There is currently a vacancy on the Committee. Someone has applied for the open position and that application will be presented for review at the March Board of Nursing Meeting.

PRESIDENT'S REPORT:

Committee Composition and Assignments: There are several vacancies for Board members on the committees of the Boards due to the changes in composition in the Board over the last year. Ms. Todd asked that the Board revisit the Board member assignments to the committees. Board members are ex officio and non-voting for the NPSC, APC, and ACONE. The Board also has voting members for the Healthcare Collaborative Committee and the Joint APRN Committee. Ms. Morris volunteered to participate in the Nursing Practice and Standards Committee. Ms. Garber volunteered to participate in the Advanced Practice Committee. Mr. McNutt will continue to serve on the Advanced Practice Committee as backup for Ms. Garber. Ms. Garber further volunteered to participate in the Healthcare Collaborative Committee (HCC), which is a joint committee with the Boards of Medical Examiners and Pharmacy. Ms. Todd volunteered to be the backup for the HCC. As there were no other volunteers, Ms. Todd volunteered to continue to participate in the ACONE. Ms. Davis volunteered to serve as backup for both the ACONE and the NPSC.

Ms. Todd and members of the Board wish to thank Christie Watson for her many years of service as the Program Assistant for Compliance and congratulate her on her retirement.

ADMINISTRATOR'S REPORT:

Ms. Moody provided a statistical update.

Ms. Moody provided information on the upcoming NCSBN Mid-Year meeting, which will take place virtually. There is no cost for Board members to attend and all Board members were forwarded a link to sign up to observe the meeting if desired. As previously discussed in a prior meeting, Ms. Moody and Ms. Todd will participate as the Board's representatives.

Ms. Moody then discussed the upcoming NCSBN Scientific Symposium and the APRN Roundtable.

The Board is receiving inquiries from schools of Nursing when students have a "hit" on their criminal background check to determine if the student's background will prevent him/her from becoming licensed as a Nurse. Ms. Moody stated that it is not within the Board's authority to provide that feedback, but at one university's insistence did provide a letter stating that the specific individual who is currently enrolled in a Registered Nurse program is currently licensed as a Licensed Practical Nurse and that the information on the background report had already been reviewed and approved by the Board.

Ms. Moody then provided an update from the Joint Pharmacist Vaccine Committee and the development of a process for administration of flu vaccines. As discussed at the most recent meeting, the Covid vaccine will be added to the document. The final document will need to be approved by the Board of Medical Examiners and will come to the Board of Nursing for information.

Ms. Moody also provided a staff update and a Board member update.

Ms. Moody reminded Board members that the Statement of Economic Self-Interest is due by March 31st.

Motion to adjourn at 5:40 p.m.

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