



MARCH 24-25, 2022 MEETING MINUTES

Samuel McNutt, Vice-Chairperson of the South Carolina State Board of Nursing, called the March 2022 meeting to order at 9:11 a.m. on March 24, 2022. 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, DNP, APRN, PPCNP-BC	1 st Congressional District	Excused	
Rebecca Morrison, APRN, MSN, FNP-BC	2 nd Congressional District	Present	
Kay Swisher, RN, MSN	3 rd Congressional District	Present	
Sallie Beth Todd, RN, MSN-Ed	Board of Nursing Chair 4 th Congressional District	Excused	
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	
Tamara Day, LPN	At-Large, LPN	Present	
Robert J. Wolff, PhD	Public Member	Present	
Vacancy	6 th Congressional District	Vacant	
Vacancy	At-Large, LPN	Vacant	
Vacancy	Public Member	Vacant	

Carol Moody, Administrator, Board of Nursing	LLR STAFF PRESENT
Megan Flannery, Advice Counsel for the Board of Nursing	
Bob Horner, Advice Counsel for the Board of Nursing as Noted	
GINNA WEST, Board of Nursing Program Assistant	
Shannon Stricklin Board of Nursing Staff	
Mindy Carithers, Nurse Practice Consultant and Compliance Manager, Board of Nursing	
Peter Kubas, Nurse Education Consultant	
Jennifer O'Shields, Administrative Coordinator, Board of Nursing	
Tina Brown, Assistant Disciplinary Counsel	
Shanika Johnson, Assistant Disciplinary Counsel	
Princess Hodges, Assistant Disciplinary Counsel	
Shelby Sutusky, Assistant Disciplinary Counsel	
Mark Sanders, Chief Investigator, Office of Investigations and Enforcement	
Tina Behles, Court Reporter	

EXCUSED ABSENCES:

Motion to excuse Ms. Todd and Dr. Garber. Motion carried.

APPROVAL OF AGENDA:

Motion to approve Agenda. Motion carried.

BOARD MINUTES:

Motion to defer Minutes to March 25, 2022. Motion carried.

CONSENT AGENDA:

Motion to approve the Consent Agenda as amended. Motion carried.

EDUCATION APPEARANCES

Bob Jones University: Ms. Megan Lanpher appeared before the Board representing Bob Jones University's Bachelor of Science in Nursing Program in regards to their request to establish an overseas clinical site in Togo. The request was before the Advisory Committee on Nursing Education (ACONE) at their February 15, 2022 meeting. The ACONe has recommended approval to the Board. Ms. Lanpher states that the Program has the opportunity to offer a portion of clinical hours in a hospital in Togo that is sponsored through ABWE, which is a medical missions board. Ms. Lanpher states that the overseas clinical site would be available to senior students who are in their final semester of classes. The first half of the semester would be spent completing the didactic requirements and then the students would transition into their Capstone clinical, which is 180 hours working with a BSN preceptor. Ms. Lanpher further stated that the Program plans to select one to two senior students through an application process and that the students would first complete 90 of the 180 practicum hours stateside in a traditional setting in the upstate of South Carolina working with a RN. For the second half of the clinical hours, the student(s) would travel to Togo with a faculty member from the Program who meets all of the requirements to serve as a preceptor. The student(s) and faculty member would spend approximately three weeks acclimating and being oriented at the facility, which includes culturally and socially. The faculty member would then participate in an orientation process to become acclimated to the unit, which is a 60-bed inpatient facility treating everything from pediatric, to women's health, to general medicine. Ms. Lanpher stated that the surgical teams are primarily staffed by expats from the United States who work short-term or long-term contracts and that the nursing staff is primarily Togolese nationals who would be unable to function as a preceptor, but are available for consultation. Ms. Lanpher states that the Program faculty who is a licensed RN would precept the one to two students and would maintain nursing ratios similar to the clinical experience stateside. Further, there would be close collaboration with the Togolese nurses for cultural issues and procedural questions and there are translators available as well. There are also expat RNs who provide leadership within the hospital facility who are MSN prepared working on the policies and procedures manual and in training the Togolese nurses. The procedures used in the facility come from the same textbook that is used by the Program. A survey trip is planned for June 2022 to assess the acuity of the patients there and to make sure that learning would be feasible for the students.

Motion to approve Bob Jones University's request to establish an overseas clinical instruction site. Motion carried.*

Columbia International University: Dr. Jill McElheny appeared with Dr. James Lanpher before the Board representing Columbia International University's request for initial approval to offer a Bachelor's Degree in Nursing Program. The Board previously accepted the ACONe's recommendation to approve the Feasibility Study. As their part of their request for initial approval status, the Program submitted a self-study in accordance with Board Regulations. The Program was surveyed on December 2-3, 2021. The Program's request was before the ACONe at their February 15, 2022 meeting where the Committee recommended approval to the Board. Dr. McElheny states that all of the recommendations from the Site Report have been addressed and reviewed changes implemented. Dr. McElheny further states that at the time of the self-study she was still hiring faculty but since that time all faculty has been hired and committee meetings have begun to implement further updates. Dr. McElheny states that she is working with a CCNE Accreditation consultant to

assist with the Systemic Evaluation Plan to make sure that the Program will meet both Board and CCNE requirements.

Motion to approve Columbia International University's request for initial approval status for the BSN Program.

ECPI University Greenville Campus: Ms. Carolyn Miller appeared before the Board representing ECPI University Greenville Campus' Associate Degree in Nursing Program in their request for full approval status. The Program's first cohort graduated in November 2020. Nurse Education Consultant, Peter Kubas, stated that a program must make application for full approval within six months following the taking of the NCLEX by the first graduating class. However, due to Covid-19 travel restrictions the program could not be surveyed at that time. The Program submitted a self-study for the initial post-NCLEX site survey and the Program was surveyed on December 16-17, 2021. At the February 15, 2022 Advisory Committee on Nursing Education (ACONE) meeting, the Committee voted to recommend approval to the Board. Ms. Miller states that the Site Report contains six recommendations to address and all have been addressed since that time. The Program received further feedback from the ACONe during the meeting and has taken that into consideration as well.

Motion to move ECPI University Greenville Campus' Associate Degree in Nursing Program to full approval status. Motion to approve.*

The Board further cautioned the Program to ensure that NCLEX scores do not drop further.

Spartanburg Community College: Ms. Julia Denesha appeared before the Board representing Spartanburg Community College in their request to offer a Licensed Practical Nurse Program. Mr. Kubas states that the Board must approve the Feasibility Study before the Program is ready for development. At the February 15, 2022 Advisory Committee on Nursing Education (ACONE) meeting, the Committee voted to recommend approval to the Board. Ms. Denesha stated that Spartanburg Regional Healthcare System ("the System") approached the College to discuss formation of an LPN Program with support of the System. Ms. Denesha stated that the System is looking to move back to a team concept approach to nursing and to start using LPNs in an acute setting, not just in long-term care. The College previously offered an LPN Program before moving to an ADN Program. Ms. Denesha states that they have worked with the System and a Veteran's facility to create the Program, starting over and revitalizing the former Program and states that both partners are supporting the Program and offering clinical sites and assurances that there will be positions available for their graduates. Ms. Denesha requested to start with a cohort of 24 students and once those students graduate the next cohort would begin. The College has five separate campuses but the Program would be housed at the Cherokee Campus and there is already dedicated space there for a classroom and lab. Ms. Denesha states that the Program is ready once approval is received and the funding and quotes are ready to start purchasing equipment for the facility so that it is fully stocked and ready for students to start the Fall 2022 semester. Ms. Denesha stated that the Program looked carefully at the curriculum to make sure that the general education courses would offer progression into a RN Program if the student wants to pursue further education. Ms. Denesha further stated that the Program may consider a LPN to RN transition sometime in the future. Ms. Denesha reviewed the current faculty and discussed the potential Program Director and discussed the faculty for both the ADN and LPN Programs. Ms. Denesha stated that there are no other LPN Programs in the immediate service area.

Motion to approve Spartanburg Community College's request for a Feasibility Study for the Licensed Practical Nurse Program. Motion carried.*

Position Statement Regarding the Use of Simulation in Pre-Licensure Nursing Programs: The Position Statement was formulated in July 2018 with much feedback from stakeholders and the ACONe and was previously posted to the Board's website for reference but was removed at the beginning of the Covid-19 Pandemic as schools of Nursing worked to adapt to an all virtual environment and lack of in-person clinical experiences. The Board has discussed reposting the Position Statement several times but has deferred each time as more information on the impact of the

reposting was needed. The Board requested that Mr. Kubas contact the Deans and Directors group to inquire about hardship on the program or school based on current date lack of clinical sites. Mr. Kubas stated that there was overwhelming response from the Deans and Directors and ACONe that the clinical sites are open and that the schools prefer to have face-to-face clinicals so simulation is used only when absolutely necessary, which is much like the issues prior to Covid with the sub-specialties of pediatrics, obstetrics, and sometimes behavioral health. Ms. Flannery provided feedback that she received from a member of the public who contacted her to request that the Position Statement not be reposted at this time, but if it was to include some type of grace period.

Motion to reinstate the Position Statement Regarding Use of Simulation in Pre-Licensure Nursing Programs on the website to be effective the next academic year [Fall 2022]. Motion carried.*

OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

Chief Investigator Mark Sanders presented the Investigative Review Committee Report for approval. *Conducted in Closed Session.*

Motion to approve 12 Dismissals. Motion carried.

Motion to approve 23 Formal Complaints. Motion carried.

Motion to approve 6 Letters of Caution. Motion carried.

Mr. Sanders further presented the Statistical Report.

ADMINISTRATOR'S REPORT:

Board Administrator, Carol Moody, first discussed the Graduate Nurse Temporary Licenses (GNTL). Ms. Moody stated that seven LPN GNTL and 24 RN GNTL have been issued since the November meeting. Since the January meeting 805 licenses have been issued including applications by endorsement, reinstatement, examination, etc. Ms. Moody stated that Ms. Lindsey Mitchum was approved by the Senate and that she would orient and be ready for participation in the May meeting. Ms. Moody provided an update on Board staff vacancies. Ms. Moody further provided updates from the Nurse Licensure Compact (NLC) and the states that have joined, implemented, or have pending implementation. Ms. Moody discussed the renewal period currently in progress and provided a report about the progress. Ms. Moody reminded the Board members to file the Statement of Economic Interest by the end of March. Ms. Moody stated that the May Board meeting would occur in-person. Ms. Moody provided a list of upcoming National Council of State Board of Nursing meetings. Ms. Moody stated that the Investigative Review Committee requested a course on maintaining professional boundaries be added to the approved course list. Ms. Moody later provided an update on the NCSBN Mid-Year meeting.

Motion to accept the proposed course on maintaining professional boundaries to be added to the approved course list. 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.

2021-14: 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) (13) and (A) (14) with issuance of a public reprimand and continued compliance with other terms and conditions known to the Respondent and the Board. Motion carried.*

Ms. Kay Swisher was recused from this appearance. Ms. Swisher rejoined the meeting at the conclusion of the appearance.

2017-217 & 2018-468: This case is before the Board for a Final Order Hearing and was previously before the Board of Nursing Hearing Panel for review and a report has been issued with a recommendation regarding violations of the Nurse Practice Act and disciplinary sanction recommendations. The Board had an opportunity to review the evidence presented during the full evidentiary hearing as well as the recommendation of the Panel. The Respondent was not present for the Final Order Hearing. After first determining that proper notice was provided to the Respondent, the Board proceeded with the hearing.

Motion to accept the Board of Nursing Hearing Panel's Final Order Hearing Recommendation with revocation of licensure. 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 recommendations. Motion carried. *Conducted in Closed Session.*

OFFICE OF DISCIPLINARY COUNSEL STATISTICAL REPORT:

Ms. Brown presented the ODC Statistical Report for information purposes. *No motions were made.*

DISCIPLINARY HEARINGS CONTINUED:

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.

2015-152 & 2017-494: The Respondent was before the Board having submitted a request for modification of a prior Board Order.

Motion to deny request for modification. Motion carried.*

2017-682: The Respondent was before the Board having submitted a request for modification of a prior Board Order.

Motion to deny request for modification. Motion carried.*

2020-416: 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 and the following disciplinary sanctions: \$250 civil penalty due within six months of the date of the Order and completion of the following courses: Documentation; Legal Aspects; Ethics; and Critical Thinking. Motion carried.*

2019-221: This case is before the Board for a Final Order Hearing and was previously before the Board of Nursing Hearing Panel for review and a report has been issued with a recommendation regarding violations of the Nurse Practice Act and disciplinary sanction recommendations. The Board had an opportunity to review the evidence presented during the full evidentiary hearing as well as the recommendation of the Panel. The Respondent was not present for the Final Order Hearing. After first determining that proper notice was provided to the Respondent, the Board proceeded with the hearing.

Motion to accept the Board of Nursing Hearing Panel's Final Order Hearing Recommendation with a private reprimand and a Public Order of Indefinite Suspension. Motion carried.*

Ms. Kay Swisher was recused from this appearance. Ms. Swisher rejoined the meeting at the conclusion of the appearance.

2019-247: This case is before the Board for a Final Order Hearing and was previously before the Board of Nursing Hearing Panel for review and a report has been issued with a recommendation regarding violations of the Nurse Practice Act and disciplinary sanction recommendations. The Board had an opportunity to review the evidence presented during the full evidentiary hearing as well as the recommendation of the Panel. The Respondent was not present for the Final Order Hearing. After first determining that proper notice was provided to the Respondent, the Board proceeded with the hearing.

Motion to accept the Board of Nursing Hearing Panel's Final Order Hearing Recommendation with indefinite revocation. Motion carried.

Advice Counsel for the Board of Nursing, Megan Flannery, did not participate in this appearance. Bob Horner, also with the Office of Advice Counsel, was counsel for the Board instead. Ms. Flannery rejoined the meeting as counsel at the conclusion of this appearance.

2018-662: This case is before the Board for a Final Order Hearing and was previously before the Board of Nursing Hearing Panel for review and a report has been issued with a recommendation regarding violations of the Nurse Practice Act and disciplinary sanction recommendations. The Board had an opportunity to review the evidence presented during the full evidentiary hearing as well as the recommendation of the Panel. The Respondent was not present for the Final Order Hearing. After first determining that proper notice was provided to the Respondent, the Board proceeded with the hearing.

Motion to accept the Board of Nursing Hearing Panel's Final Order Hearing Recommendation. Motion carried.

Motion to adjourn for the evening at 3:04 p.m.

FRIDAY, MARCH 25, 2022

CALL TO ORDER

Mr. McNutt called the meeting to order at 9:01 a.m. on Friday, March 25, 2022. It is noted that a quorum was present at all times.

EXCUSED ABSENCES:

Motion to excuse Ms. Todd and Dr. Garber from the meeting. Motion carried.

AGENDA:

A Respondent appeared early for a scheduled appearance. Motion to move the appearance to the beginning of the Agenda. Motion carried.

BOARD MINUTES:

Motion to approve September 2021 and November 2021 Minutes with the change correction to a Board member's name as noted. Motion carried.

APPLICATION/COMPLIANCE APPEARANCES:

Compliance/Application Appearance 1: An applicant for licensure as a RN by endorsement appeared before the Board.

Motion to grant licensure contingent upon evaluation by RPP and compliance with any recommendations. Motion carried.*

FOLLOW-UP CARE BY OUT OF STATE APRNs:

Advice Counsel, Megan Flannery, discussed follow-up care by APRNs with the Board. Ms. Flannery stated that the issue came up because there is a policy already in place regarding physicians licensed in other states providing follow-up care to South Carolina residents. There was a question from a Medical University in North Carolina regarding the physicians which raised the topic for PAs (Physician Assistants) and APRNs. The Medical Board has interpreted their policy to include the PAs. Ms. Flannery sought the Board's guidance on whether a similar policy is desired for the APRNs.

Motion for Advice Counsel to draft a policy regarding follow-up care by out of state APRNs. Motion carried.

REVIEW OF PATIENT ABANDONMENT POSITION STATEMENT:

Advice Counsel, Megan Flannery, discussed the Board's Position Statement on Patient Abandonment. Ms. Flannery asked the Board to consider whether APRNs have a similar duty to their patients as physicians when ending the provider-patient relationship, such as providing 30 days notice. Ms. Flannery stated that the current Position Statement seems geared towards LPNs and RNs and asked the Board to consider whether they would like to carve out as a caveat the APRNs.

Motion for Advice Counsel to draft a Position Statement regarding Patient Abandonment by the APRN. Motion carried.

COMMITTEE POSITIONS AND NOMINATIONS:

Administrative Coordinator for the Board, Jennifer O'Shields, presented nominations for the Board of Nursing Advanced Practice Committee. Ms. O'Shields then presented the Nursing Practice and Standards Committee's request to add a Forensic Nurse to the Committee.

Motion to accept the nomination for Bethany Duncan Arrington as the Nurse Midwife representative to the Advance Practice Committee. Motion carried.

Motion to include a nurse specializing in forensic nursing to the Nursing Practice and Standards Committee. Motion carried.

The Board then instructed Ms. O'Shields to advertise the vacant position in Forensic Nursing on the Nursing Practice and Standards Committee and to bring back any applications or nominations that are received after the article is published.

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.

2020-34 & 2020-42: 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 Stipulations with issuance of a public reprimand and the following disciplinary sanctions: payment of investigative costs in the amount of \$200 due within six months of the date of the Order; civil penalty in the amount of \$200 due within six months of the date of the Order; completion of the following courses within six months of the date of the Order: Critical Thinking; Ethics Part 3; and Ethics Part 5; and a practice restriction to only adult patients. Motion carried.*

2019-577: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the facts with a finding of no violation of the Nurse Practice Act and issuance of a non-disciplinary Letter of Caution.

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.

2018-577: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2019-58: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2019-60: Motion to approve the Final Order Hearing Recommendation. Motion carried.

DISCIPLINARY HEARINGS CONTINUED:

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.

2018-683: 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 and the following disciplinary sanctions: completion of the following courses within six months of the date of the Order: Critical Thinking; Nursing Ethics; and Legal Aspects. Motion carried.*

2020-201: 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 Stipulation of Facts with a finding of violations of Nurse Practice Act Sections 40-33-110 (A) (7) and (A) (14). The Respondent is to remain suspended with a private reprimand until terms that are known to the Respondent and the Board are known. Motion carried.*

2020-36: Respondent appeared before the Board having executed a Stipulation of Facts to determine whether a violation of the Nurse Practice Act occurred, and if so, appropriate disciplinary sanction.

Motion to accept the Stipulation of Facts without a finding of a violation of the Nurse Practice Act and to dismiss the Formal Complaint. Motion carried.*

Ms. Kay Swisher was recused from this appearance. As this was the last appearance scheduled for the meeting, Ms. Swisher disconnected from the meeting.

Motion to adjourn at 4:05 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.