



South Carolina Board of Nursing

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NOVEMBER 18-19, 2021 MEETING MINUTES

Sallie Beth Todd, Chairperson of the South Carolina State Board of Nursing, called the November 2021 meeting to order at 8:38 a.m. on November 18, 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	Present	
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	Excused	
Tamara K. Day, LPN	At-Large, LPN	Present	
Robert J. Wolff, PhD	Board of Nursing Secretary 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, Office of Advice Counsel	
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	
Mark Sanders, Office of Investigations and Enforcement	
Jenna Martin, Office of Investigations and Enforcement	
Tina Behles, Court Reporter	

EXCUSED ABSENCES:

Motion to excuse Board Member Ms. Jonella Davis from the meeting. Motion carried.

APPROVAL OF AGENDA:

Motion to amend Friday's Agenda to add a discussion of simulation under M-4.B. Motion carried.
Motion to approve Agenda as amended. Motion carried.

BOARD MINUTES:

Motion to approve the July 2021 Meeting Minutes.

CONSENT AGENDA:

Motion to approve the Consent Agenda as amended. 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 17 Dismissals. Motion carried.

Motion to approve 1 Cease & Desist. Motion carried.

Motion to approve 35 Formal Complaints. Motion carried.

Motion to approve 12 Letters of Caution. Motion carried.

Mr. Sanders further presented the Statistical Report. .

EDUCATION APPEARANCES

Galen College of Nursing Myrtle Beach Campus, ADN Program: Dr. Audria Denker and Dr. Tracy Orтели appeared before the Board representing Galen College of Nursing's Associate Degree in Nursing Program at the Myrtle Beach campus as a result of their request for initial approval. The Board previously accepted the recommendation from the Advisory Committee on Nursing Education (ACONE) to approve the feasibility study. A site visit was conducted by Nurse Education Consultant, Peter Kubas, and Board staff Ms. Nell Britton on September 27-28, 2021. ACONe met on October 19th and is recommending approval of the request. The self-survey, survey report, and related materials are available for the Board's review. Dr. Denker stated that there are needs in the community and that there is community support and resources available to support the student. The site report listed a recommendation to add an addendum to the Clinical Affiliation Agreements stating that the faculty are responsible and those changes have been made with only one agreement that has not been returned with the revisions.

The report also listed recommendations for the curriculum. Dr. Denker states that the recommendations have been sent to the Curriculum Department and that Dr. Orтели will work with the Department to make those changes.

Motion to approve the ACONe recommendation for initial approval. Motion carried.

Galen College of Nursing Myrtle Beach Campus, BSN Program: Dr. Audria Denker and Dr. Gracy Ortelli also appeared before the Board representing Galen College of Nursing's Bachelor of Science in Nursing Program at the Myrtle Beach campus as a result of their request for initial approval. The Board previously accepted the recommendation from the ACONE to approve the feasibility study. A site visit was conducted by Nurse Education Consultant, Peter Kubas, and Board staff Ms. Nell Britton on September 27-28, 2021. ACONE met on October 19th and is recommending approval of the request. The self-survey, survey report, and related materials are available for the Board's review. Dr. Denker stated that the suggestions in the site report have been incorporated. Like with the ADN Program, there is one Clinical Affiliation Agreement that has not been returned.

Motion to approve the ACONE recommendation for initial approval. Motion carried.

Update on Site Surveys: Nurse Education Consultant, Peter Kubas, discussed a chart that he created to track site surveys that are pending and have been completed. Mr. Kubas states that per statute, any school that is not nationally accredited by an association approved by the Board is reviewed no less than every eight years by the Board. The Board has moved that to every five years by procedure. During 2021 there were eight outstanding surveys. Four have been completed and one is scheduled. Mr. Kubas is working to schedule the other three visits. Mr. Kubas states that he has received notification from 12 programs that want to start new nursing programs in South Carolina. Mr. Kubas reviewed the site survey process and then the flow to the ACONE prior to going before the Board. Northeastern Technical College was ordered to return to the January 2021 meeting. Mr. Kubas states that the site survey was conducted in October but ACONE will not be able to review the survey results and offer a recommendation prior to the January meeting.

Motion to move the Northeastern Technical College's appearance from the January 2022 meeting to the March 2022 meeting.

NCSBN Courses: Board Administrator, Carol Moody, Discussed the National Council State Boards of Nursing (NCSBN) courses that are used to provide remediation opportunities for nurses as a result of disciplinary actions. NCSBN will be taking down the courses for updates. The courses will be unavailable for an undetermined period of time. Compliance Manager and Nurse Practice Consultant, Dr. Mindy Carithers, has researched alternative courses and submitted an updated chart for the Board's review.

Motion to approve the courses that have been outlined to use while the NCSBN courses are unavailable. Motion carried.

Jurisprudence Exam: Ms. Moody provided a follow-up to the Jurisprudence Exam that was discussed in a prior meeting. Board staff is working on creating the exam to be used as part of disciplinary sanctions.

ADVICE COUNSEL REPORT

Board Orders: Advice Counsel for the Board of Nursing, Megan Flannery, seeks approval to share pertinent information from Board Orders with the Recovering Professionals Program (RPP).

Motion to allow Advice Counsel to share Board Orders with RPP as needed to ensure compliance. Motion carried.

Service of Pleadings: Ms. Megan Flannery, asked the Board to designate a Board Member to accept service for pleadings that cannot be served on the licensee due to inability to locate the individual.

Motion to delegate the duty to accept service to the Chairperson's nominee. Motion carried.

APRN Consultant/Liaison:

Motion for the Board Administrator to investigate adding an APRN Consultant/Liaison role to LLR staff. 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.

2019-259: 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 the following disciplinary sanction: public reprimand with indefinite suspension until such time as Respondent is compliant with requirements known to the Respondent and the Board. At reinstatement, the Respondent must appear before the Board for additional terms and conditions as necessary. Motion carried.*

Board Chairperson, Sallie Beth Todd, is recused from this appearance. Board Vice-Chairperson, Samuel McNutt, chaired this appearance. Ms. Todd rejoined the meeting at the conclusion of this appearance.

2019-295: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to dismiss the Formal Complaint. 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.

2019-492: 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 the following disciplinary sanctions: public reprimand; civil penalty in the amount of \$500 due within six months of the date of the order; and completion of the following courses: Legal Aspects of Nursing, Would Your Charting Hold Up to Scrutiny, Documented Right- Nurses Guide to Charting, and Critical Thinking to be completed within six months of the date of the Order. Motion carried.*

2017-272: 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 the following violations of the Nurse Practice Act: 40-1-110(1) (f) and 40-33-110 (A) (18) with issuance of the following disciplinary sanctions: public reprimand; two years of suspension with immediate stay; practice limitation to patients 12 years or older; \$2,000 civil penalty due within one year of the date of the Order; and the following courses: Critical Thinking and Legal Aspects to be completed within one year of the date of the Order. Motion carried.*

Ms. Rebecca Morrison was recused from this appearance. Ms. Morrison rejoined the meeting at the conclusion of the appearance.

2020-213 & 2020-529: 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 the following disciplinary sanction: public reprimand; reimbursement of investigative costs in the amount of \$250 to be paid within six months; and completion of the following courses: Critical Thinking, Legal Aspects, Professional Boundaries for Healthcare Workers, and Nursing Ethics Part 3: Ethics in Nursing to be completed within six months of the date of the Order. Motion carried.*

2020-50: 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 Panel Hearing Recommendation as presented. Motion carried.*

2009-441 & 2014-324: Licensee was before the Board having submitted a request for modification of a prior Board Order.

Motion to deny modification of prior orders, but the Board grants and adaptation to requirements that are known to the Respondent and the Board. Upon receipt of completion of the didactic portion of the refresher coursework, the Board authorizes issuance of a temporary license for completion of the clinical portion of the refresher course. Motion carried.*

Motion to adjourn for the evening at 4:28 p.m.

CALL TO ORDER

Ms. Todd called the meeting to order at 8:35 a.m. on Friday, November 19, 2021. It is noted that a quorum was present at all times.

EXCUSED ABSENCES:

Motion to excuse Board Member Ms. Jonella Davis from the meeting. Motion carried. Motion to excuse Ms. Swisher from the meeting beginning at 11:00 a.m. Motion carried.

APPLICATION/COMPLIANCE APPEARANCES:

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

Motion to grant licensure as a LPN. Motion carried.*

Compliance/Application Appearance 2: An applicant for licensure as a RN by endorsement appeared before the Board.

Motion to grant licensure contingent upon compliance with terms know to the applicant and the Board. Motion carried.*

Compliance/Application Appearance 3: An applicant for licensure as an APRN by reinstatement appeared before the Board.

Motion to reinstate the APRN license and to remove restrictions on the RN license. Motion carried.*

PRACTICE CONSULTANT REPORT:

Nurse Practice Consultant, Dr. Mindy Carithers, presented reviews and revisions of Advisory Opinions (AOs) detailed below:

Advisory Opinion #28: The only change is an editorial change for consistency with other AOs. The statement "State Board of Nursing for South Carolina acknowledges" to the AO.

Advisory Opinion #31: The AO has been reviewed with no changes noted.

Advisory Opinion #37: The AO has been reviewed with no changes noted.

Motion to approve the Advisory Opinions as presented. Motion carried.

Dr. Carithers then discussed an alert that was created to allow APRNs to obtain licensure prior to securing employment and completing the documentation required to add a physician to the file. An alert has been created that will display on Licensee Lookup to note "Practice Limitations: No Physician on File." This will allow APRNs to seek employment and onboard while their paperwork is completed while keeping the nurse in compliance with the practice limitations outlined for APRNs who do not have a physician on file.

ADMINISTRATOR'S REPORT:

Board Administrator, Carol Moody, first discussed the Graduate Nurse Temporary Licenses (GNTL). Ms. Moody stated that ten LPN GNTL and six RN GNTL have been issued since the September meeting. One LPN and one RN GNTL have been pulled due to the licensee being unsuccessful in completion of the NCLEX. Since the September meeting 970 licenses have been issued including applications by endorsement, reinstatement, examination, etc. Ms. Moody stated that there is no change to the Board of Nursing members until the new legislative session starts in 2022. 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 upcoming 2022 renewal period and the preparations underway. Ms. Moody stated that the LPN survey has been approved and sent to IT to e-blast to all LPNs. Ms. Moody provided a list of upcoming National Council of State Board of Nursing meetings. No motions were made during the Administrator's Report.

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.

2016-568: 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 non-disciplinary Letter of Caution. Motion carried.*

2015-164: The Respondent appeared before the Board having executed a Stipulation of Facts to determine if any violation of the Nurse Practice Act occurred, and if so, any disciplinary sanction resulting from the violation(s).

Motion to accept the Stipulation of Facts with a finding of violations of the Nurse Practice Act 40-33-110 (A) (13) and 40-33-110 (A) (18) with issuance of a non-disciplinary Letter of Caution. Motion carried.*

EDUCATION REPORT:

Nurse Education Consultant, Peter Kubas, discussed the Board's Position Statement on Use of Simulation in Pre-Licensure Nursing Programs. The Position Statement was taken down from the website at the onset of the Covid-19 Pandemic when students were unable to participate in clinical experiences in the hospital and community settings. Chairperson Todd opened the discussion in regards to returning the Position Statement to the website now that clinical sites are open to students. The Board requested Mr. Kubas add the topic to the agenda for the next ACONE meeting to seek feedback from stakeholders about the impact. Mr. Kubas will present feedback at the January 2022 meeting.

Motion to direct Mr. Kubas to poll Deans and Directors about resuming the Simulation Position Statement and to return to the January 2022 meeting with feedback. Motion carried.

CHAIRPERSON'S REPORT:

Board Chairperson, Sallie Beth Todd, asked for nominations for 2022 Board offices: Chairperson, Vice-Chairperson, and Secretary.

Motion to nominate Sallie Beth Todd as Chairperson, Samuel McNutt as Vice-Chairperson, and Robert Wolff as Secretary. 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.*

2015-220: Motion to approve the Final Order Hearing Recommendation. Motion carried.

2020-343: 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 recommendations. Motion carried. *Conducted in Closed Session.*

ODC STATISTICAL REPORT:

Assistant Disciplinary Counsel, Tina Brown, then provided the Statistical Report. No motion was 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.

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 with issuance of a non-disciplinary Letter of Caution. Motion carried.*

2020-334: 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 the following disciplinary sanctions: private reprimand, civil penalty in the amount of \$250 due within six months of the date of the Order, and acceptance of coursework previously completed. 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.

2019-389: A former licensee has submitted a request for reinstatement of licensure. There is pending disciplinary action regarding the individual. The case and application are before the Board for determination of disciplinary sanction, and whether reinstatement should be granted.

Motion to reinstate the RN license with the following conditions: worksite approval and narcotic restriction under discretion of the Director of Nursing, restrictions to last until the completion of all other terms and conditions known to her and the Board. Motion carried.*

ADVICE COUNSEL REPORT

Additional Courses for Board Approved Disciplinary Sanctions: The Board previously requested former Advice Counsel, Bob Horner, to research courses that can be assigned when there is a DUI first offense with no aggravating factors and pre-employment drug screen where the applicant/nurse is not employed anywhere. Mr. Horner has presented two courses for approval. One course is related to marijuana and the other is a drug and alcohol course.

Motion to approve the courses. Motion carried.

Naloxone: Mr. Horner discussed the statute that requires a prescription for Narcan in certain opioid prescription situations. There is no provision to exclude Hospice patients from the requirement for the prescription or the overdose education requirements. Mr. Horner discussed how the Board of Medical Examiners is handling this for physicians and asked for the Board's feedback regarding APRNs. Mr. Horner discussed the difference between order and prescription and how that applies in this situation.

Motion to develop a joint Position Statement with the Board of Medical Examiners on this topic. Motion carried.

Expanded Partner Therapy (EPT): There has been feedback regarding implementation of EPT. Pharmacies are requiring the patient information for the partner which is not always known by the prescriber. Further updates will be provided if issues arise. No motion made.

Minutes: Motion for Advice Counsel and Board staff to review prior Minutes and to redact personal health information. Motion carried.*

ADMINISTRATOR'S REPORT CONTINUED

Board staff reminded Board members about the Board license plates and the documentation needed to renew the plates for 2022. Board staff asked for updated contact information so that the member list can be updated. In-person meetings were discussed. The Board will remain virtual for now.

Motion to adjourn at 4:00 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.