



South Carolina Board of Nursing

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JULY 22-23, 2021 MEETING MINUTES

Sallie Beth Todd, Chairperson of the South Carolina State Board of Nursing, called the July 2021 meeting to order at 8:50 a.m. on July 22, 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	Excused	
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	Present	
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
Bob Horner, Advice Counsel for the Board of Nursing	
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	
Megan Flannery, 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 Rebecca Morrison. 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 March 2021 Meeting Minutes.

WELCOME NEW BOARD MEMBER:

The Board of Nursing welcomes Tamara Day, LPN to the Board.

POLICY REVIEW OF FOREIGN EDUCATED NURSES:

The Board was asked to review and clarify their policy related to the evaluation of English proficiency for licensure. The Board previously approved super scoring during the time period that the test is considered “valid” by the test administrators. There was a request to accept VisaScreen testing as well. VisaScreen has not been approved by the Board due to the difference in testing and scoring requirements. Members of the public who appeared and/or spoke before the Board include: Lara Hewitt, Karen Carroll, Meghan Payne, and Amber Sprengard. The Board reiterated that current policy is that there is no expiration date on English Proficiency Tests to the extent that the Board will accept them in applying them to licensure and that practice will continue. At the Board’s prior meeting, they were asked to consider “super scoring” and voted to applicants to combine scores obtained within the valid period as set by the test administrator.

Motion to continue current practice and ask Board Staff to collect data for future assessment of needed policy. 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 11 Dismissals. Motion carried.

Motion to approve 19 Formal Complaints. Motion carried.

Motion to approve 9 Letters of Caution. Motion carried.

Mr. Sanders further presented the Statistical 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.

2019-285: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

Motion to accept the Memorandum of Agreement with issuance of a public reprimand and the following disciplinary sanctions: a civil penalty in the amount of \$1, 750 and completion of the following NCSBN courses: legal aspects; ethics; critical thinking; and medications. All requirements are to be completed within six months of the date of the order. Motion carried.*

2016-618: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

Motion to reject the Memorandum of Agreement with Dismissal of the Complaint. Motion carried.*

2017-407: 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.*

2019-450: Respondent appeared before the Board having executed a Stipulation of Fact for the purpose of determining whether a violation of the Nurse Practice Act occurred and disciplinary sanction, if any.

Motion to dismiss the Complaint. Motion carried.*

2019-147: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

Motion to accept the Memorandum of Agreement with no finding of any violations as alleged in the Complaint and to issue a non-disciplinary Letter of Caution. Motion carried.*

2017-568: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

Motion to dismiss the Complaint and issue a non-disciplinary Letter of Caution. Motion carried.*

2020-501: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

Motion to accept the Memorandum of Agreement with issuance of a public reprimand, probation for 12 months, quarterly reports for one year, worksite approval for one year, narcotic restrictions at the discretion of the Director of Nursing, home health restrictions, and other terms and conditions known to the Respondent and the Board. Motion carried.*

2018-487: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action.

Motion to accept the Memorandum of Agreement with issuance of a private reprimand and completion of the following NCSBN courses to be completed within six months of the date of the order: Ethics; Documentation; and Critical Thinking. Motion carried.*

THE RECOVERING PROFESSIONALS PROGRAM MEDICATION ASSISTED TREATMENT FOR OPIOID USE DISORDER

Program Director Tia Cooper and Medical Director Dr. Rebecca Payne appeared before the Board to discuss Medication Assisted Treatment for Opioid Use Disorder as a follow-up to a previous appearance. A work group was formed at a previous Board meeting to meet with and discuss specific medications and protocols and how the logistics and process for RPP participants who may be recommended for those treatments. Dr. Payne provided an update on those meetings.

Motion to table official action until the September 2021 Board of Nursing meeting and during that time legal counsel can share the document presented by RPP with other boards that may have an interest and also share RPP services. Motion carried.

Motion to adjourn for the evening at 5:25 p.m.

FRIDAY, JULY 23, 2021

CALL TO ORDER

Ms. Todd called the meeting to order at 8:35 a.m. on Friday, July 23, 2021. It is noted that a quorum was present at all times.

EXCUSED ABSENCES

Motion to excuse Ms. Morrison and Ms. Swisher. Motion carried.

APRN AND RN SURVEY RESULTS

Dr. Rhonda Hughes appeared before the Board to present the results of the recent RN and APRN survey. The survey was sent to approximately 70,000 nurses with over 25,000 responses received, which is over a 35% response rate. The expected response rate would usually be around 20%. All counties were represented as were all work places with variation in the age groups as well. The Board requested that Dr. Hughes reappear at the September meeting with the data further separated out between RNs and APRNs. No motions were made.

EDUCATION REPORT:

Nurse Education Consultant, Peter Kubas, presented his Education Report. Mr. Kubas discussed various circumstances of foreign educated applicants and the credentialing services that are approved and others that are available and used by other states. Mr. Kubas asked the Board to consider how they would like to handle applications from applicants who were credentialed through a different service. There is a National Association of Credential Evaluation Services that credentials those services. The credentialing services listed follow the recommendations of the National Council State Boards of Nursing for review of foreign education.

Motion to accept the National Council State Boards of Nursing recommendations for review and approval of foreign education and to accept credentialing services from the approved list from The National Association of Credential Evaluation Services. Any others will be addressed on a case by case basis in consultation with the Board. Motion carried.

APPLICATION APPEARANCES:

An Applicant for licensure as a Registered Nurse by Examination appeared before the Board. Motion to grant licensure. Motion carried.*

ADMINISTRATOR'S REPORT:

Board Administrator, Carol Moody, presented the Administrator's Report to the Board. Ms. Moody provided updated statistics. Ms. Moody then discussed the transition from the Temporary Work Authorization process that was initiated during the pandemic to the Graduate Nurse Temporary License, which was recently implemented by the legislature. Ms. Moody discussed Board Member vacancies. Ms. Moody provided an update on Board staff. Additional states have implemented the Nurse Licensure Compact since the last update and an updated map has been provided to Board Members for their reference. Ms. Moody then discussed the continued scam attempts and efforts that the Board staff is taking to make nurses aware, including alerts and e-blasts. Finally, Ms. Moody discussed upcoming NCSBN meetings. No motions were made.

PRACTICE REPORT:

Nurse Practice Consultant, Mindy Carithers, appeared before the Board to present her practice report, which included updates to Advisory Opinions as recommended by the Nursing Practice and Standards Committee (NPSC).

Motion to accept Advisory Opinions # 2, 30, 53, 55, 57, 59, 65, and 73 as presented. Motion carried.*

ADVICE COUNSEL REPORT:

Portions of the Advice Counsel Report may be presented in Closed and/or Executive Session due to the nature of the legal advice/ confidential information contained therein.

Advice Counsel for the Board, Bob Horner, presented his Advice Counsel Report in Closed Session.

Motion to approve and implement a plan to administer administrative suspensions in RPP cases of noncompliance and for the Board to approve an initial trial and evaluation of delaying the opening of disciplinary cases in simple DUI and pre-employment drug screens pending further actions taken by the Respondent in question to determine whether the complaint needs to be opened at a later point in time. Motion carried.

CHAIRPERSON'S REPORT:

Board Chairperson, Sallie Beth Todd, presented her Chairperson's Report. The Board considered an applicant to the ACONE Committee. The application came in just before the Board meeting so Board staff presented it for consideration while one letter of recommendation was still pending.

Motion to accept the application for the ACONE meeting based on receipt of a second letter of recommendation. Motion carried.

Ms. Todd then reminded Board Members that a Nominating Committee will be formed at the September meeting in order to nominate the Board Chairperson, Vice-Chairperson, and Secretary for 2022. No motions were made.

Ms. Todd then discussed travel arrangements with Board Members once the Board is back in person. No motions were 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.

2017-367: The Respondent appeared before the Board having submitted a request to modify a prior order of the Board.

Motion to grant Respondent's request. Motion carried.*

2018-263: The Respondent appeared before the Board having submitted a request to modify a prior order of the Board.

Motion to deny Respondent's request. Motion carried.*

2019-426: Respondent appeared before the Board having previously been before the Board's Hearing Panel for the purpose of a Final Order Hearing. The Board has reviewed the Panel Hearing's Final Order Hearing Recommendation.

Motion to accept the Final Order Hearing Recommendation with the possibility of reinstatement in January 2022. Motion carried.*

2018-14: Respondent was scheduled to appear before the Board for the purpose of a Final Order Hearing. Respondent was not present for the meeting. After first determining that proper service was provided, the Board proceeded with the appearance in the Respondent's absence.

Motion to accept the Final Order Hearing 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.*

2019-464: Motion to accept the Final Order Hearing Recommendation. Motion carried.

2017-586: Motion to accept the Final Order Hearing Recommendation. Motion carried.

2019-154: Motion to accept the Final Order Hearing Recommendation. Motion carried.

2017-331: Motion to accept the Final Order Hearing Recommendation. Motion carried.

2019-339: Motion to accept the Final Order Hearing Recommendation. Motion carried.

2019-537: Motion to accept the Final Order Hearing Recommendation. Motion carried.

2019-447: Motion accept 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.

Motion to adjourn the July 2021 Board of Nursing meeting at 1:16 p.m.

*Indicates that the Board entered into Executive Session for the purpose of legal counsel. No official actions were taken or motions made during Executive Session.