



South Carolina Board of Nursing

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MARCH 28-29, 2019 MEETING MINUTES

CALL TO ORDER, PLACE OF MEETING & FOIA COMPLIANCE:

Samuel McNutt, President of the South Carolina State Board of Nursing called the March meeting to order at 8:32 a.m. on March 28, 2019. 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
Samuel McNutt, RN, CRNA, MHSA	Board of Nursing President 5 th Congressional District	Present	
Kay Swisher, RN, MSN	Board of Nursing Vice-President 3 rd Congressional District	Present	
Karen Hazzard, MSN, RN, NEA-BC	Board of Nursing Secretary 7 th Congressional District	Present	
Jacqueline L. Baer, RN, D-NP	1 st Congressional District	Present	
Eric Sellers, RN	2 nd Congressional District	Excused	
Jan Burdette, LPN	At-Large, LPN	Excused	
Sallie Beth Todd, RN, MSN-Ed	4 th Congressional District	Present	
Neil B. Lipsitz	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	
Christie Watson, Board of Nursing Program Assistant	
Jennifer Draper, Board of Nursing Administrative Coordinator	
Mindy Carithers, Nurse Practice 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	
Gary Haygood, Court Reporter	

EXCUSED ABSENCES:

Karen Hazzard made a Motion to excuse the absences of Jan Burdette and Eric Sellers. Neil Lipsitz seconded the Motion. The Motion passed.

APPROVAL OF AGENDA:

Ms. Hazzard made a Motion to approve the agenda with the addition of review of advisory opinion #66. Sallie Beth Todd seconded the Motion. The Motion passed.

CONSENT AGENDA:

Kay Swisher made a Motion to approve the Consent Agenda. Ms. Todd seconded the Motion. The Motion passed.

BOARD MINUTES:

Neil Lipsitz made a Motion to approve the minutes for the Board's October, 2018, November, 2018, December, 2018, and January, 2019 meetings. Ms. Swisher seconded the Motion. The Motion passed.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

Investigator PC Faglie presented the Investigative Review Committee Report for approval.

Motion to approve 22 Dismissals. Motion carried.

Motion to approve 1 Cease and Desist. Motion carried.

Motion to approve 33 Formal Complaints. Motion carried.

Motion to approve 14 Letters of Caution. Motion carried.

UPDATES FROM THE ADVANCED PRACTICE COMMITTEE:

Dr. Stephanie Burgess presented reviews and revisions to Advisory Opinions #: 33, 43, 58, 63 & 67. Motion to approve the changes as noted. Motion carried.

Dr. Burgess also presented the Revised Frequently Asked Questions Regarding APRNs and the following Position Statements: Recommended Age Parameters; Prescriptions for APRNs with Rx Authority, Pharmacotherapeutics Education Required for Rx Application; Use of Samples by APRNs with Rx Authority. Motion to approve the Position Statements and Frequently Asked Questions as presented. Motion carried.

EDUCATION: THE TECHNICAL COLLEGE OF THE LOWCOUNTRY PRACTICAL NURSING PROGRAM:

Ms. Vandy Amason appeared before the Board representing the Technical College of the Lowcountry in response to a citation for 2018 NCLEX deficiency. Ms. Amason presented an outline of actions that the school is taking to improve NCLEX performance. She also answered follow-up questions that the Board Members had. Ms. Todd made a Motion to approve the actions taken in regard to the PN program. Ms. Hazzard seconded the Motion. The Motion passed.

EDUCATION: THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ADN PROGRAM:

Ms. Amason also appeared on behalf of the Technical College of the LowCountry in response to a citation for 2018 NCLEX deficiency as it relates to the school's ADN Program. She presented information related to actions the school has taken to improve its students' performance on the NCLEX and answered relevant follow-up questions from the Board. Ms. Todd made a Motion to accept the information presented and to require a representative from the program to return in September to provide an update on the school's progress. She also recommended that the school remove the number seven listed on the weighted admission form for the GPA from the last college and instead make it a weighted admission on those classes. Ms. Swisher seconded the Motion. The Motion passed.

EDUCATION: HORRY GEORGETOWN TECHNICAL COLLEGE ADN PROGRAM:

Ann Daniels, Christy Bailey, and Jennifer Wilbanks appeared on behalf of Horry-Georgetown Technical College's ADN Program in response to a citation for its deficient 2018 NCLEX scores. Ms. Daniels offered testimony and presented exhibits related to the steps the school has taken in response to the citation, to include its review of all aspects of its program, from admissions, to NCLEX review. The representatives of the school also answered question from Board members. Ms. Todd made a motion to accept the information presented and to require a representative from the school to appear at the Board's September meeting to provide NCLEX scores from the May, 2019 graduating class. Mr. Lipsitz seconded the Motion. The Motion passed.

PRISMA HEALTH NURSING STUDENT PROPOSAL

Carolyn Swinton, Veronica Deas, Ronda Hughes, and Susan Beverung appeared on behalf of Prisma Health to present a proposal to the Board. Dr. Swinton informed the Board that the proposal resulted from an academic and practice partnership with Prisma Health and the University of South Carolina School of Nursing and would allow student nurses to perform additional tasks as student nurse technicians as they progress through the curriculum and clinical training. A discussion of the program and the tasks proposed to be performed by the students ensued. At the conclusion of the presentation, Dr. Jacqueline Baer made a Motion that Prisma review its proposal in conjunction with the Nurse Practice Act, specifically S.C. Code Ann. Sec. 40-33-42, and reappear before the Board at a later meeting to present any changes to the proposal. Ms. Hazzard seconded the Motion. The Motion passed.

EXECUTIVE SESSION TO PROVIDE LEGAL ADVICE ON DISCIPLINARY PROCESS

Ms. Swisher made a Motion to go into executive session to receive legal advice on the disciplinary process. Ms. Todd seconded the Motion. The Motion passed. Ms. Swisher made a Motion to come out of executive session. Mr. Lipsitz seconded the Motion. The Motion passed.

DISCIPLINARY HEARINGS:

Respondents appeared before the Board to determine disciplinary actions. Hearings were conducted in Closed Session to meet the statutory requirement that disciplinary actions remain confidential.

CASE NO. 2017-301

Petitioner appeared *pro se* requesting a modification of his prior Order. Tina Brown, Esquire, represented the State. The Board heard testimony and considered other evidence, along with the arguments of counsel and Petitioner. At the conclusion of the case, Ms. Hazzard made a Motion to grant Petitioner's request for modification of his prior Order to grant clinical practice, but to keep all other requirements in place. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2017-326

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Mr. Lipsitz made a Motion to adopt the Panel's recommendation to leave Respondent's license in a suspended status until such time as Respondent appears before the Board. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2016-730

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Hazzard made a Motion to adopt the Panel's recommendation to revoke Respondent's license and to order that any effort to reinstate the license shall require an appearance before the Board to determine what action should be taken on the application. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2018-290

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Hazzard made a Motion to adopt the Panel's recommendation to keep Respondent indefinitely suspended until such time as she enrolls with the Recovering Professional Program and appears before the Board, at which time the Board may impose any additional sanctions necessary to protect the public. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2018-313

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Megan Flannery, Esquire, represented the State. Butch Bowers, Esquire, represented Respondent. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Todd made a Motion to accept the Memorandum of Agreement and issue a private reprimand. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2017-412

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Princess Hodges, Esquire, represented the State. Taylor Bell, Esquire, represented Respondent. The

Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Todd made a Motion to accept the Memorandum of Agreement; issue a public reprimand; to accept the coursework already completed by Respondent; and to require Respondent to comply with other terms and conditions known to the Board and the Respondent. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2015-572

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Swisher made a Motion to adopt the Panel's recommendation to leave Respondent's license in a suspended status until such time as Respondent appears before the Board and to impose any sanctions that may be warranted at that time. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2017-285

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Hazzard made a Motion to adopt the Panel's recommendation to revoke Respondent's license and that Respondent must meet certain conditions before attempting to reinstate the license. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2018-146

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Rowland Alston, Esquire, represented the State. Sara McCartha, Esquire, represented Respondent. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Dr. Baer made a Motion to accept the Memorandum of Agreement and issue a letter of caution. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2013-241

Respondent and the State presented a Stipulation of Facts for the Board's consideration. Erin Baldwin, Esquire, represented the State. Robyn Madden, Esquire, represented Respondent. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Dr. Baer made a Motion to dismiss the case. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2018-153

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Megan Flannery, Esquire, represented the State. Taylor Bell, Esquire, represented Respondent. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Hazzard made a Motion to accept the Memorandum of Agreement and issue a letter of caution. Ms. Swisher seconded the Motion. The Motion passed.

CASE NO. 2015-389

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Hazzard made a Motion to adopt the Panel's recommendation to dismiss the case and issue a letter of caution. Ms. Swisher seconded the Motion. The Motion passed.

CASE NO. 2017-606

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Hazzard made a Motion to adopt the Panel's recommendation to revoke Respondent's license. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2014-484

Petitioner came before the Board requesting a modification of her prior Order. Princess Hodges, Esquire, represented the State. Ashley Heslop, Esquire, represented Petitioner. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Dr. Baer made a Motion to deny the Petition. Ms. Swisher seconded the Motion. The Motion passed. The Board agreed to stay the entry of the Order pending appeal.

CASE NO. 2018-258

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Tina Brown, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel and Respondent. At the conclusion of the case, Ms. Swisher made a Motion to accept the Memorandum of Agreement and issue a letter of caution. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2016-407

Respondent and the State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Rowland Alston, Esquire, represented the State. Taylor Bell, Esquire, represented Respondent. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Swisher made a Motion to accept the Panel's recommendation. Dr. Baer seconded the Motion. The Motion passed.

CASE NO. 2017-267

Respondent and the State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Rowland Alston, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Hazzard made a Motion to accept the Panel's recommendation. Dr. Baer seconded the Motion. The Motion passed.

CASE NO. 2018-142

Respondent and the State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Ashley Thompson, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel and Respondent. At the conclusion of the case, Ms. Todd made a Motion to accept the Panel's Recommendation. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2017-687

Petitioner appeared *pro se* requesting a modification of her prior Order. Shanika Johnson, Esquire, represented the State. The Board heard testimony and considered other evidence, along with the arguments of counsel and Petitioner. At the conclusion of the case, Dr. Baer made a Motion to deny Petitioner's request for modification of her prior Order. Ms. Hazzard seconded the Motion. The Motion passed.

CASE NO. 2018-443

Petitioner came before the Board requesting a modification of her prior Consent Agreement. Tina Brown, Esquire, represented the State. Robyn Madden, Esquire, represented Petitioner. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Todd made a Motion to grant the Petition, subject to certain conditions. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2018-168

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Ashely Thompson, Esquire, represented the State. Taylor Bell, Esquire, represented Respondent. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Dr. Baer made a Motion to accept the Memorandum of Agreement and issue a letter of caution. Ms. Swisher seconded the Motion. The Motion passed.

CASE NO. 2015-344

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Swisher made a Motion to adopt the Panel's recommendation to leave Respondent's license in a suspended status until such time as Respondent appears before the Board and to impose any sanctions that may be warranted at that time. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2016-451

Respondent and the State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Princess Hodges, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Todd made a Motion to, in lieu of adopting the Panel's Recommendation, issue a letter of caution. Ms. Hazzard seconded the Motion. The Motion passed.

CASE NO. 2017-462

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Shanika Johnson, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Hazzard made a Motion to accept the Memorandum of Agreement; to require Respondent to continue participation in the Recovering Professional Program; and to require Respondent to complete two courses within six months. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2018-206

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Tina Brown, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel and Respondent. At the conclusion of the case, Ms. Hazzard made a Motion to accept the Memorandum of Agreement and issue a letter of caution. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2017-193

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Hazzard made a Motion to adopt the Panel's recommendation to revoke Respondent's privilege to practice and to order that any effort to reinstate the privilege to practice or to apply for licensure in South Carolina shall require an appearance before the Board to determine what action should be taken on the application. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2018-244

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Swisher made a Motion to adopt the Panel's recommendation. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2017-574

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Tina Brown, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel and Respondent. At the conclusion of the case, Ms. Todd made a Motion to accept the Memorandum of Agreement and issue a private reprimand and to require Respondent to complete certain courses within six months. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2016-490

Respondent and the State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Megan Flannery, Esquire, represented the State. Respondent

appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Mr. Lipsitz made a Motion to accept the Panel's findings of fact and conclusions of law, with the following disciplinary sanctions: the requirement that Respondent must reapply for a license; that Respondent be subject to a number of restrictions regarding practice settings; and imposition of a year suspension, stayed upon Respondent's payment of a fine and completion of certain courses; and other terms and conditions known to the Respondent as well as the Board. Ms. Hazzard seconded the Motion. The Motion passed.

CASE NO. 2017-375

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Hazzard made a Motion to adopt the Panel's recommendation to leave Respondent's license in a suspended status until such time as Respondent appears before the Board and to impose any sanctions that may be warranted at that time. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2015-671

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Swisher made a Motion to adopt the Panel's recommendation to keep Respondent indefinitely suspended until such time as he appears before the Board having complied with terms and conditions known to the Respondent as well as the Board, at which time the Board may impose any additional sanctions necessary to protect the public. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2015-209

Petitioner came before the Board requesting a modification of her prior Order. Megan Flannery, Esquire, represented the State. Robyn Madden, Esquire, represented Petitioner. The Board heard testimony and considered other evidence, along with the arguments of counsel. At the conclusion of the case, Ms. Hazzard made a Motion to grant the Petition. Ms. Todd seconded the Motion. The Motion passed.

CASE NOS. 2017-511 & 2017-509

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent did not appear and waived her right to challenge the Panel's recommendation. At the conclusion of the case, Ms. Swisher made a Motion to adopt the Panel's recommendation to keep Respondent indefinitely suspended until such time as the Respondent appears before the Board having complied with terms and conditions known to the Respondent as well as the Board, at which time the Board may impose any additional sanctions necessary to protect the public. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NOS. 2017-498 & 2017-428

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Swisher made a Motion to adopt the Panel's recommendation to revoke Respondent's license. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2016-118

Respondent and the State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel and Respondent. At the conclusion of the case, Ms. Hazzard made a Motion to accept the Panel's findings of fact and to allow Respondent to reappear before the Board, at which time the Respondent is expected to have met the terms and conditions known to the Respondent as well as the Board. At that time, the Board will consider whether it is appropriate to lift the Order of Temporary Suspension and, if so, the Board will impose any restrictions necessary to protect the public. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2018-268

The State appeared before the Board for a hearing on the recommendation entered by the Disciplinary Panel in this matter. Tina Brown, Esquire, represented the State. Respondent failed to appear, despite being properly served. At the conclusion of the case, Ms. Swisher made a Motion to adopt the Panel's recommendation to keep Respondent indefinitely suspended until such time as reappears before the Board having met the terms and conditions known to the Respondent and the Board, at which time the Board may impose any additional sanctions necessary to protect the public. Ms. Todd seconded the Motion. The Motion passed.

The Board adjourned the meeting for day one at 7:38 P.M.

FRIDAY, MARCH 29, 2019

CALL TO ORDER:

Samuel McNutt called day two of the meeting to order at 8:31 a.m. on March 29, 2019.

EXCUSED ABSENCES:

Ms. Swisher made a Motion to excuse the absences of Jan Burdette and Eric Sellers. Ms. Todd seconded the Motion. The Motion passed.

PRISMA HEALTH—FOLLOW-UP TO REQUEST REGARDING NITROUS OXIDE UTILITY IN LABOR AND BIRTH:

Ashley Locklear and Elizabeth Bradley, Esquire presented information on their request. Ms. Hazzard made a Motion to accept the data and the presentation and to ask Prisma to incorporate the following changes into the policy and procedural guidelines: continuous electronic fetal monitoring; continuous maternal SpO2 monitoring; addressing any OSHA requirements for gas usage and monitoring; requiring nurses that are administering the gas to be ACLS certified; and including a section on infection control practice related to cleaning and maintenance of the equipment. Upon incorporating these changes, Prisma is invited to reappear before the Board for reconsideration of the request. Dr. Baer seconded the Motion. The Motion passed.

DISCIPLINARY HEARINGS:

Respondents appeared before the Board to determine disciplinary actions. Hearings were conducted in Closed Session to meet the statutory requirement that disciplinary actions remain confidential.

CASE NO. 2017-393

Petitioner came before the Board requesting a modification of his prior Order. The Board heard testimony and considered other evidence, along with the arguments of Petitioner. At the conclusion of the case, Ms. Hazzard made a Motion to grant the Petition. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NO. 2018-265

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Megan Flannery, Esquire, represented the State. Respondent appeared *pro se*. Ms. Hazzard made a Motion to continue the matter. Dr. Baer seconded the Motion. The Motion passed.

CASE NO. 2017-653

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Rowland Alston, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and

considered other evidence, along with the arguments of counsel and Respondent. At the conclusion of the case, Ms. Hazzard made a Motion to indefinitely suspend Respondent's license until such time as she submits a Petition for Reinstatement, having met the terms and conditions known to the Respondent as well as the Board. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2018-172

Respondent and the State presented a Memorandum of Agreement for the Board's consideration. Ashley Thompson, Esquire, represented the State. Respondent appeared *pro se*. The Board heard testimony and considered other evidence, along with the arguments of counsel and Respondent. At the conclusion of the case, Ms. Todd made a Motion to accept the Memorandum of Agreement; issue a public reprimand; suspend Respondent's license for one year, but immediately stay the suspension upon her payment of a civil penalty of \$500 within six months and complete certain courses, also within six months. Dr. Baer seconded the Motion. The Motion passed.

APPLICATION HEARINGS:

Hearings were conducted in Closed Session to protect the confidential information of the Applicants.

APPLICANT ONE

Ms. Hazzard made a Motion to grant approval of the Application upon Applicant meeting certain conditions. Ms. Todd seconded the Motion. The Motion passed.

APPLICANT TWO

Ms. Swisher made a Motion to grant approval of the Application. Dr. Baer seconded the Motion. The Motion passed.

APPLICANT THREE

Ms. Todd made a Motion to reinstate Applicant's license conditioned upon her successful completion of a nurse refresher course and maintaining compliance with the Recovering Professional Program.

APPLICANT FOUR

Dr. Baer made a Motion to grant Applicant a temporary license to complete the clinical portion of the refresher course and, upon her successful completion of the refresher course, to issue her a single-state license. Ms. Hazzard seconded the Motion. The Motion passed.

Administrator Review Report

Ms. Hazzard made a Motion to approve the Administrator Review Report. Ms. Swisher seconded the Motion. The Motion passed.

Waived Final Order Hearing Report

Prentiss Shealey, Esquire, presented the following cases in which the Respondents waived their right to contest the Panel Recommendation if the Board adopted the same:

CASE NO. 2017-18

Ms. Swisher made a Motion to accept the Panel's recommendation of a private reprimand. Mr. Lipsitz seconded the Motion. The Motion passed.

CASE NOS. 2017-237 and 2017-239

Ms. Hazzard made a Motion to accept the Panel's recommendation of a letter of caution. Ms. Todd seconded the Motion. The Motion passed.

CASE NO. 2017-108

Mr. Lipsitz made a Motion to accept the Panel's recommendation to dismiss the case. Ms. Hazzard seconded the Motion. The Motion passed.

EDUCATION REPORT

LPN EQUIVALENCY BY ENDORSEMENT; UPDATE TO LPN EQUIVALENCY FORM

Dr. Baer made a Motion to approve the Course Completion Verification form submitted by the Board Administrator for LPN Equivalent Education. Ms. Todd seconded the Motion. The Motion passed.

INTERNATIONAL TEST OF ENGLISH PROFICIENCY (iTEP) REQUEST

Ms. Todd made a Motion to accept the International Test of English Proficiency as one of the tests nurses can take. Dr. Baer seconded the Motion. The Motion passed.

REQUEST FOR CONSIDERATION FOR BOARD VACANCIES

Mr. Lipsitz made a Motion to accept ACONE's recommendation to have a permanent seat on the Board for a nurse educator as information. Dr. Baer seconded the Motion. The Motion passed.

PRACTICE REPORT

FOLLOW-UP TO EBAS CONFERENCE

Mindy Carithers discussed her attendance at the workshop for the Ethics and Boundaries Assessment Services. After discussing the services provided by EBAS, she requested that the Board consider the program as another option for discipline. Ms. Todd made a Motion to institute the program. Dr. Baer seconded the Motion. The Motion passed.

COMPLIANCE STAFF WORKFLOW

Ms. Carithers discussed the current process and challenges for reviewing applications for APRNs who perform telemedicine.

DISPENSING OF MEDICATIONS BY THE APRN

Mr. Horner discussed the provision in the Pharmacy Practice Act whereby a licensed “practitioner” does not require a permit from the Board of Pharmacy to dispense medications that are the lawful property of the practitioner or a partnership or corporate entity which is fully owned by licensed practitioners. He indicated that this creates a two-pronged analysis: the first prong is determining whether the individual seeking to dispense medications is a “practitioner.” Mr. Horner indicated that an APRN with prescriptive authority meets the definition of “practitioner.” The second prong, which involves ownership of the medications, is more fact-specific and needs to be looked at further. Mr. Horner and Board staff indicated that they would present the issue to the APC to work on drafting an AO on the matter.

AO #52

Ms. Todd made a Motion to approve NPSC’s review of AO #52, which recommended no changes. Ms. Hazzard seconded the Motion. The Motion passed.

ADMINISTRATOR’S REPORT

STATEMENT OF ECONOMIC INTEREST

Ms. Moody thanked the Board members for completing their Statements of Economic Interest in a timely fashion.

NLC UPDATE

Ms. Moody discussed current national issues faced by State Boards regarding the Licensure Compact. Dr. Baer made a Motion to have single-state and multi-state options on the application form. Ms. Todd seconded the Motion. The Motion passed.

JUST CULTURE UPDATE

Ms. Moody updated the Board on training by staff and the IRC members on Just Culture.

LOW DOSE KETAMINE FOR PAIN MANAGEMENT

Ms. Swisher made a Motion to approve the Healthcare Collaborative Committee’s recommendation to approve the Low Dose Ketamine for Pain Management proposal from Anderson Medical. Mr. Lipsitz seconded the Motion. The Motion passed.

NEW WEBSITE

Ms. Moody informed the Board that the new website is expected to go live in July of this year.

BUDGET

Ms. Moody informed the Board that it is currently facing a deficit due to a number of issues, including less revenue received in fees as a result of the Nurse Licensure Compact and the increase in disciplinary cases.

2020 RENEWAL

Ms. Swisher made a Motion to approve Board staff moving from the current long form to an abbreviated form that would be added to the application. Mr. Lipsitz seconded the Motion. The Motion passed.

ATTENDANCE AT NCSBN EXECUTIVE OFFICER SUMMIT; NCSBN DISCIPLINARY CASE MANAGEMENT CONFERENCE; AND FEDERATION OF STATE PHYSICIAN HEALTH PROGRAMS CONFERENCE

Mr. Lipsitz made a Motion to approve Sallie Beth Todd's attendance at the Federation of State Physician Health Programs. Ms. Swisher seconded the Motion. The Motion passed.

Ms. Hazzard made a Motion to approve Mindy Carithers and Ginna West's attendance at the NCSBN Disciplinary Case Management Conference. Ms. Swisher seconded the Motion. The Motion passed.

Ms. Swisher made a Motion to approve Carol Moody's attendance at the Executive Officer Summit. Ms. Hazzard seconded the Motion. The Motion passed.

PRESIDENT'S REPORT

RECOMMENDATIONS FROM THE NOMINATIONS COMMITTEE

Ms. Todd made a Motion to approve the Nominations Committee's nomination of Patricia Wentz to the ACONE. Mr. Lipsitz seconded the Motion. The Motion carried.

Ms. Hazzard made a Motion to approve the Nominations Committee's nomination of Brandy LeRoy for Home Health. Ms. Todd seconded the Motion. The Motion carried.

Ms. Hazzard made a Motion to approve the Nominations Committee's nomination of Cassie Muller to the hearing panel. Ms. Todd seconded the Motion. The Motion carried.

Ms. Hazzard made a Motion to approve the Nominations Committee's nomination of Cynthia Rohman to the hearing panel. Mr. Lipsitz seconded the Motion. The Motion carried.

Ms. Hazzard made a Motion to approve the Nominations Committee's nomination of Manda Townsend to the hearing panel. Ms. Todd seconded the Motion. The Motion carried.

ODC REQUEST FOR ADDITIONAL MEETING TIME

The Board discussed having the meeting run longer on Friday afternoons to accommodate the resolution of more disciplinary cases.

The meeting was adjourned at 12:40 P.M.