



MAY 16-17, 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 8:36 a.m. on May 16, 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	Excused	
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	
Sallie Beth Todd, RN, MSN-Ed	4 th Congressional District	Present	
Neil B. Lipsitz	Public Member	Present	
Robert D. Wolff, PhD	Public Member	Present	
Vacancy	2 nd Congressional District	Vacant	
Vacancy	6 th Congressional District	Vacant	
Vacancy	At-Large, LPN	Vacant	
Vacancy	At-Large, LPN	Vacant	

Carol Moody, Administrator, Board of Nursing	LLR STAFF PRESENT
Bob Horner, Advice Counsel for the Board of Nursing	
Christie Watson, Board of Nursing Program Assistant	
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	
Tina Behles, Court Reporter	

EXCUSED ABSENCES:

Motion to excuse Ms. Swisher's absence. Motion carried.

APPROVAL OF AGENDA:

Motion to approve Agenda. Motion carried.

CONSENT AGENDA:

Motion to approve Consent Agenda. Motion carried.

BOARD MINUTES:

This item was held to give the Board Members an opportunity to review the Minutes. Voting occurred on Friday.

Motion to approve Minutes with changes noted. Motion carried.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

Chief Investigator, Mark Sanders, presented the Investigative Review Committee Report for approval.

Motion to approve 29 Dismissals. Motion carried.

Motion to approve 49 Formal Complaints. Motion carried.

Motion to approve 18 Letters of Caution. Motion carried.

Mr. Sanders also presented the Statistical Report.

THE CITADEL- REQUEST TO OFFER CLASSES AT ADDITIONAL OFF-SITE LOCATION:

Dr. Amelia Joseph, Director of the Swain Department of Nursing at the Citadel appeared before the Board in regards to a request to expand the Nursing program by offering a study abroad program in Cyprus at the University of Nicosia. Clemson University has previously received approval to offer a study abroad program at this same University. Dr. Joseph described the process that they used to set up the partnership with the University of Nicosia. Motion to approve the request. Motion carried.

EXPERT REVIEWER UPDATE

The Board received an update on changes to the Expert Reviewer list. More changes will be made at the July meeting. No motions were made.

ADMINISTRATOR'S REPORT

The Board is welcoming new Public Member Dr. Robert Wolff to the Board as well as saying goodbye to LPN representative Jan Burdette as her term has ended and she is not seeking reappointment.

Ms. Moody provided updates on the following: the website revisions; the NURSYS flagging process, which is part of the requirements of the NLC; the fiscal year 2019-2020 travel budget; licensing fees; and investigation costs.

Ms. Moody and Mr. Kubas then discussed by-laws for the Board's committees. The by-laws were updated to more accurately reflect the statute and the wording used in the statute. Motion to approve. Motion carried.

APRN AUDIT; DISCUSSION OF DISCIPLINARY ACTIONS (CLOSED SESSION)

The Board entered into Executive Session for the purpose of receiving legal counsel regarding the APRN Audit. No official actions were taken while in Executive Session.

APRN FAQs: Motion to rescind the revised FAQs regarding the advanced practice registered nurse questions and to restore the publication of the Joint FAQs previously developed by the Board of Nursing and the Board of Medical Examiners and to direct the staff to work with the executive committees of both boards to develop any revisions deemed necessary and appropriate to licensees regulated by both boards. 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.

2018-314: 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 the following disciplinary sanctions: Public reprimand; civil penalty in the amount of \$500 due within six months of the final order; acceptance of courses already completed; additional courses as follows: Legal Aspects, Ethics, and Critical Thinking to be completed within six months of the Final Order. Motion carried.*

2018-497: 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 the following disciplinary sanctions: Private reprimand; completion of the following courses: Legal Aspects, Ethics, and Critical Thinking to be completed within six months of the date of the Final Order. Motion carried.*

2018-173: 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 and issue a non-disciplinary Letter of Caution. Motion carried.*

2018-352: 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 a finding of violation of Section 40-33-110(A) (16) with the following disciplinary sanctions: Private reprimand; civil penalty in the amount of \$500 due within six months of the Final Order; completion of the following courses: Legal Aspects, Ethics, and Critical Thinking to be completed within six months of the Final Order. Motion carried.*

2015-688: 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 and issue a non-disciplinary Letter of Caution. Motion carried.*

2018-236: This case was before the Board for a Final Order Hearing. Respondent was not present, but submitted a letter which was given to the Board for consideration in her absence. The Board also reviewed the recommendation from the Board's Hearing Panel. Motion to accept the panel's recommendation. Motion carried.

2018-449: Respondent appeared before the Board having executed a Stipulation of Facts for the purpose of determining whether a violation of statute exists, and if so, determination of appropriate disciplinary action. Motion to dismiss. Motion carried.*

2016-604 & 2017-573: Respondent appeared before the Board subsequent to a request for modification of a prior Memorandum of Agreement, which was incorporated into a Board Order. Motion to accept the modification to the prior Memorandum of Agreement. Motion carried.*

2018-594: 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 the following disciplinary sanctions: Public reprimand; probation for one year with quarterly reports and worksite approval; single-state licensure; civil penalty in the amount of \$500 due within six months of the Final Order; completion of the following courses: Legal Aspects, Ethics, and Critical Thinking within six months of the Final Order; and other terms and conditions known to the Respondent and the Board. Motion carried.*

2017-693: This case was before the Board for a Final Order Hearing. Respondent was not present. The Board reviewed the recommendation from the Board's Hearing Panel. Motion to accept the panel's recommendation. Motion carried.

2017-208: This case was before the Board for a Final Order Hearing. Respondent was not present. The Board reviewed the recommendation from the Board's Hearing Panel. Motion to accept the panel's recommendation. Motion carried.

2018-397: This case was before the Board for a Final Order Hearing. Respondent was not present. The Board reviewed the recommendation from the Board's Hearing Panel. Motion to accept the panel's recommendation. Motion carried.

2018-100: This case was before the Board for a Final Order Hearing. Respondent was not present. The Board reviewed the recommendation from the Board's Hearing Panel. Motion to accept the panel's recommendation. Motion carried.

2017-294: This case was before the Board for a Final Order Hearing. Respondent was not present. The Board reviewed the recommendation from the Board's Hearing Panel. Motion to accept the panel's recommendation. Motion carried.

2013-211 & 2013-324: This case was before the Board for a Final Order Hearing. Respondent was not present. The Board reviewed the recommendation from the Board's Hearing Panel. Motion to accept the panel's recommendation. Motion carried.

WAIVED FINAL ORDER HEARING REPORT

Respondents were previously before the Board's Hearing Panel for an evidentiary hearing. The Panel made a recommendation, and the Respondent has signed a waiver stating that he/she has no objection to the recommendation being adopted and made an order of the Board.

2015-660; 2015-242; 2015-245; 2017-693: Motion to approve the Waived Final Order Hearing Panel Report for the cases listed. Motion carried.

ADMINISTRATIVE REVIEW REPORT:

Ashley Thompson, Assistant Disciplinary Counsel, presented the Administrative Review Report for the Board's approval. Cases on this report are recommended either for Dismissal or a non-disciplinary Letter of Caution. Motion to approve the Administrative Review Report. Motion carried. *Conducted in Closed Session*

EXECUTIVE SESSION:

The Board entered into Executive Session to receive legal counsel. No official actions were taken while in Executive Session.

DISCIPLINARY HEARINGS CONTINUED:

2016-463: Respondent was before the Board subsequent to a request for modification of a prior order. Motion to modify the Order in accordance with the recommendations received from the Office of Disciplinary Counsel. Motion carried.*

2018-544: This case was before the Board for a Final Order Hearing. The Respondent has executed a Memorandum of Agreement. Respondent did not realize that she had to be present for the hearing and has requested a continuance. Motion to grant continuance. Motion carried.*

2017-494: Respondent was before the Board subsequent to a request for modification of a prior order. Motion to grant modification to eliminate site supervision and quarterly reports. Motion carried.*

2017-194: Respondent was before the Board subsequent to a request for modification of a prior order. Motion to grant modification lifting RN supervision and narcotic restriction and to leave the narcotic restriction at the discretion of the director of nursing with the requirement to submit worksite approval and quarterly reports for one year. Motion carried.*

REQUEST FROM THE RECOVERING PROFESSIONALS PROGRAM:

Staff from the Recovering Professionals Program appeared before the Board for a request to release program participants prior to the end of their contract due to a change in policy. This item did not appear on the agenda. Motion to amend the agenda to go forward with the release. Motion carried. Motion to release Participant One from RPP. Motion carried. Motion to release Participant Two from RPP. Motion carried.

Motion to adjourn for the evening at 4:53 p.m. Motion carried.

FRIDAY, MAY 17, 2019

CALL TO ORDER

Mr. McNutt called the meeting to order at 8:29 a.m. on Friday, May 17, 2019. It is noted that a quorum was present at all times.

EXCUSED ABSENCES:

Motion to excuse Ms. Swisher. Motion carried.

ADVISORY OPINION #60:

Dr. Deborah Greenlaw appeared before the Board on behalf of the Advanced Practice Committee to present revisions to Advisory Opinion #60. Motion to approve changes. Motion carried.

PRISMA HEALTHCARE: FOLLOW-UP TO REQUEST FOR NITROUS OXIDE UTILITY IN LABOR AND

DELIVERY:

Ashley Locklear and Sara McCartha appeared before the Board representing Prisma Healthcare in follow-up to a request for Nitrous Oxide utility in labor and delivery. Motion to approve as presented. Motion carried.*

PRISMA HEALTHCARE: FOLLOW-UP TO STUDENT NURSING PROPOSAL

Carolyn Swinton, Rhonda Hughes, Veronica Deas, Dana Murphy, and Dr. Karen Worthy appeared before the Board in follow-up to a nursing student proposal. The Board entered into Executive Session for the purpose of legal counsel. It is noted that no official actions were taken while in Executive Session. The Board is not ready to vote on the proposal before them. The Board asked follow-up questions and provided feedback about their concerns. The Board invites Prisma Healthcare to return to a later meeting once the proposal has been updated. No motions were made, with the exception of the motions to enter Executive Session and then to return to Open Session.

APPLICATION APPEARANCES:

An applicant for licensure as a Registered Nurse by endorsement appeared before the Board. The applicant's attorney requests that the application be withdrawn. Motion to withdraw the application. Motion carried.

An applicant for licensure as a Registered Nurse by examination appeared before the Board. Motion to approve RN licensure by examination as presented. Motion carried.

An applicant for licensure as a Registered Nurse by examination appeared before the Board. Motion to approve RN licensure by examination as presented. Motion carried.*

An applicant for licensure as a Registered Nurse by endorsement appeared before the Board. Motion to approve RN licensure by endorsement contingent upon successful enrollment in the

Recovering Professionals Program and compliance with any directives, a narcotics restriction for two years, and worksite approval. Motion carried.*

An applicant for licensure as an Advanced Practice Registered Nurse by endorsement appeared before the Board. Motion to defer action until the Alabama Board of Nursing has reviewed and resolved the pending disciplinary action. Motion carried.*

An applicant for licensure as a Licensed Practical Nurse by reactivation appeared before the Board. Motion to reactivate the LPN licensure to single-state status requiring completion of the PTI or evidence of dismissal of the charge pending. The applicant must show proof of completion of the PTI or dismissal if multi-state licensure is sought. Motion carried.*

An applicant for licensure as a Licensed Practical Nurse was previously before the Board concerning disciplinary action. As a result of that action, the license was suspended for two years with a stay for the first six months. The order requires her to complete three courses and appear before the Board within six months. Motion to accept the coursework. 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.

2017-153: The 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 the following disciplinary sanctions: Public reprimand; civil penalty in the amount of \$1,000 due within 12 months of the date of the order; acceptance of coursework previously completed. Motion carried.*

2018-233: The 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, to accept the coursework previously completed, and to issue a non-disciplinary Letter of Caution. Motion carried.*

2016-797: The 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 the following disciplinary sanctions: Public reprimand; civil penalty in the amount of \$500 due within six months of the order; completion of the following courses: Legal Aspects, Ethics, Documentation, and Critical Thinking to be completed within six months of the order. Motion carried.*

2018-544: The 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 the following disciplinary sanctions: Private reprimand; civil penalty in the amount of \$500 due within six months of the date of the order; completion of the following courses: Legal Aspects, Ethics, Medication Errors, and Critical Thinking within six months of the date of the order. Motion carried.*

2017-609: The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary action. The Respondent was previously before the Board at which time the Memorandum of Agreement was accepted. Motion to issue the following disciplinary sanctions: Public reprimand; narcotic restriction for the duration of two years; civil penalty in the amount of \$1,000 due within one year; completion of the following courses: Legal Aspects, Ethics, Medication Errors, Documentation, and Critical Thinking; and other terms and conditions known to the Respondent and the Board. Motion carried.*

2018-83: The Respondent appeared before the Board subsequent to a request to modify a previous Board order. Motion to accept the Memorandum of Agreement and release the Respondent from probation. Motion carried.*

PRESIDENT'S REPORT:

Annual Meeting: Motion to approve Mr. McNutt, Ms. Moody and an alternate to attend the NCSBN Annual Meeting. Motion carried.

Tri-Council Conference: Motion to approve Dr. Baer to attend if the funding is available. Motion carried.

ADMINISTRATOR'S REPORT CONTINUED:

Committee By-Laws: Mr. Kubas and Ms. Moody discussed proposed changes to the by-laws for the Nursing Practice and Standards Committee, the Advisory Committee on Nursing Education, and the Advanced Practice Committee. Motion to incorporate changes proposed for the July meeting. Motion carried.

PRACTICE REPORT:

Ms. Carithers presented changes to Advisory Opinion #3. Motion to approve changes presented. Motion carried.

Ms. Carithers presented the newly drafted Joint Advisory Opinion on Low-Dose Ketamine. The Healthcare Collaborative Committee, comprised of the Board of Nursing, Board of Medical Examiners, and Board of Pharmacy drafted the document for approval by member boards. Motion to approve. Motion carried.

Ms. Carithers discussed APRN National Certifications and the process when the certification lapses. Ms. Carithers presented a process change for Board staff when the certification lapses. Motion to accept the process as presented. Motion carried.

Motion to adjourn at 1:26 p.m. Motion carried.

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