



South Carolina Department of Labor, Licensing and Regulation

South Carolina Board of Nursing

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NOVEMBER 17, 2022 MEETING MINUTES

Sallie Beth Todd, Chairperson of the South Carolina State Board of Nursing, called the November 2022 meeting to order at 9:00 a.m. on November 17, 2022. Public notice was properly posed at the Board offices, as well as on its website. A copy was provided to all requesting persons, organizations and news media agencies in compliance with the SC Freedom of Information Act. A quorum was present at all times.

Member	Representing		COMMITTEE MEMBERS PRESENT & VOTING
Kelli Garber, 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	
Lindsey Mitchum	Public Member	Present	
Vacancy	6 th Congressional District	Vacant	
Vacancy	At-Large, LPN	Vacant	

Carol Moody, Administrator, Board of Nursing	LLR STAFF PRESENT
Megan Flannery, 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, Board of Nursing	
Jennifer O'Shields, Board of Nursing Administrative Coordinator	
Tina Brown, Assistant Disciplinary Counsel	
Princess Hodges, Assistant Disciplinary Counsel	
Shelby Sutusky, Assistant Disciplinary Counsel	
Shanika Moore, Assistant Disciplinary Counsel	
Mark Sanders, Chief Investigator, 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 Agenda. Motion carried.

CONSENT AGENDA

Motion to approve the Consent Agenda. Motion carried.

BOARD MINUTES

Motion to defer Minutes to January. Motion carried.

EDUCATION APPEARANCE

University of South Carolina: Dr. Sheryl Mitchell appeared before the Board representing the University of South Carolina's Masters Entry to Nursing Programs in regards to their request to increase admissions in the Program by 32 students, for a total of 64 students, beginning with the January 2023 cohort. The Program was before the Advisory Committee on Nursing Education (ACONE) at their October 18, 2022 meeting, where the Committee voted to recommend approval of the request. Dr. Mitchell stated that the current approval is for 32 students and that the Program and their clinical sites have the capacity for the additional students. Dr. Mitchell further stated that the first cohort graduated in August 2022 with a 96% pass rate for first time test takers on the NCLEX. Dr. Mitchell discussed the additional faculty who have joined the Program and stated that the Program has the support of faculty and administrators to increase the number of students.

Motion to approve the request. Motion carried.

ADVICE COUNSEL REPORT

Advice Counsel for the Board, Megan Flannery, Esq. discussed the recently enacted Senate Bill S.613 and how that impacts nursing practice. Ms. Flannery stated that there is a two year period during which individuals who are currently working under the title of Certified Medical Assistants (CMAs) can continue to use the title and receiving the delegation of duties. To continue working under the title of CMA, those individuals will need to complete whatever education is required to fit the new definition within the two year period. Individuals seeking employment as a CMA will have to immediately meet the new criteria going forward. Ms. Flannery and the Advice Counsel for the Board of Medical Examiners, Bob Horner, believe that the Boards should issue a Joint Advisory Opinion clarifying the new legislation and how it is applied. Ms. Flannery and Mr. Horner prepared a draft for the Boards to review. The Board of Medical Examiners voted to approve the Joint Advisory Opinion at their last meeting. The Board asked clarifying questions and provided minor edits to scrivener's errors.

Motion to accept the Joint Advisory Opinion. Motion carried.

Ms. Flannery then asked the Board to consider the Board of Medical Examiners request to form a Joint Committee comprised of representatives from the Board of Medical Examiners, Board of Nursing, and the Board of Cosmetology. There is a NPSC member who is designated for the area of practice and the Board requests that Board staff inquire whether she is willing to serve on the Joint Committee and to determine if any conflict may exist that would prevent her from serving. The Board wishes to participate in the Joint Committee and will discuss their designee at a future meeting.

Ms. Flannery and Mr. Horner reviewed the Joint Advisory Opinion Regarding Neuromodulators and are recommending updates. The Board of Medical Examiners approved the updates at their last meeting. Ms. Flannery reviewed the updates with the Board. The Dental Board will need to approve any changes as well before the updated document can be posted to the Boards' websites. Dr. Garber noted one change in verbiage that was missed and requested that it be updated.

Motion to accept the Joint Advisory Opinion Regarding Neuromodulators with revisions noted. Motion carried.

CHAIRPERSON'S REPORT

Board Chairperson, Sallie Beth Todd, invited the Nominating Committee to submit nominations for 2023 Board Officer positions. Dr. Wolff, as chairperson of the Nominating Committee, recommends Samuel McNutt for Chairperson, Sallie Beth Todd for Vice Chairperson, and Tamara Day as Secretary.

Motion to approve Samuel McNutt as Chairperson for the Board of Nursing for 2023. Motion carried.

Motion to approve Sallie Beth Todd as Vice Chairperson for the Board of Nursing for 2023. Motion carried.

Motion to approve Tamara Day as Secretary for the Board of Nursing for 2023. Motion carried.

Ms. Todd then asked the Board to consider Board designees for the Nursing Practice and Standards Committee (NPSC), the Advanced Practice Committee (APC), the Advisory Committee on Nursing Education (ACONE), and the Recovering Professionals Program (RPP) Advisory Committee. Ms. Todd and Ms. Davis will continue to serve on ACONe. Dr. Garber will continue to be the designee for the APC with Mr. McNutt as her backup when she is unable to attend. Ms. Davis will be the designee for the NPSC with Ms. Swisher as her backup when she is unable to attend. Dr. Wolff will continue serving on the RPP Advisory Committee.

ADMINISTRATOR'S REPORT

Board Administrator, Carol Moody, provided a statistical update. There are currently 28 active Graduate Nurse Temporary Licenses, 15 are graduates of an RN program and 13 are graduates of an LPN program. Those licenses will convert to permanent licenses upon successful completion of the NCLEX. Should the graduate not be successful the first time taking the NCLEX, the license will be inactivated until successful completion of the NCLEX and the permanent license issued at that time. The current number of Licensees is as follows: LPNs-11,917, RNs- 67,562, and APRNs- 9,739 for a total Licensee count of 89,218. The number of active licenses has increased by 973 since the last meeting. The remaining Board vacancies are an RN for District 6 and another LPN At-Large. Ms. Moody provided an update on Board staff. Ms. Moody then provided an update on the Nurse Licensure Compact and APRN Compact. Ms. Moody then discussed the list of approved Expert Reviewers and the need to add a Certified Nurse Midwife to the list at the request of the Office of Disciplinary Counsel. Ms. Moody also discussed the need for additional members for the Investigative Review Committee (IRC) so that current members are not overtaxed.

Motion for Board staff to advertise the need for additional Expert Reviewers and IRC Members. Motion carried.

Ms. Moody informed the Board that the revisions to the National Council State Boards of Nursing (NCSBN) courses that have been in process since last spring are complete and the courses are available once again. Ms. Moody invited Investigator Jenna Bostik to speak with the Board about the current courses and combining a list of current courses and NCSBN courses to be used as a reference when the IRC recommends sanctions and for the Board to use in determining sanctions. Ms. Bostik will create a list combining the current courses and the NCSBN courses. Both lists were provided to the Board for their review.

Motion to approve the NCSBN courses to use with disciplinary actions. Motion carried.

Ms. Moody informed the Board that CE Broker will be attending the next Board Meeting to discuss the competency audit. Ms. Moody then provided a list of upcoming NCSBN meetings.

UPDATES FROM THE ADVANCED PRACTICE COMMITTEE

Mr. Kubas presented Advisory Opinions and Position Statements that have been reviewed by the Advanced Practice Committee. Advisory Opinion 43 was reviewed with no changes recommended. Advisory Opinion 58 was reviewed with suggested changes noted. Advisory Opinion 60 was reviewed with no changes recommended. Advisory Opinion 63 was reviewed with no changes recommended. Advisory Opinion 67 was reviewed with suggested changes noted.

Motion to accept Advisory Opinions 43, 58, 60, 63, and 67 as presented. Motion carried.

Mr. Kubas presented the Position Statement on Recommended Age Parameters on APRNs Practicing in South Carolina with recommended changes noted.

Motion to approve the Position Statement on Recommended Age Parameters on APRNs Practicing in South Carolina with changes as presented. Motion carried.

Mr. Kubas discussed the Position Statement Regarding Pharmacotherapeutics Education Required for Prescriptive Authority Application with no changes noted.

Motion to approve the Position Statement Regarding Pharmacotherapeutics Education Required for Prescriptive Authority Application as presented. Motion carried.

Mr. Kubas then discussed the suggested changes to the Position Statement Regarding Prescription Ordering for APRNs with Prescriptive Authority.

Motion to approve the Position Statement Regarding Prescription Ordering for APRNs with Prescriptive Authority with changes as presented. Motion carried.

Mr. Kubas presented the recommended changes to the Position Statement Regarding Use of Samples by APRNs with Prescriptive Authority.

Motion to approve the Position Statement Regarding Use of Samples by APRNs with Prescriptive Authority with changes as presented. Motion carried.

Mr. Kubas stated that the Position Statement on Use of Expanded Partner Therapy was reviewed with no changes noted.

Motion to approve the Position Statement on Use of Expanded Partner Therapy with no changes noted. 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 37 Dismissals. Motion carried.

Motion to approve 50 Formal Complaints. Motion carried.

Motion to approve 17 Letters of Caution with amendments as noted. Motion carried.

Motion to approve 1 Formal Complaint with Cease & Desist. Motion carried.

Mr. Sanders then presented the Statistical Report for information.

APPLICATION/COMPLIANCE APPEARANCES:

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

Motion to hold the issue in abeyance until the applicant completes a Refresher Course and remains compliant with other conditions known to the applicant and the Board. Motion carried.*

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

Motion to approve licensure with conditions known to the applicant and the Board. Motion carried.*

Compliance/Application Appearance 3: A current licensee appeared before the Board with a request to be released from certain conditions known to the Board and the licensee.

Motion to deny the request to be released from the conditions requested. Motion carried.*

Compliance/Application Appearance 4: An applicant for licensure as an RN by Reinstatement appeared before the Board

Motion to approve the request for modification and to require applicant to remain compliant with conditions known to the applicant and the Board. Motion carried.*

DISCIPLINARY HEARINGS:

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

2021-97: The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement and Stipulations with the following sanctions: private reprimand and compliance with other terms and conditions known to the Board and Respondent. Motion carried.*

2020-396: The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement and Stipulations with the following sanctions: issuance of a private reprimand. Motion carried.*

2020-578: The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement and Stipulations with issuance of the following sanctions: issuance of a private reprimand; payment of investigative costs in the amount of \$125 due within six months of the date of the Order, and acceptance of the courses already completed. Motion carried.*

Ms. Lindsey Mitcham was recused from this appearance and related Executive Session. Ms. Mitcham rejoined the meeting at the conclusion of the appearance.

Motion to excuse Ms. Davis from the remainder of the meeting. Motion carried.

2021-74: The 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 indefinite suspension. The Respondent may be reinstated upon compliance with terms and conditions known to the Respondent and the Board. Motion carried.*

2020-629: The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to accept the Memorandum of Agreement with issuance of a private reprimand. Motion carried.*

2022-234: The 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 the following disciplinary sanctions: issuance of a private reprimand; uphold the issuance of the Cease and Desist, and to deny the request to withdraw. 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.*

Motion to adjourn the meeting at 7:41 pm

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