



South Carolina Department of Labor, Licensing and Regulation

**South Carolina Board of Nursing**

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**SEPTEMBER 22-23, 2022 MEETING MINUTES**

Sallie Beth Todd, Chairperson of the South Carolina State Board of Nursing, called the September 2022 meeting to order at 9:01 a.m. on September 22, 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 <sup>st</sup> Congressional District	Present	
Rebecca Morrison, APRN, MSN, FNP-BC	2 <sup>nd</sup> Congressional District	Excused	
Kay Swisher, RN, MSN	3 <sup>rd</sup> Congressional District	Present	
Sallie Beth Todd, RN, MSN-Ed	Board of Nursing Chair 4 <sup>th</sup> Congressional District	Present	
Samuel McNutt, RN, CRNA, MHSA	Board of Nursing Vice- Chair 5 <sup>th</sup> Congressional District	Excused	
Jonella Davis, MBA, BSN, RN, NEA-BC	7 <sup>th</sup> 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 <sup>th</sup> 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	
Robin Reibold, Court Reporter	

**EXCUSED ABSENCES**

Motion to excuse Samuel McNutt. 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. Motion carried.

## FINANCE PRESENTATION

Director Emily Farr appeared before the Board to provide an update regarding the review of renewal fees.

No motion was made.

## EDUCATION APPEARANCES

**Spartanburg Community College:** Ms. Julie Denesha appeared before the Board representing Spartanburg Community College's Practical Nursing Program in regards to their request for initial approval. The Program was previously before the Board at which time the feasibility study was accepted per the recommendation from ACONE. Peter Kubas, Nurse Practice Consultant, and Nell Britton surveyed the program on July 8, 2022. The Program was before ACONE at their August 30, 2022 meeting at which time the survey report was recommended for approval. Ms. Denesha states that all recommendations from the site visit have been incorporated, which include written policies specific to nursing faculty, updating materials in the campus library because nursing courses are not currently offered at that campus, and specifying role-specific competencies for clinicals. The Program and their partner, Spartanburg Regional Hospital System, are ready to begin the program in January 2023.

Motion to approve request for initial approval for the Spartanburg Community College LPN Program. Motion carried.

**Marion County School of Practical Nursing:** The Program has been before the Board each year since 2017 requesting an exemption from Regulation 91-11 (C) (4) (a) (2) requirement that clinical instructors hold a minimum of a Bachelor of Science degree in nursing. The request is for the same adjunct clinical instructor as previous years and the school's NCLEX pass rate for the previous ten years is 100%. Misty Owens appeared before the Board representing the Program in regards to the request. Ms. Owens states that the school searches for a qualified candidate each year, including advertising the position. She further states, that due to their rural location and their hospital partner's struggle to find full-time nurses, they have been unable to find applicants or partner with their hospital to have their nurses to teach. Ms. Owen discussed the current clinical instructor's yearly evaluations performed each year by staff and students and stated that her evaluations have been excellent.

Motion to accept the request for continued exemption for the adjunct faculty at Marion County School of Practical Nursing for a period of one year. If continued exemption is needed after that time, the Program is to reappear before the Board to request continuation of the exemption. Motion carried.

**Hutchison Community College:** Alison Casebolt appeared before the Board representing Hutchison Community College in regards to their request to perform clinical experiences in South Carolina through the Medical University of South Carolina Hospital System. At their August 30, 2022 meeting, ACONe voted to recommend approval of the request. Ms. Casebolt stated that ACONe recommended that the Program add a statement to their preceptor handbook that states that two years' experience is required for preceptors and that has been incorporated. The Program requests that students try to choose shifts that are not typically used by nursing programs with clinical groups, such as nights or weekends.

Motion to approve the request. Motion carried.

**University of South Carolina Beaufort:** Dr. Lynne Hutchison appeared before the Board representing the University of South Carolina Beaufort in regards to prior appearances for deficient NCLEX scores in 2019 and 2020. The Program was previously before the Board at the September 2020, January 2021, and September 2021 meetings. At the September 2020 meeting, the Board ordered their approval status to be updated to conditional and ordered a reappearance in September 2021. At the September 2021 meeting, the Board ordered for the Program to remain in conditional status and ordered a reappearance in September 2022. The Program submitted a corrective action plan in advance of the meeting, which was made available to the Board members. Dr. Hutchison discussed the corrective action plan including admissions, tutoring, study sessions, test-taking sessions, and the return to 100% in person clinical experiences.

Motion for the Program to remain in conditional status with a return before the Board in September 2023. Motion Carried.\*

*Ms. Day joined the meeting during the introduction for this appearance and remained present for the remainder of the meeting unless noted below for recusal purposes.*

**Horry-Georgetown Technical College:** Ms. Lorraine Aldrich and Ms. Ann Daniels appeared before the Board representing Horry-Georgetown Technical College's Associate Degree in Nursing Program in regards to prior appearances for deficient NCLEX scores in 2018. The Program was previously before the Board in 2019, 2020, and 2021. At the January 2020 meeting, the Board ordered their approval status to be updated to conditional approval with a reappearance in January 2021. At the January 2021 meeting, the Board ordered that the Program remain in conditional approval status and ordered a return to the September 2021 meeting. At the September 2021 meeting, the Board ordered that the status remain in conditional and ordered a reappearance in September 2022. The Program is nationally accredited through ACEN through Fall 2027. Ms. Aldrich stated that the Program continues to work with Kaplan and that as part of the course all Kaplan initiatives must be completed to receive endorsement and that each student has a mentor assigned to work individually with students. Ms. Aldrich further stated that students who do not successfully complete NCLEX preparations attend a faculty-led post-graduation review. Ms. Aldrich also discussed the utilization of case studies as additional clinical hours in the fifth semester for critical thinking and judgement rather than straight lectures. Ms. Aldrich then discussed the preparations for Next Generation NCLEX. Ms. Daniels stated that administration is very supportive of the Program and discussed some of the additional support that the Program has received from College administration.

Motion that Horry-Georgetown Technical College's Associate Degree in Nursing Program remain in conditional approval status and reappear before the Board in September 2023. Motion carried.\*

**Horry Georgetown Technical College Continued:** Ms. Lorraine Aldrich and Ms. Ann Daniels also appeared before the Board representing Horry-Georgetown Technical College's Practical Nursing Program in regards to prior appearances for deficient NCLEX scores in 2019. The Program was previously before the Board in January 2020 at which time the Board accepted the plan as presented and ordered the Program from full approval to conditional approval with a reappearance in January 2021. In January 2021, the Program was ordered to remain in conditional approval status and the Board strongly recommended utilizing a 2.5 GPA requirement and ordered a return in September 2021. At the September 2021 meeting, the Program was ordered to remain in conditional approval status and to return before the Board in September 2022. The Program is accredited through ACEN through Fall 2027. Ms. Aldrich discussed the changes implemented in the Program including new textbooks, the incorporation of Kaplan into the Program, open lab hours for drop-in, the mentorship program for follow-up with students, the identification of students at risk and the support available for additional help with test-taking skills, organization skills, etc., and the use of case studies. Ms. Aldrich discussed the changes to admission requirements, including the Board's suggestion to increase the GPA requirement to 2.5. Ms. Daniels stated that the administration is very supportive of the Program, to include resources and faculty positions.

Motion that Horry-Georgetown Technical College's Practical Nursing Program remain in conditional status and reappear before the Board in September 2023. Motion carried.\*

**ECPI University's Columbia Campus:** Dr. Demica Williams and Mr. James Rund appeared before the Board representing ECPI University's Columbia Campus Associate Degree in Nursing Program in regards to their request for initial approval. The Program previously received Board approval of their feasibility study. Mr. Kubas and Ms. Britton surveyed the program on June 29-30, 2022. At the August 30, 2022 meeting, ACONE recommended approval of the Site Survey. Dr. Williams stated that all recommendations were incorporated while Mr. Kubas and Ms. Britton were still on site.

Motion to accept initial approval of ECPI University's Columbia Campus Associate Degree in Nursing Program. Motion carried.

*Ms. Lindsey Mitcham was recused from this appearance. Ms. Mitcham remained recused for the next appearance as well.*

**ECPI University's North Charleston Campus:** Dr. Heather Rawson and Mr. James Weaver appeared before the Board representing ECPI University's North Charleston Campus Bachelor of Science in Nursing Program in regards to their request for initial approval. The Program was previously before the Board for approval of the feasibility study. Mr. Kubas and Ms. Britton surveyed the Program on June 7-8, 2022. At the August 30, 2022 ACONE meeting, ACONE recommended approval of the Site Survey. Dr. Rawson stated that all recommendations were incorporated while Mr. Kubas and Ms. Britton were still on site, with the exception of an affiliation agreement which needed to be sent back by the clinical site. Mr. Weaver spoke to the Board regarding the University's support for the Program.

Motion for initial approval of ECPI University's North Charleston Campus Bachelor of Science in Nursing Program. Motion carried.

*Ms. Mitcham remained recused for this appearance and rejoined the meeting at the conclusion of the appearance.*

## **ADVICE COUNSEL REPORT**

Advice Counsel for the Board, Megan Flannery, Esq., discussed a proposed regulation regarding patient records in settings where properly collaborating APRNs practice in a solo setting. Ms. Flannery stated that there is a need to require a designee for records when something happens to the APRN so that patients can access their records. The Board of Medical Examiners already has this requirement for physicians and the wording closely mirrors the Medical Board's. Rather than requiring the APRN to tell the Board of Nursing who the designee is, the proposed language requires that information to be included in the Practice Agreement. If there is no designee, the language allows the Board to assign a licensee as an appointee, subject to all the rules, regulations, and ethical responsibilities of a nurse to safeguard the records. The Board discussed proposed changes and then tabled the vote until Friday so that Ms. Flannery could update the document with the changes and provide an updated copy for their review.

Motion to approve the revised By-Laws of the Board of Nursing. Motion carried.

Motion to allow Board Administrator, Carol Moody, to proceed with the audit. 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.

**2018-694:** 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 a finding of a violation of 40-33-110 (A) (18) with issuance of a Letter of Caution and acceptance of the courses already completed. The Board further finds that there was no violation of 40-1-110 (1) (f). Motion carried.\*

**2021-35:** Respondent appeared before the Board having executed a Stipulation of Facts to determine whether a violation of the Nurse Practice Act occurred, and if so, appropriate disciplinary sanction.

Motion to accept the Stipulation of Facts with a finding of no violation and dismissal of the Formal Complaint. Motion carried.\*

**2020-151:** 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 Stipulation of Facts with the following disciplinary sanctions: a private reprimand and payment of investigative costs in the amount of \$140.00 within six months of the date of the order. Motion carried.\*

*Dr. Kelli Garber and Ms. Lindsey Mitcham were recused from this appearance and related Executive Session. Dr. Garber and Ms. Mitcham rejoined the meeting at the conclusion of the appearance.*

**2020-239:** The Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction.

Motion to reject the Memorandum of Agreement and 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.*

**2020-571:** 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 approve the Final Order Hearing Recommendation. 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.*

**2020-637, 2020-240, & 2021-497:** Respondent appeared before the Board having executed a Stipulation of Facts to determine whether a violation of the Nurse Practice Act occurred, and if so, appropriate disciplinary sanction.

Motion to accept the Stipulation of Facts with a finding of violations of A through F and the following disciplinary sanctions: public reprimand, suspension with stay for two years, probation with quarterly reports for two years, worksite approval, no tele-medicine or home health, narcotics restriction, supervision at the direct discretion of the director of nursing and the following courses to be completed within 12 months of the date of the Order: Legal Aspects, Ethics, Medical Diversion, Documentation, and Critical Thinking, as well as other terms and conditions known to the Respondent and the Board. 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.*

#### **RPP EARLY RELEASE**

Tia Cooper, Program Director for RPP; Roby Madden, Legal Counsel for RPP; and Dr. Rebecca Payne, Medical Director for RPP appeared before the Board to discuss the logistical process for early release requests.

Motion to allow the Board Chairperson to review the information provided by the RPP Advisory Committee and decide whether the Licensee needs to appear before the Board. Motion carried.

*Dr. Wolff is excused from the remainder of the meeting. A quorum is maintained at all times.*

#### **DISCIPLINARY HEARINGS CONTINUED**

**2020-335:** Respondent appeared before the Board having executed a Stipulation of Facts to determine whether a violation of the Nurse Practice Act occurred, and if so, appropriate disciplinary sanction.

Motion to accept the Stipulation of Facts with a finding of a violation of 40-33-110 (A) (18) with the following disciplinary sanctions: issuance of a private reprimand; completion of the following courses: Legal Aspects, Ethics, Documentation, and Critical Thinking; and a civil penalty in the amount of \$500 all due within six months of the date of the Order. Motion carried.\*

*Ms. Sallie Beth Todd was recused from this appearance and related Executive Session. Ms. Todd rejoined the meeting at the conclusion of the appearance. Vice-Chairperson, Samuel McNutt, chaired the appearance.*

**2018-363:** 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 a finding of violations of 40-33-110 (A) (18) and 40-1-110 (1) (f) with the following disciplinary sanctions: public reprimand; civil penalty in the amount of \$1296; and completion of the following courses: Ethics, Critical Thinking, and two Documentation Courses all to be completed within six months of the final Order. Motion carried.\*

*Ms. Morrison is excused from the remainder of the meeting. A quorum is maintained at all times.*

2020-478: 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 approve the Final Order Hearing Recommendation with investigative costs. Motion carried.\*

Motion to adjourn for the evening at 6:21 p.m.

**FRIDAY, SEPTEMBER 23, 2022**

**CALL TO ORDER**

Ms. Todd called the meeting to order at 8:30 a.m. on Friday, September 23, 2022. It is noted that a quorum was present at all times.

**EXCUSED ABSENCES**

Motion to excuse Dr. Kelli Garber and Ms. Jonella Davis. Motion carried.

**BOARD MINUTES**

Motion to approve the July 2022 Minutes with changes noted. Motion carried.

**ADMINISTRATOR'S REPORT**

Board Administrator, Carol Moody, provided a statistical update. There are currently 42 active Graduate Nurse Temporary Licenses, 24 are graduates of an RN program and 18 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-11,755, RNs- 66,933, and APRNs- 9,557 for a total Licensee count of 88,245. The number of active licenses has increased by 1,226 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. Ms. Moody provided an update on PAPAN, which is the peer support group for recovering nurses and the next steps in reactivating it. The Board then provided feedback to Ms. Moody regarding the Audit in Closed Session.

**CHAIRPERSON'S REPORT**

Ms. Todd asked the Board to form a Nominating Committee for 2023 Board Officers to present nominations at the November 2022 meeting. Dr. Wolff and Ms. Morrison will serve as the Nominating Committee. Ms. Todd provided information about the annual NCSBN meeting including the discussion of medical spas and IV bars. Ms. Flannery then discussed the invitation from the Board of Pharmacy to partner in a Joint Advisory Opinion with the Board of Medical Examiners. The Board discussed 2023 meeting dates.

Motion to approve the dates as presented. Motion carried.

**ADVICE COUNSEL REPORT CONTINUED**

Ms. Flannery incorporated the changes to the proposed regulation regarding safeguarding patient records as discussed with the Board yesterday. The Board reviewed the changes.

Motion to approve Regulation 91-33 additions. 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 21 Dismissals. Motion carried.

Motion to approve 33 Formal Complaints. Motion carried.

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

Motion to approve one Dismissal with a Cease & Desist. Motion carried.

Mr. Sanders then presented the Statistical Report.



### **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.*

### **AGED CASE REPORT:**

Tina Brown, Assistant Disciplinary Counsel, provided an update on their caseload.

### **APPLICATION/COMPLIANCE APPEARANCES:**

**Application/Compliance Appearance 1:** An applicant for licensure as an APRN via Endorsement appeared before the Board.

Motion to approve endorsement of the APRN license. Motion carried.\*

**Application/Compliance Appearance 2:** An applicant for licensure as an RN via Reinstatement appeared before the Board.

Motion to grant temporary licensure for six months for the completion of the clinical portion of the refresher program with the requirement that the applicant must notify the Board when a contract is signed to begin clinicals. The applicant must appear before the Board for full licensure once the refresher program, including clinicals, is fully completed. Motion carried.\*

**Application/Compliance Appearance 3:** An applicant for licensure as an RN via Reinstatement appeared before the Board.

Motion to grant temporary licensure for six months for the completion of the clinical portion of the refresher program with a return before the Board for final licensure. Motion carried.\*

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

Motion to deny the request for reinstatement and to uphold the previous Order. Motion carried.\*

**Application/Compliance Appearance 5:** An applicant for licensure as an LPN via Endorsement appeared before the Board.

Motion to grant licensure. Motion carried.\*

Motion to adjourn at 11:53 a.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.*