



South Carolina Board of Nursing

110 Centerview Dr. • Columbia • SC • 29210

P.O. Box 12367 • Columbia • SC 29211-2367

Phone: 803-896-4550 • NURSEBOARD@llr.sc.gov • Fax: 803-896-4515

llr.sc.gov/nurse

MAY 11-12, 2023 MEETING MINUTES

Samuel McNutt, Chairperson of the South Carolina State Board of Nursing, called the May 2023 meeting to order at 9:01 a.m. on May 11, 2023. 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, DNP, APRN, PPCNP-BC	1 st Congressional District	Excused 05/11/23 Present 05/12/23	
Rebecca Morrison, APRN, MSN, FNP-BC	2 nd Congressional District	Present	
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	Excused	
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	
Bob Horner, Advice Counsel for the Board of Nursing as Noted	
Shannon Stricklin, Board of Nursing Staff	
Mindy Carithers, Nurse Practice Consultant, Board of Nursing	
Peter Kubas, Nurse Education Consultant, Board of Nursing	
Jennifer Mitchell, 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 Ms. Davis and Dr. Garber. Motion carried.

APPROVAL OF AGENDA

Motion to approve Agenda with the removal of Compliance 5 from the agenda. Motion carried.

CONSENT AGENDA

Motion to approve the Consent Agenda. Motion carried.

BOARD MINUTES

Motion to defer Minutes. Motion carried.

EDUCATION APPEARANCES

Clinton College Bachelor of Science in Nursing Program: Dr. Glenda Sims, Dr. Toneyce Randolph, and Dr. Lester McCorn appeared before the Board representing the Program in regards to their request for initial approval to offer a Bachelor of Science in Nursing Program at its campus in Rock Hill, South Carolina. The Program was previously before the Board for approval of the Feasibility Study at the recommendation of the Advisory Committee on Nursing Education (ACONE). The Board accepted ACONe's recommendation to approve the Feasibility Study at that time. The Program submitted a Self Study in accordance with Regulation. The Site Survey Team, including Nurse Education Consultant Peter Kubas, surveyed the program in March 2023. A written Survey Report was provided to the Program and the Program has provided a response, both of which were made available to the Board Members in advance of the meeting. The ACONe voted to recommend initial Board approval during their April meeting.

Dr. Sims introduced the Program and College faculty in attendance at the meeting and provided a background on the College, which has been in existence for over 125 years. Dr. Sims stated that the Program plans to begin enrolling students in August 2023 for the fall semester with those students beginning with the pre-nursing sequence with application for admission into the Nursing Program after completion lower division requirements. Dr. Sims shared that the Program plans to admit 24 of the most qualified students once a year in the fall semester and that a Nursing Program Administrator has been hired with an offer of employment to one full-time nursing faculty and an administrative assistant pending start dates. Dr. Sims further shared that on May 6th the College held a ribbon cutting and dedication of the new Academic Center of Excellence which includes a state of the art classroom and office complex that will house the new Nursing Program.

The Board inquired about the current enrollment College-wide and Dr. Sims responded that enrollment throughout the years has been approximately 200 students and that the College has been accredited through the Transnational Association of Christian Colleges and Schools for ten years.

Motion to accept the ACONe recommendation for initial approval of the Clinton College Bachelor of Science in Nursing Program. Motion carried.

Florence-Darlington Technical College: The Program was scheduled to appear before the Board in regards to their request for continued Board approval.

Motion to continue Florence-Darlington Technical College's appearance. Motion carried.

EXECUTIVE SESSION

Motion to go into Executive Session for the purpose of legal counsel with Nurse Practice Consultant, Dr. Mindy Carithers, and Nurse Education Consultant, Mr. Peter Kubas, to remain. Motion carried. It is noted that no official actions were taken while in Executive Session.

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.

2020-527: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction, if any.

Motion to accept the Memorandum of Agreement and Stipulation of Facts with the following disciplinary sanctions: issuance of a private reprimand, a civil penalty in the amount of \$400 due within six months of the date of the Order, and completion of the following courses within six months of the date of the Order: Righting a Wrong, Ethics and Professionalism; and Documentation.*

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.

2019-87: This case was 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 from the Hearing Panel. 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.

2020-187: Respondent executed a Memorandum of Agreement. The case was scheduled before the Board for acceptance of that Agreement and for the purpose of determining disciplinary sanction, if any. The Respondent was not present for the hearing. After first determining that proper notice was provided to the Respondent, the Board proceeded with the hearing.

Motion to accept the Memorandum of Agreement and to suspend the licensee until appearance before the Board. Motion carried.*

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

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. Ms. Flannery returned to the meeting upon completion of this appearance.

2022-22: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction, if any.

Motion to accept the Memorandum of Agreement with issuance of the following: public reprimand; two-year suspension immediately stayed upon two years probation, with narcotics restriction and worksite approval while on probation; payment of investigative costs of \$160 within six months of the date of the Order; and other terms and conditions known to the Respondent and the Board. Motion carried.*

2021-339: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction, if any.

Motion to accept the Memorandum of Agreement and Stipulation of Facts with issuance of a private reprimand and courses previously completed. Motion carried.*

2019-372: This case was 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.

Motion to decline the Final Order Recommendation and Report of the State Board of Nursing Panel and instead find a violation of 40-33-110(A)(24) and 40-1-110(1)(f) with issuance of the following: public reprimand; civil penalty in the amount of \$1,000 due within 12 months of the date of the Order; completion of the following courses within 12 months of the date of the Order: 16 hours of Anger Management; Restraints, Reducing Risks to Patients and Alternative; and two EBAS courses in Boundaries and Professional Standards also due within 12 months of the date of the Order. Motion carried.*

2021-282 & 2021-91: This case was 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 accept the Final Order Hearing Recommendation. Motion carried.

2021-286: Respondent appeared before the Board having executed a Memorandum of Agreement for the purpose of determining disciplinary sanction, if any.

Motion to accept the Memorandum of Agreement with issuance of the following: public reprimand and completion of the EBAS Unprofessional Conduct course within six months of the date of the Order. Motion carried.*

2021-391: This case was 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 accept the Hearing Panel Recommendation. Motion carried.

ADMINISTRATOR REVIEW REPORT:

The Administrator Review Report was presented for the Board's approval. Cases on this report are recommended either for Dismissal or a non-disciplinary Letter of Caution. Motion to accept the recommendations. Motion carried. *Conducted in Closed Session.*

WAIVED FINAL ORDER HEARING REPORT:

Respondents were previously before the Board's Panel for a full evidentiary hearing. Respondents have chosen to waive their appearance before the Board at a Final Hearing. The Panel's Recommendations are presented to the Board as a final resolution to the case. Conducted in Closed Session.

2019-350: Motion to approve the Final Order Hearing Recommendation. Motion carried.

Motion to adjourn for the evening at 4:24 p.m.

FRIDAY, MAY 12, 2023

CALL TO ORDER

Mr. McNutt called the meeting to order at 8:31 a.m. on Friday, May 12, 2023. It is noted that a quorum was present at all times.

EXCUSED ABSENCES

Motion to excuse Ms. Davis. Motion carried.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

Investigator Irvin Bond presented the Investigative Review Committee Report for approval. *Conducted in Closed Session.*

Motion to approve 13 Dismissals. Motion carried.

Motion to approve five Formal Complaints. Motion carried.

Motion to approve two Letters of Caution. Motion carried.

Mr. Bond then presented the Statistical Report.

ADMINISTRATOR'S REPORT

Administrative Coordinator, Jennifer Mitchell, presented the Administrator's Report on behalf of Board Administrator, Carol Moody. Ms. Mitchell provided a statistical update. The number of active licenses has increased by 641 since the last meeting with all license types combined now totaling 92,025. An increase in Graduate Nurse Temporary Licenses is anticipated with May graduations. The remaining Board vacancies are an RN for District 6 and another LPN At-Large. Ms. Mitchell provided an update on Board staff. Ms. Mitchell then provided an update on the Nurse Licensure Compact. Ms. Mitchell provided an update on Operation Nightingale and the 2022 Renewal Audit. Ms. Mitchell then provided an update on recent NCSBN meetings and discussed a Journal of Nursing Regulation Supplement from April on the National Nursing Workforce Study and a recent research study by NCSBN encompassing over 50 pre-licensure programs. In closing the Report, Ms. Mitchell then provided an update on upcoming meetings.

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.

2020-187: The case was before the Board on May 11, 2023. The Respondent was not present at that time. The Board determined that proper notice was provided and proceeded with the hearing. The Respondent appeared at Board offices on May 12, 2023 requesting an appearance before the Board. The Respondent had previously executed a Memorandum of Agreement, which was accepted by the Board on May 11, 2023 with an Order that the license remain suspended until the Respondent appeared before the Board.

Motion to allow Respondent to appear. Motion carried.

Motion to rescind the indefinite suspension and issue a public reprimand with the following sanctions \$2,000 civil penalty due within 12 months of the date of the Order; completion of the following courses also due within 12 months of the date of the Order: Righting a Wrong, Ethics and Professionalism in Nursing and the Critical Thinking Course; and the EBAS Professional Standards course also due within 12 months of the date of the Order. Motion carried.*

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

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. Ms. Flannery returned to the meeting upon completion of this appearance.

EDUCATION REPORT

Nurse Education Consultant, Peter Kubas, presented the Education Report. Mr. Kubas received a request from Ms. Smoot-Martin to be approved as a remediation resource. Mr. Kubas reviewed the documents submitted by Ms. Smoot-Martin and stated that she meets all statutory requirements.

Motion to approve Ms. Smoot-Martin to the approved remediation list. Motion carried.

Mr. Kubas then provided an update on the implementation of the Next Gen NCLEX which occurred in April 2023.

PRACTICE REPORT

Nurse Practice Consultant, Dr. Mindy Carithers, presented updates from the Nursing Practice and Standards Committee.

The Committee has reviewed Advisory Opinion #9B with a suggested change as noted.

Motion to approve Advisory Opinion #9B with changes as noted. Motion carried.

The Committee has reviewed Advisory Opinions #20, 25, 29, 32, 35, 42, 46, and 48 with no changes recommended.

Motion to approve Advisory Opinions #20, 25, 29, 32, 35, 42, 46, and 48 as presented. Motion carried.

Dr. Carithers is also the Compliance Manager and discussed the approved coursework that is Ordered by the Board. It was discovered that the Documentation course was no longer available. Board Chairperson, Mr. McNutt approved a course to be used temporarily until the meeting and Dr. Carithers is now seeking a determination as to whether that course can be used going forward.

Motion to approve the Documentation course presented. Motion carried.

ADVICE COUNSEL REPORT

Advice Counsel for the Board, Megan Flannery, Esq. discussed the Chapter 91 Workgroup. Ms. Todd, Mr. McNutt, and Dr. Garber volunteered to participate in the Workgroup with a request that Mr. Kubas reach out to the ACONE to seek volunteers for the workgroup as well. Ms. Flannery then provided an update on recently enacted legislation.

Motion for the Board Vice Chairperson to work with Advice Counsel to determine whether good cause exists to not reveal the identity of complainants. Motion carried.

APPLICATION/COMPLIANCE APPEARANCES:

Melissa Nuovo: Motion to deny the modification request. Motion carried.*

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

D’Nasia Holmes: Motion to deny the modification request. Motion carried.*

Mikki Sharmaine Sanders: Ms. Sanders withdrew her application prior to the completion of the appearance. No motions were made.

Stevie Jenkins: The petitioner withdrew his request prior to the completion of the appearance. No motions were made.

Ms. Swisher was excused for the remainder of the meeting. A quorum remained present at all times.

Cheryl Morgan Stephens: Motion to grant temporary license for the purpose of completing the clinical portion of the Nurse Refresher Course. Motion carried.

Motion to adjourn at 12:00 p.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.*