



## **SOUTH CAROLINA BOARD OF NURSING**

### **BYLAWS**

#### **ARTICLE I - NAME and LOCATION**

This organization shall be known as the South Carolina Board of Nursing, an administrative and regulatory organization of the South Carolina Department of Labor, Licensing and Regulation; or as otherwise designated by statute.

#### **ARTICLE II - PURPOSE AND FUNCTIONS**

##### **A. Mission**

The mission of the South Carolina Board of Nursing is the protection of public health, safety, and welfare by assuring safe and competent practice of nursing.

This mission is accomplished by assuring safe initial practice as well as continuing competency in the practice of nursing and by promoting nursing excellence in the areas of education and practice. The Board licenses qualified individuals as licensed practical nurses, registered nurses, or advanced practice registered nurses. Complaints against nurses are investigated and disciplinary action taken when necessary. Schools of nursing are surveyed and approved to ensure quality education for future nurses.

##### **B. Powers and Duties**

The powers and duties of the Board are to enforce the provisions of Sections 40-1-70 and 40-33-10(I), 2004, as amended.

##### **C. Official Seal**

The board may have and use an official seal bearing the words: "South Carolina Board of Nursing".

#### **ARTICLE III - MEMBERSHIP**

##### **A. Definition and Qualifications**

**1. Definition** - In accordance with Section 40-33-10(A), The South Carolina Board of Nursing will be composed of eleven members. Two must be licensed practical nurses from the state at large, and two must be lay members from the state at large. Seven must be registered nurses, each representing one congressional district, and at least one must be employed in a hospital setting and at least one must be licensed as an advanced practice registered nurse. When appointing members to the board, consideration should be given to including a diverse

representation of principal areas of nursing including, but not limited to, hospital/acute care, advanced practice, community health, and nursing education. The chairman or designee of the State Board of Medical Examiners shall serve as an advisory nonvoting member to the board to provide consultation on matters requested by the Board of Nursing.

**2. Qualifications** – The Board members shall be either registered nurses and licensed practical nurses licensed in South Carolina, must be employed in nursing, must have at least three years of practice in their respective professions immediately preceding their appointment, and shall reside in the district they represent. Lay members must not be licensed or employed as a health care provider, but shall represent the public at large as a consumer of nurse services.

#### **B. Term of Office**

Pursuant to Section 40-33-10(B), Members shall serve terms of four years (and until their successors are appointed and qualify). Board members must be appointed by the Governor with the advice and consent of the Senate.

An individual, group, or association may nominate qualified persons and submit them to the Governor for consideration. Vacancies must be filled for the unexpired portion of a term by appointment of the Governor.

#### **C. Termination**

The Governor may remove members pursuant to Section 1-3-240(C) or members who have been guilty of continued neglect of their duties or members who are found to be incompetent, unprofessional, or dishonorable. No members may be removed without first giving them the opportunity to refute the charges filed against them. The member must be given copies of the charges at the time they are filed.

### **ARTICLE IV - COMPENSATION OF MEMBERS**

A board member, or person authorized and approved by the board, engaged in business for the board may receive for board service the usual per diem, mileage, and subsistence as provided by law. These expenses must be paid from the fees received by the board under this chapter, Section 40-33-10(D).

### **ARTICLE V - OFFICERS**

#### **A. Enumeration**

A Chair, a Vice Chair, and a Secretary comprise the officers of the board.

#### **B. Qualifications**

1. The election of the chair and the vice chair must be from the registered nurse members of the board, and the secretary must be elected from the members. The administrator shall certify to the Governor the names of the officers elected for regular and unexpired terms in accordance with Section 40-33-10(G)

2. The Chair shall have served at least one year on the Board of Nursing prior to being elected to office (except when the Board is composed of all new members).

#### **C. Terms of Office**

1. Officers shall serve terms of one year and until their successors are elected.

2. Elections shall be held annually in November by the total membership of the Board.
3. No officer shall serve more than three consecutive terms in the same office.
4. The terms of office shall begin on January 1.

#### **D. Vacancy in Office**

In case of a vacancy among the officers, the Board shall, within thirty days after the vacancy occurs, elect one of its members to fill the unexpired term.

#### **E. Duties of Officers**

All officers shall perform duties as usually pertain to their offices and prescribed in the bylaws.

##### **1. Chair**

- (a) Preside at all meetings of the Board of Nursing.
- (b) Appoint advisors and advisory committees as necessary to assist the Board in the fulfillment of its duties.
- (c) Act on behalf of the Board when conducting the business of the Board between meetings.
- (d) Administer oaths in the taking of testimony upon any and all matters pertaining to the business or duties of the Board.
- (e) Serve as an advisor to the State Board of Medical Examiners and meet with the President of the Medical Board at least two times per year in accordance with Section 40-33-10(H).
- (f) Serve or delegate a qualified representative of the Board or staff to serve as the official representative of the Board in its contacts with governmental, civic, business and other organizations.
- (g) Serve as an Agent for Service of Notices on Non-resident Nurses for The Board in accordance with Regulation 91-19 (I).

##### **2. Vice Chair**

- (a) Fulfill the responsibilities of the Chair during the Chair's absence or incapacitation.
- (b) Assist the Chair in discharging responsibilities as the Chair may see fit.
- (c) Act as the Good Cause delegate.
- (d) Assist staff to approve worksite approval .

##### **3. Secretary**

- (a) Attest to the minutes of all meetings of the Board.

### **ARTICLE VI - NOMINATIONS AND ELECTIONS**

#### **A. Committee on Nominations**

##### **1. Composition and Term**

- (a) The Chair of the Board shall appoint a committee of two Board members to serve for a period of one year.
- (b) The committee shall be appointed annually at the September Board meeting.

##### **2. Duties**

- (a) The nominating committee shall submit at least one name for each office to be filled.
- (b) No name shall be placed in nomination without the consent of the nominee.

(c) The report of the committee shall be made at the November Board meeting.

## **B. Elections**

Election of officers requires a majority vote of the Board members present and voting at the November meeting.

# **ARTICLE VII - MEETINGS**

## **A. Open Meetings**

1. The board shall meet at least quarterly for the purpose of transacting business in accordance with Section 40-33-10(F).

2. Regularly scheduled meetings shall be scheduled during the months of January, March, May, July, September and November.

3. All meetings of the Board shall be open to the public, except for executive sessions conducted in accordance with the Freedom of Information Act (Section 30-4-70(a)), disciplinary matters that are confidential pursuant to Section 40-33-190 and to the extent necessary to protect health information covered under state and federal law.

## **B. Participation at Meetings**

### **1. Attendance**

(a) Board members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the board as provided in Section 1-3-245.

(b) The board staff shall record in the minutes of each meeting those persons present and absent. Absences shall be noted as excused or unexcused.

(c) A member's absence shall be considered unexcused unless notification is made to the Administrator or designee prior to the meeting indicating an inability to attend. The Administrator will notify the Board president who will advise the Board of the absence. The Board will determine if the member is excused and the decision will be recorded in the minutes.

(d) Any member who has recorded three consecutive unexcused absences shall be deemed to have vacated his or her seat. A member who fails to attend 50% of scheduled meetings in a twelve-month period, whether excused or unexcused, shall be encouraged by the president to submit his or her resignation.

(e) Committee meetings to which Board members are appointed shall not constitute a meeting of the Board for the purposes of complying with Section 1-3-245 S.C. Code of Laws, 1976, as amended. The Board president has the right to remove a committee member from a committee for failure to participate or attend the meetings.

### **2. Voting**

(a) Members and staff of the Board shall be given the right to voice at all meetings, however, only Board members shall be entitled to make motions and vote.

(b) Visitors to the Board shall be given an appointed time to make presentations to the Board. However, this shall not be interpreted to preclude the Board from consenting to hear persons making presentations without prior notice to the Board.

### **C. Quorum**

A majority of the members of the board constitutes a quorum; however, if there is a vacancy on the board, a majority of the members serving constitutes a quorum.

### **D. Notice of Meeting**

Notice of the time, place and agenda of each meeting shall be mailed to the members of the Board prior to the meeting. Time and place of Board meetings shall be made known to the public and in accordance with the Freedom of Information Act (Section 30-4-80).

## **ARTICLE VIII - STANDING COMMITTEES**

Among the Standing Committees shall be the Advisory Committee on Nursing Education, and the Nursing Practice & Standards Committee. The Advanced Practice Committee shall be ad hoc. Other committees may be added as needed.

## **ARTICLE IX - PARLIAMENTARY AUTHORITY**

Robert's Rules of Order, revised, shall be followed as a procedural guide for the meetings.

## **ARTICLE X - AMENDMENT AND REVISION**

The Bylaws may be altered, amended, or changed, or new Bylaws adopted by the Board members, upon one month's notice to the Board members, and upon a majority vote of that group.

## **ARTICLE XI - CONFLICT OF INTEREST**

Board members shall disqualify themselves from voting on any questions if they determine the issues to have a real or perceived conflict of interest. However, they may participate in the business of The Board and its committees relative to such questions or issues, except for voting; in so doing they are presumed to act in good faith and in public interest.

No member may serve as an officer of a professional health related state association.

## **ARTICLE XII - ETHICAL PRINCIPLES OF SOUTH CAROLINA STATE GOVERNMENT**

The Board of Nursing affirms the basic principles of integrity, honesty, respect for others, fairness, and accountability in providing good government and advancing the public interest. The Board members and staff of the agency will strive to apply these principles in the conduct of individual job duties and responsibilities.

Adopted this 27<sup>th</sup> day of September, 2019 at a regular meeting of the Board of Nursing. Updated as of November 25, 2025.