



South Carolina Department of Labor, Licensing and Regulation

## South Carolina Board of Nursing

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### South Carolina Board of Nursing July 2013 Insert into the SC Nurse Newsletter

#### **MISSION OF THE BOARD OF NURSING**

*The mission of the State Board of Nursing for South Carolina 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.

#### **REVISED ADVISORY OPINIONS**

At its May 2013 meeting, the Board approved revision of Advisory Opinions #51 and #52, as well as revision to the Advisory Opinion Supplement on the Nursing Management of Invasive Devices Central Nervous System Chart. These revised Advisory Opinions can be found on the Board's website ([www.llronline.com/POL/Nursing](http://www.llronline.com/POL/Nursing)) under Laws/Policies.

#### **REVISED ADVISORY OPINION**

*At its March 2013 meeting, the Board approved revision of Advisory Opinion #60 as follows:*

#### **Advisory Opinion # 60**

**Formulated:** November 29, 2012

**Revised:** March 28, 2013

**Question:** May an Advance Practice Registered Nurse (APRN) with prescriptive authority prescribe medications for members of his or her immediate family who do not have an established APRN/patient relationship?

Inasmuch as the Nurse Practice Act, S.C. Code Ann. §40-33-5, et seq., does not specifically address this issue, the South Carolina Board of Nursing must refer to the law governing the prescription of medications by physicians for guidance. S.C. Code Ann. § 40-47-113 sets forth the requirement of an established physician-patient relationship as a prerequisite to prescribing drugs, in relevant part, as follows:

- (A) It is unprofessional conduct for a licensee initially to prescribe drugs to an individual without first establishing a proper physician-patient relationship. A proper relationship, at a minimum, requires that the licensee make an informed medical judgment based on the circumstances of the situation and on the licensee's training and experience and that the licensee:
- (1) Personally perform and document an appropriate history and physical examination, make a diagnosis, and formulate a therapeutic plan;
  - (2) Discuss with the patient the diagnosis and the evidence for it, and the risks and benefits of various treatment options; and
  - (3) Ensure the availability of the licensee or coverage for the patient for appropriate follow-up care.
- (B) Notwithstanding subsection (A), a licensee may prescribe for a patient whom the licensee has not personally examined under certain circumstances including, but not limited to, writing admission orders for a newly hospitalized patient, prescribing for a patient of another licensee for whom the prescriber is taking call, prescribing for a patient examined by a licensed advanced practice registered nurse, a physician assistant, or other physician extender authorized by law and supervised by the physician, or continuing medication on a short-term basis for a new patient prior to the patient's first appointment.

The South Carolina Board of Medical Examiners (BME) previously issued an advisory opinion regarding whether a physician should prescribe for a family member. The BME's advisory opinion states:

While the Board recognizes that in certain instances a physician may need to prescribe medications for family members, the Board recognizes that such treatment may provide less than optimal care for a family member. Treatment of the immediate family members should be reserved for minor illnesses, temporary or emergency situations. Appropriate consultations should be obtained for the management of major or extended periods of illness.

State law requires the presence of a valid physician/patient relationship before any controlled substance can be prescribed. This relationship should include knowledge of the medical condition and an assessment of the benefit-risk ratio of the use of such substance. A practitioner cannot usually acquire a valid physician/patient relationship with himself or herself nor with a member of his or her immediate family for the purpose of prescribing controlled substances, due to the loss of objectivity in making the proper medical decisions.

The Board feels that prescribing controlled substances for family members is outside the scope of good medical practice in South Carolina except for

a bona fide emergency situation where the health and safety of an individual may be at great detriment. A practitioner may prescribe limited amounts of controlled substances until such time as another objective practitioner can be contacted.

Appropriate records should be maintained for written prescriptions and/or administration of any Schedule II, III, IV, or V controlled substance.

The South Carolina Board of Nursing concludes that it is outside the scope of acceptable nursing practice for an APRN to prescribe medications for his or her family members outside of an established APRN/patient relationship except for a bona fide emergency situation where the health and safety of an individual may be at great detriment. Under no circumstances should an APRN prescribe medications for anyone outside his or her approved protocol or prescribe a quantity of any medication in excess of that required for a “bridge” until the family member may seek treatment from an objective care provider. For purposes of this Advisory Opinion, the Board of Nursing defines a “bridge prescription” as a one-time prescription not to exceed a ten (10) day quantity.

A licensee’s prescriptive authority may be terminated by the Board of Nursing if the licensee prescribes outside the scope of the approved written protocols, violates a provision of Section 40-33-110 or violates any state or federal law or regulations applicable to prescriptions, pursuant to S.C. Code Ann. §40-33-34(G).

*This statement is an advisory opinion of the Board of Nursing as to what constitutes competent and safe nursing practice.*

### **GET TO KNOW A BOARD MEMBER**

**Name:** Karen R. Hazzard, M.S.N., R.N., NE-BC

**Professional Background/Experience:** I am a proud graduate of both the University of Delaware for my undergraduate nursing studies and the University of Phoenix for my master of science in nursing degree. Reflecting back on over two decades of nursing service, I have had many exciting learning experiences. Upon graduation and at the recommendation of nursing faculty, I worked for a few years on a medical/surgical/oncology unit to further develop clinical skills and build a strong clinical foundation for my professional nursing practice. Soon after that, I fell in love with obstetrics and with this knowledge and clinical experience, I was afforded an opportunity as a high-risk ante partum/labor and delivery travel nurse and Matria telephonic obstetric practitioner taking our family to Scottsdale, Arizona then back to beautiful Pawleys Island, South Carolina which we now call home. I then worked with a group of nurse educators at Horry-Georgetown Technical College of Nursing for six years prior to assuming my current position and applying my diverse clinical practice background and professional experience as Nursing Operations Director at Georgetown Memorial Hospital.

**Why did you want to be on the Board?**

As a result of the 2011 census, the SC Legislature approved a new 7<sup>th</sup> Congressional District for South Carolina, and a vacancy was created. I am honored to have been appointed by Governor Nikki R. Haley and confirmed by the Senate to serve on the South Carolina Department of Labor, Licensing and Regulation (LLR) State Board of Nursing with my term commencing July 01, 2012. Serving in this position is both a challenge and an opportunity with the potential to impact nursing licensure and education through our interpretation of statutes in determination of the appropriate standards of practice in an effort to ensure the highest professional conduct. Through the provision of competent, safe, quality nursing practice, we help ensure that healthcare systems provide quality care that leads to improved health within our communities.

**What do you like most about working with SC BON?** As a collective and impartial tribunal, we, the members of the State Board of Nursing, make decisions supportive of the SC BON mission to serve and protect the public and make professional practice improvements. Although the latter is of significant importance, the greatest reward in public service is the enrichment this service brings to your own life and enhancement of your own professional nursing practice. Under the leadership and mentoring of SC BON President Samuel H. McNutt and my Board peers, I have enjoyed close examination of professional practice issues and confirmation of due process in action, guaranteed by both the United States and the South Carolina constitutions.

**Hobbies:**

I enjoy spending time with my husband, Todd, my two beautiful children, Hunter and Hailey, and our dogs, Logan and Sophie. In the summer, we enjoy life at or on the ocean or Waccamaw River boating, fishing, and skurfing (a popular surface water sport in which the participant is towed on a surfboard, behind a boat, with a ski rope) or nurturing a vegetable garden. The cooler months bring Clemson football games (Go Tigers!) and travel north to visit our families in Delaware and Maryland. There is always time year round for a quiet night at home enjoying popcorn and a good movie.

**REPORTING MISCONDUCT AND VIOLATIONS OF THE NURSE PRACTICE ACT**

It has come to the attention of the S.C. Board of Nursing that there is reluctance on the part of some employers to report violations of the Nurse Practice Act by their employees.

S. C. Code Ann. § 40-33-111(A) of the Nurse Practice Act states that:

(A) An employer, including an agency, or supervisor of nurses, shall report any instances of the misconduct or the incapacities described in Section 40-33-110 to the State Board of Nursing not more than fifteen business days, excepting Saturdays, Sundays, and legal holidays, from the discovery of the misconduct or incapacity. A

nurse supervisor who fails to timely report the misconduct or incapacity may be subject to disciplinary action and civil sanctions as provided for in Section 40-33-120. An employer who is not licensed by the Board and who fails to timely report the misconduct or incapacity shall pay a civil penalty of one thousand dollars per violation upon notice of the board.

The Board believes it is important to note there are possible sanctions for employers who fail to report misconduct or incapacities in a timely manner to the Board. It is important for the safety of the citizens of South Carolina that nurses and employers of nurses adhere to the S.C. Nurse Practice Act.

### **LICENSE CHECK**

To check a nursing license, you may utilize one or all of the following options:

1. **SC Licensee Lookup** - Go to [www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/), click on Licensee Lookup and choose Nursing. As you enter information, it is recommended that you enter a portion of the nurse's name only. You will be provided with the nurse's name, city and state, license number, as well as license type, date issued/expires, license status, and whether the license is multi-state or single state.
2. **Nursys QuickConfirm** - Go to <https://www.nursys.com/> click on QuickConfirm and follow the instructions. You will be provided with the nurse's name, state of licensure, license type and number, license status, license expiration date and discipline status. The following states participate in QuickConfirm: Alaska, Arkansas, American Samoa, Arizona, California-RN, California-VN, Colorado, District of Columbia, Delaware, Florida, Guam, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana-RN, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Northern Mariana Islands, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, New Mexico, Nevada, New York, Ohio, Oregon, Rhode Island, *South Carolina*, South Dakota, Tennessee, Texas, Utah, Virginia, Virgin Islands, Vermont, Washington, Wisconsin, West Virginia-PN, West Virginia-RN, and Wyoming. Go to NCSBN.org for updates as states are added.
3. **Other States** - Most states have licensee lookup/licensure verification on their websites. Links to boards of nursing can be found at [www.ncsbn.org](http://www.ncsbn.org).

You may check for discipline against a South Carolina nursing license on the Board's website at [www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/) under Board Orders.

### **ATTENTION APRNs**

You must notify the Board of your certification, re-certification or renewal.

- Are you licensed as an advanced practice registered nurse (APRN)?
- Have you renewed your certification?
- Did you know the Board does not automatically receive notification you have renewed your certification?

- Did you know it is the licensee's responsibility to provide the Board with a copy of his or her current certification / recertification?

If you have recently become certified, recertified, or renewed your certification, please mail a copy of your current certification card to: LLR-Board of Nursing, Attn: Advanced Practice Licensure, P. O. Box 12367, Columbia, SC 29211. You may also scan your document and email to [Nurseboard@llr.sc.gov](mailto:Nurseboard@llr.sc.gov) or send your document by fax to 803-896-4515.

### **NAME CHANGE ON NURSING LICENSE**

If you have had a legal name change, submit your written request, along with a copy of the legal document(s) (copy of marriage certificate, divorce decree, court order, etc.), to LLR – Board of Nursing, Post Office Box 12367, Columbia, SC 29211. Please indicate in your request whether you will use your middle name or maiden name for your middle initial or if you wish to hyphenate your name. For example, if Jane Ann Doe marries John Smith will she use Jane Ann Smith? or Jane Doe Smith? or Jane Ann Doe Smith? or Jane Ann Doe-Smith? Your request will be processed within five business days of receipt in Board offices and will be reflected on Licensee Lookup within three to five business days after the change is made.

You may verify that your name change request has been processed on Licensee Lookup on the Board's website ([www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/)). When utilizing Licensee Lookup, you do not have to enter complete names. For example, "J" and "Smith" will search for records with a last name of "Smith" and a first name beginning with "J." Refer to Section 04-33-36(B) of the Nurse Practice Act regarding statutory requirements for your name on your license. You may view the Nurse Practice Act – Chapter 33 located under Law/Policies on the Board's website.

### **HAVE YOU MOVED?**

Section 40-33-38(C) of the South Carolina Code of Laws (Nurse Practice Act) requires that *all* licensees notify the Board *in writing* within 15 days of *any* address change. So you do not miss important time-sensitive information from the Board, such as your courtesy renewal notice, audit notice or other important licensure information, be sure to notify the Board immediately whenever you change your address. Failure to notify the Board of an address change may result in discipline. You may change your address online utilizing the address change form under Online Services found on the Board's website: [www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/).

**Note:** *Changing your address with the South Carolina Nurses Association (SCNA) does not change your address on your licensing records with the South Carolina State Board of Nursing.*

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## **RETURNED CHECKS**

When submitting any fees to the Board of Nursing, be certain there are sufficient funds in your account to cover your payment (*paper or electronic check or credit card*) and that the payment has cleared before closing the account. Section 40-1-50(G) of the South Carolina Code of Laws states that a license shall be suspended if a fee payment is made by a check that is subsequently returned by the financial institution unpaid and is not made good within 10 days of official notification. This suspension is exempt from the Administrative Procedures Act. Unpaid checks constitute a non-payment of license fees. Section 40-33-38(C) of the South Carolina Code of Laws (Nurse Practice Act) requires that *all* licensees notify the Board *in writing* within 15 days of *any* address change. When a check is returned, replacement funds, plus the returned check fee allowed by law, will be charged.

## **TOOLS OF THE TRADE**

When is the last time you visited the Board of Nursing's website? The Board recommends that all nurses licensed by or working in South Carolina visit its website ([www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/)) *at least* monthly for up-to-date information on nursing licensure in South Carolina. When a new advisory opinion is issued or a current advisory opinion revised, it is updated on the website. The Competency Requirement, Competency Requirement Criteria, Licensure information, Advisory Opinions, Position Statements and the Nurse Practice Act are just a few of the valuable tools and information you will find on the website.

The Advisory Opinions, Position Statements and the Nurse Practice Act are located under Laws/Policies. The Competency Requirement and Competency Requirement Criteria, which includes continuing education contact hours, are located under Licensure.

The Board hopes you will find this information useful in your nursing practice.

## **BOARD MEMBERS**

Samuel H. McNutt, RN, CRNA, MHSA, Congressional District 5 - *President*  
Carol A. Moody, RN, MAS, NEA-BC, Congressional District 4 - *Vice President*  
Amanda E. Baker, RN, MSN, MNA, CRNA, Congressional District 2 - *Secretary*  
Tara R. Hulseley, PhD, RN, CNE, Congressional District 1  
W. Kay Swisher, RNC, MSN, Congressional District 3  
Lisa Cox Schafer, RN, MSN, NEA-BC, Congressional District 6  
Karen R. Hazzard MSN, RN, NE-BC, Congressional District 7  
Anne Crook, PhD, Public Member  
James E. Mallory, EdD, Public Member

Vacancies: [See Section 40-33-10(A) of the Nurse Practice Act for prerequisites and requirements]

(2) Licensed Practical Nurses At Large

**S.C. BOARD OF NURSING CONTACT INFORMATION:**

Main Telephone Line (803) 896-4550  
Fax Line (803) 896-4515  
General Email [Nurseboard@llr.sc.gov](mailto:Nurseboard@llr.sc.gov)  
Website [www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/)

The Board of Nursing is located at Synergy Business Park, Kingstree Building, 110 Centerview Drive, Suite 202, Columbia, SC 29210. Directions to the office can be found on the website - [www.llronline.com](http://www.llronline.com) - at the bottom of the page. The Board's mailing address is LLR - Office of Board Services - SC Board of Nursing, Post Office Box 12367, Columbia, SC 29211-2367.

Normal agency business hours are 8:30 a.m. to 5 p.m., Monday through Friday. Offices are closed for holidays designated by the state.

**BOARD OF NURSING ADMINISTRATION**

Nancy G. Murphy, Administrator [nancy.murphy@llr.sc.gov](mailto:nancy.murphy@llr.sc.gov)  
Shannon Beaudry, Assistant to Administrator [shannon.beaudry@llr.sc.gov](mailto:shannon.beaudry@llr.sc.gov)

**OFFICE OF INVESTIGATIONS AND ENFORCEMENT**

Main Telephone Line (803) 896-4470

**VISIT US ON OUR WEBSITE: [www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/)**

The Board of Nursing Website contains the Nurse Practice Act (Chapter 33-Laws Governing Nursing in South Carolina), Regulations (Chapter 91), Compact Information, Advisory Opinions, Licensure Applications, Continued Competency Requirements/Criteria, Application Status, Licensee Lookup, Disciplinary Actions, and other helpful information. All nurses are encouraged to visit the website *at least* monthly for up-to-date information.

**Board of Nursing Meeting Calendar for 2013**

(Board and Committee meeting agendas are posted on the Board's website ([www.llronline.com/POL/Nursing/](http://www.llronline.com/POL/Nursing/)) at least 24 hours prior to meeting.)

<u>Board of Nursing Meeting</u>	July 25-26, 2013
<u>Board of Nursing Meeting</u>	September 26-27, 2013
<u>Board of Nursing Meeting</u>	November 21-22, 2013
Advanced Practice Committee	August 2, 2013
Advanced Practice Committee	November 1, 2013

Advisory Committee on Nursing  
Advisory Committee on Nursing  
Advisory Committee on Nursing

August 27, 2013  
October 15, 2013  
December 3, 2013

Nursing Practice & Standards Committee  
Nursing Practice & Standards Committee

July 11, 2013  
October 10, 2013

**Designated 2013 State Holidays**

**Observed On**

Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Christmas Eve  
Christmas Day  
Day after Christmas

Thursday, July 4, 2013  
Monday, September 2, 2013  
Monday, November 11, 2013  
Thursday, November 28, 2013  
Friday, November 29, 2013  
Tuesday, December 24, 2013  
Wednesday, December 25, 2013  
Thursday, December 26, 2013