

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

BOARD: Nursing

CASE NUMBER: 2013-13189

COMPLAINT MADE BY: Maxim Healthcare Services,  
Inc., David Countee, Branch  
Operations Manager  
2114 Airport Boulevard  
Suite 1900  
Pensacola, FL 32514

COMPLAINT MADE AGAINST: Tawanna Hosea, C.N.A.  
1960 Gary Circle  
Pensacola, FL 32505

SUBJECT'S ATTORNEY: Pro Se

DATE OF COMPLAINT: August 15, 2013

INVESTIGATED BY: Janie M. Shingles  
Pensacola ISU

REVIEWED BY: Casie Barnette  
Assistant General Counsel

RECOMMENDATION: DISMISS (4099)

**RECONSIDERATION / CLOSING ORDER**

**THE COMPLAINT:** In an Administrative Complaint filed on November 26, 2013, Petitioner alleges Subject violated Section 464.204(1)(b), Florida Statutes (2013), by intentionally violating Section 464.018(1)(h), Florida Statutes (2013), by engaging unprofessional conduct in violation of Rule 64B9-8.005(4), Florida Administrative Code, by stealing personal property from one or more of her patients and/or their

relatives while engaged in the practice of nursing assistance. Petitioner further alleges that Respondent violated Section 464.204(1)(b), Florida Statutes (2013), by intentionally violating Section 456.072(1)(m), Florida Statutes (2013), by making deceptive, untrue, or fraudulent representations to a third party vendor that she owned and had the ability to sell stolen personal property belonging to her patients and/or their relatives, and/or by selling personal property belonging to her patients and/or their relatives as her own to obtain money for herself.

**THE FACTS:** At all times material to this Complaint, Respondent was employed at Maxim Healthcare Services, Inc., which provided contract health care personnel to Emerald Coast Hospice ("ECH") patients in Fort Walton Beach, Florida.

In about June 2013, Respondent was arrested twice for stealing several pieces of jewelry from two ECH patients and/or their relatives while working as a nursing assistant in their home. Respondent pawned the jewelry in exchange for cash in Fort Walton Beach, Florida. During the investigation, law enforcement verified that Respondent signed pawn shop transaction forms. Further one of the theft victims positively identified some of her stolen jewelry from pawn shop transaction forms that Respondent signed. Respondent admitted that she stole jewelry from one of the ECH patients and sold it. Ultimately, for both ECH victims, Respondent was arrested and charged with grand theft from a person 65 years of age and older, fraud, and dealing in stolen property.

On or about November 5, 2013, the Department issued an Emergency Restriction of Certification against Respondent that prohibited her from treating patients in any inpatient, or extended one-on-one setting, including but not limited to, home care services, hospitals, rehabilitative institutions, nursing homes, assisted living facilities, and hospices.

On or about November 26, 2013, the Department filed an Administrative Complaint against Respondent.

On or about December 17, 2013, Department Case Number 2013-11448 was opened against Respondent based upon her plea of nolo contendere to the aforementioned criminal charge of theft from a person 65 years of

age or older in the First Judicial Circuit Court in and for Santa Rosa County, Florida.

On or about September 2, 2014, after proceeding through the disciplinary process, the Florida Board of Nursing issued a Final Order revoking Respondent's nursing assistant certification in Department Case Number 2013-11448.

Considering that Respondent's license is currently revoked based upon her plea of nolo contendere to the same criminal conduct that is the basis for this Complaint, this case should be dismissed without further prosecution. Should the Subject reapply, the allegations addressed in this case shall be addressed before a new certification may be issued by the Florida Board of Nursing.

**THE LAW:** This case has been closed due to Respondent's revoked nursing assistant certification.

It is, therefore, ORDERED that this case should be and the same is hereby DISMISSED.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Chairperson, Probable Cause Panel  
Florida Board of Nursing

PCP Date:

PCP Members:

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

BOARD: Nursing

CASE NUMBER: 2013-08953

DATE OF COMPLAINT: September 17, 2013

COMPLAINT MADE BY: Department of Health

SUBJECT: Rhonda Kay Miller, R.N.  
65 Andrew Spears Road  
Crawfordville, Florida 32327

SUBJECT ATTORNEY: N/A

INVESTIGATED BY: Antoinette Carter  
Consumer Services Unit

REVIEWED BY: Ana M. Gargollo-McDonald  
Assistant General Counsel

RECOMMENDATION: Dismiss (4097)  
Reconsideration

**CLOSING ORDER ON RECONSIDERTION**

**THE COMPLAINT:** The complaint alleges that Subject violated Section 464.018(1)(c), Florida Statutes (2011), provides that being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing; and Section 456.072(1)(x), Florida Statues (2011), by failing to report to the board, or the department if there is no board, in writing within thirty (30) days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication.

**THE FACTS:** On or about October 19, 2011, in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida, case number 2011-CF-2574A, Respondent entered a plea of nolo contendere to one (1) count of driving while license suspended or revoked in violation of Section 322.34(2)(a), Florida Statutes.

On or about October 14, 2014, the Department filed a Second Corrected Administrative Complaint against Respondent. The Second Corrected Administrative Complaint alleged that the above conviction directly related to the practice of nursing and that Respondent failed to report the conviction. Upon further review of this case, the evidence in the investigative file is insufficient to substantiate a violation of the practice act by clear and convincing evidence.

Accordingly, it is recommended that this case be closed. The Panel therefore directs this case be dismissed.

**LAW:** There was sufficient evidence for the Panel to have found probable cause. However, based on the above facts, the Department, pursuant to the provisions of Section 20.43(3), Florida Statutes, has determined that there is insufficient evidence to support the continued prosecution of the allegation contained in the Administrative Complaint. Therefore, pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

It is, therefore, ORDERED that this matter be, and same is hereby, DISMISSED.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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CHAIRPERSON, PROBABLE CAUSE PANEL  
BOARD OF NURSING

/AGM

PCP:

PCP MEMBERS:

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

BOARD: Nursing

CASE NUMBER: 2014-15503

DATE OF COMPLAINT: December 29, 2014

COMPLAINT MADE BY: Department of Health

SUBJECT: Jennifer Shawn Kittel, R.N.  
1028 Dorado Drive  
St. Augustine, Florida 32086

ALTERNATE ADDRESS: 6757 Beatrix Drive  
Jacksonville, Florida 32226-3346

SUBJECT ATTORNEY: N/A

INVESTIGATED BY: Consumer Services Unit

REVIEWED BY: Ana M. Gargollo-McDonald  
Assistant General Counsel

RECOMMENDATION: Reconsideration (4097)

**CLOSING ORDER ON RECONSIDERTION**

**THE COMPLAINT:** The Complaint alleged that Respondent violated Section 456.072(1)(q), Florida Statutes (2013), violating a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

**THE FACTS:** On or about June 20, 2012, the Board of Nursing filed a Final Order in case number 2011-07936. The Final Order required Respondent to submit payment of administrative costs in the amount of \$1,015.95, within two years from the date of the entry of the Final Order.

On or about February 24, 2015, the Department filed an Administrative Complaint in the above referenced case alleging that Respondent had failed to submit payment of the administrative costs in the amount of \$1,015.95, within two years from the date of the entry of the Final Order. However, on or about January 12, 2015, Respondent subsequently submitted payment of the administrative costs in the amount of \$1,015.19. The Department's Compliance Unit accepted the payment and Respondent is considered to be in full compliance.

Based on Respondent's subsequent compliance with the Board's Final Order, this case should be closed without further prosecution.

**THE LAW:** Pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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CHAIRPERSON, PROBABLE CAUSE PANEL  
BOARD OF NURSING

/AGM

PCP:

PCP Members:

**DEPARTMENT OF HEALTH  
STATE OF FLORIDA**

BOARD: Nursing

CASE NUMBER: 2013-07937

COMPLAINT MADE BY: DOH/CMU

RESPONDENT: Lori Renee White, RN  
Post Office Box 601  
Sneads, Florida 32460

RESPONDENT'S ATTORNEY: N/A

DATE OF COMPLAINT: May 17, 2013

INVESTIGATED BY: Diane Bates  
CSU

REVIEWED BY: Matthew G. Witters  
Assistant General Counsel

RECOMMENDATION: Dismiss (4097)  
Reconsideration

**NOTICE OF DISMISSAL/CLOSING ORDER**

**THE COMPLAINT:** Complainant alleges that Subject violated Section 456.072(1)(q), Florida Statutes (201q), by violating a final order of the Department or the Board, or failing to comply with a lawfully issued subpoena of the Department.

**THE FACTS:** On or about September 5, 2013, the Department filed an Administrative Complaint (Complaint) in the above referenced case alleging that Respondent violating a final order of the Board of Nursing.



On or about July 31, 2014, the Respondent's registered nursing license became null and void. Based on the current status of the Respondent's license, further prosecution of this case is not warranted.

**THE LAW:** There was sufficient evidence for the Panel to have found probable cause. However, based on the above facts, the Department, pursuant to the provisions of Section 20.43(3), Florida Statutes, has determined that there is insufficient evidence to support the continued prosecution of the allegations contained in the Administrative Complaint. Therefore, pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

It is, therefore, ORDERED that this matter be, and same is hereby, DISMISSED.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chairperson, Probable Cause Panel  
Board of Nursing

**DEPARTMENT OF HEALTH  
STATE OF FLORIDA**

BOARD: Nursing

CASE NUMBER: 2012-08989

COMPLAINT MADE BY: Sherie Miranda, RN  
2733 countryside Blvd.,  
#107  
Clearwater, Florida 33761

RESPONDENT: Patty K. Kiklica, RN  
11750 Colony Lakes Blvd.  
New Port Richey, Florida  
34654

RESPONDENT'S ATTORNEY: N/A

DATE OF COMPLAINT: June 18, 2012

INVESTIGATED BY: Marlene Toledo  
St. Petersburg Office

REVIEWED BY: Matthew G. Witters  
Assistant General Counsel

RECOMMENDATION: Dismiss (4097)  
Reconsideration

**NOTICE OF DISMISSAL/CLOSING ORDER**

**THE COMPLAINT:** Complainant alleges that Subject violated Section 464.018(1)(h), Florida Statutes (2011), for unprofessional conduct as further defined by Board Rule 64B9-8.005(12), Florida Administrative Code, to include testing positive for any drugs under Chapter 893, Florida

Statutes, on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug.

**THE FACTS:** On or about July 18, 2012, the Department filed an Administrative Complaint in the above referenced case alleging that Respondent tested positive for a drug listed in Chapter 893.

Respondent's registered nursing license is now null and void. Based on the status of the Respondent's license, further prosecution of this case is not warranted.

**THE LAW:** There was sufficient evidence for the Panel to have found probable cause. However, based on the above facts, the Department, pursuant to the provisions of Section 20.43(3), Florida Statutes, has determined that there is insufficient evidence to support the continued prosecution of the allegations contained in the Administrative Complaint. Therefore, pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

It is, therefore, ORDERED that this matter be, and same is hereby, DISMISSED.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chairperson, Probable Cause Panel  
Board of Nursing

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO.: 2013-12109**

**DAVID WILLIAM LHOTKA, C.N.A.,**

**RESPONDENT.**

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**AMENDED ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, by and through its undersigned counsel, files this Amended Administrative Complaint before the Board of Nursing against Respondent, David William Lhotka, C.N.A., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing assistance pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Amended Administrative Complaint, Respondent was a certified nursing assistant (C.N.A.) within the state of Florida, pursuant to Chapter 464, Florida Statutes (2013), having been issued certification number CNA 242555.

3. Respondent's address of record is 14484 Jacob Way, Brooksville, Florida 34601.

4. On or about May 29, 2013, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, case number 13-MM-001582-A, Respondent entered a plea of nolo contendere to one count of petit theft, in violation of Section 812.014(3)(b), Florida Statutes, and one count of possession of marijuana less than 20 grams, in violation of Section 893.13(6)(b), Florida Statutes.

5. On or about December 13, 2013, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, case number 13-1175-CF, Respondent entered a plea of nolo contendere to one count of aggravated assault with a deadly weapon, a third degree felony in violation of Section 784.021(1)(a), Florida Statutes.

6. A certified nursing assistant is one of a handful of categories of licensed professionals that provide direct patient care, in many instances, to the elderly or those with long-term infirmities, often in patient's homes or in nursing home settings. They are in a unique position to have direct access to patients' personal belongings, money, and/or financial information. As such, entering a plea of nolo contendere to possession of

marijuana, petit theft, and assault with a deadly weapon relates to the practice of nursing assistance or the ability to practice nursing assistance, and violates the trust and confidence invested by the Legislature in these licensees.

7. Respondent failed to report his pleas described above in paragraphs four (4) and five (5) in writing to the Board of Nursing within thirty (30) days after the date Respondent entered the pleas.

**COUNT I**

8. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein.

9. Section 464.204(1)(b), Florida Statutes (2012, 2013), provides that intentionally violating any provision of this chapter, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

10. Section 456.072(1)(c), Florida Statutes (2012, 2013), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession, constitutes grounds for disciplinary action.

11. As set forth above, in Hernando County Court case number 13-MM-001582-A, Respondent entered pleas of nolo contendere to one count of petit theft, and to one count of possession of marijuana less than 20 grams; and in the Fifth Judicial Circuit Court, Hernando County, Florida, Respondent entered a plea of nolo contendere to one count of aggravated assault with a deadly weapon, crimes which relate to the practice of, or the ability to practice Respondent's profession.

12. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2012, 2013), by violating Section 456.072(1)(c), Florida Statutes (2012, 2013), being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

### **COUNT II**

13. Petitioner realleges and incorporates paragraphs one (1) through five (5) and seven (7), as if fully set forth herein.

14. Section 464.204(1)(b), Florida Statutes (2012, 2013), provides that intentionally violating any provision of this chapter, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

15. Section 456.072(1)(x), Florida Statutes (2012, 2013), provides that failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction constitutes grounds for disciplinary action.

16. Respondent failed to report to the Board of Nursing in writing within thirty (30) days after Respondent entered pleas of nolo contendere to: one count of petit theft, and one count of possession of marijuana less than 20 grams, in Hernando County Court case number 13-MM-001582-A on or about May 29, 2013; and to one count of aggravated assault with a deadly weapon in the Fifth Judicial Circuit case number 2013-CF-1582-A, on or about December 13, 2013.

17. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2012, 2013) through a violation of Section 456.072(1)(x) Florida Statutes (2012, 2013), by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea



of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

John H. Armstrong, MD, FACS  
State Surgeon General and Secretary of Health

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Ana M. Gargollo-McDonald  
Florida Bar Number 85907  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Telephone: (850) 245 - 4444 Extension 8133  
Facsimile: (850) 245 - 4683  
Email: ana.gargollo-mcdonald@flhealth.gov

/AGM

PCP:

PCP Members:

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO.: 2013-09589**

**DAVID WILLIAM LHOTKA, L.P.N.,**

**RESPONDENT.**

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**AMENDED ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, by and through its undersigned counsel, files this Amended Administrative Complaint before the Board of Nursing against Respondent, David William Lhotka, L.P.N., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Amended Administrative Complaint, Respondent was a licensed practical nurse (L.P.N.) within the state of Florida, pursuant to Chapter 464, Florida Statutes (2013), having been issued certification number PN 5206675.

3. Respondent's address of record is 14484 Jacob Way, Brooksville, Florida 34601.

4. On or about May 29, 2013, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, case number 13-MM-001582-A, Respondent entered a plea of nolo contendere to one count of petit theft, in violation of Section 812.014(3)(b), Florida Statutes, and one count of possession of marijuana less than 20 grams, in violation of Section 893.13(6)(b), Florida Statutes.

5. On or about December 13, 2013, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, case number 13-1175-CF, Respondent entered a plea of nolo contendere to one count of aggravated assault with a deadly weapon, a third degree felony in violation of Section 784.021(1)(a), Florida Statutes.

6. A licensed practical nurse is one of a handful of categories of licensed professionals that provide direct patient care, in many instances, to the elderly or those with long-term infirmities, often in patient's homes or in nursing home settings. They are in a unique position to have direct access to patients' personal belongings, money, and/or financial information. As such, entering a plea of nolo contendere to possession of

marijuana, petit theft, and assault with a deadly weapon relates to the practice of nursing or the ability to practice nursing, and violates the trust and confidence invested by the Legislature in these licensees.

7. Respondent failed to report his pleas described above in paragraphs four (4) and five (5) in writing to the Board of Nursing within thirty (30) days after the date Respondent entered the pleas.

### **COUNT I**

8. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein.

9. Section 456.072(1)(c), Florida Statutes (2012, 2013), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession, constitutes grounds for disciplinary action.

10. As set forth above, in Hernando County Court case number 13-MM-001582-A, Respondent entered pleas of nolo contendere to one count of petit theft, and to one count of possession of marijuana less than 20 grams; and in the Fifth Judicial Circuit Court, Hernando County, Florida, Respondent entered a plea of nolo contendere to one count of aggravated

assault with a deadly weapon, crimes which relate to the practice of, or the ability to practice Respondent's profession.

11. Based on the foregoing, Respondent violated Section 456.072(1)(c), Florida Statutes (2012, 2013), being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

## **COUNT II**

12. Petitioner realleges and incorporates paragraphs one (1) through five (5) and seven (7), as if fully set forth herein.

13. Section 456.072(1)(x), Florida Statutes (2012, 2013), provides ~~that failing to report to the board, or the department if there is no board,~~ in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction, constitutes grounds for disciplinary action.

14. Respondent failed to report to the Board of Nursing in writing within thirty (30) days after Respondent entered pleas of nolo contendere to: one count of petit theft, and one count of possession of marijuana less

than 20 grams, in Hernando County Court case number 13-MM-001582-A on or about May 29, 2013; and to one count of aggravated assault with a deadly weapon in the Fifth Judicial Circuit case number 2013-CF-1582-A, on or about December 13, 2013.

15. Based on the foregoing, Respondent violated Section 456.072(1)(x) Florida Statutes (2012, 2013), by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

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*[Remainder of Page Left Intentionally Blank]*

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

John H. Armstrong, MD, FACS  
State Surgeon General and Secretary of Health

\_\_\_\_\_  
Ana M. Gargollo-McDonald  
Florida Bar Number 85907  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Telephone: (850) 245 - 4444 Extension 8133  
Facsimile: (850) 245 - 4683  
Email: ana.gargollo-mcdonald@flhealth.gov

/AGM

PCP:

PCP Members:



## NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

## NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

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**PETITIONER,**

**v.**

**CASE NO. 2013-12790**

**JOANNA NELSON, A.R.N.P.**

**RESPONDENT.**

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**AMENDED ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Amended Administrative Complaint before the Board of Nursing against Respondent, Joanna Nelson, A.R.N.P., and in support thereof alleges:

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1. ~~Petitioner is the state agency charged with regulating the~~ practice of nursing assistance pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Amended Complaint, Respondent was an advanced registered nurse practitioner (A.R.N.P.) within the state of Florida, having been issued license number ARNP 9227754.

3. Respondent's address of record is 9680 NW 59th Court, Parkland, Florida 33076.

4. On or about June 6, 2011, Respondent entered into an advocacy contract with the Intervention Project for Nurses (IPN).

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5. The advocacy contract had a projected active monitoring period from on or about April 7, 2011, through on or about April 6, 2016.

6. The Intervention Project for Nurses is the impaired nurses program for the Board of Nursing, designated pursuant to Section 456.076, Florida Statutes. IPN is a program that monitors the evaluation, care, and treatment of impaired nurses. IPN also provides for the exchange of information between treatment providers and the Department for the protection of the public.

7. On or about August 6, 2013, Respondent was terminated from IPN for failing to comply with the terms of Respondent's Advocacy Contract.

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8. Section 456.072(1)(hh), Florida Statutes (2013), provides that being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, Florida Statutes (2013), for failure to comply without good cause, with the terms of the monitoring or treatment contract

entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program, constitutes grounds for disciplinary action.

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9. On or about August 6, 2013, Respondent was terminated from IPN for failing to comply with the terms of Respondent's Advocacy Contract.

10. Based on the foregoing, Respondent violated Section 456.072(1)(hh), Florida Statutes (2013), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, Florida Statutes (2013), for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

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WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_.**

John H. Armstrong, MD, FACS  
State Surgeon General and Secretary of Health

\_\_\_\_\_  
Nicole L. Jordan  
Assistant General Counsel  
Fla. Bar No. 106034  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin #C65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444 ex. 8125  
Facsimile: (850) 245-4683  
Email: Nicole.Jordan@flhealth.gov

/NLJ  
PCP Date:  
PCP:

## NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

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## NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

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PETITIONER,

v.

CASE NO. 2013-12790

JOANNA NELSON, A.R.N.P.

RESPONDENT.

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**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Joanna Nelson, A.R.N.P., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing assistance pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Complaint, Respondent was a advanced registered nurse practitioner (A.R.N.P.) within the state of Florida, having been issued license number ARNP 9227754.

3. Respondent's address of record is 9680 NW 59th Court, Parkland, Florida 33076.

4. On or about October 29, 2010, Respondent entered into an advocacy contract with the Intervention Project for Nurses (IPN).

5. The advocacy contract had a projected active monitoring period from on or about October 8, 2010, through on or about October 8, 2015.

6. The Intervention Project for Nurses is the impaired nurses program for the Board of Nursing, designated pursuant to Section 456.076, Florida Statutes. IPN is a program that monitors the evaluation, care, and treatment of impaired nurses. IPN also provides for the exchange of information between treatment providers and the Department for the protection of the public.

7. On or about August 6, 2013, Respondent was terminated from IPN for failing to comply with the terms of Respondent's Advocacy Contract.

8. Section 456.072(1)(hh), Florida Statutes (2013), provides that being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, Florida Statutes (2013), for failure to comply without good cause, with the terms of the monitoring or treatment contract



entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program, constitutes grounds for disciplinary action.

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9. On or about August 6, 2013, Respondent was terminated from IPN for failing to comply with the terms of Respondent's Advocacy Contract.

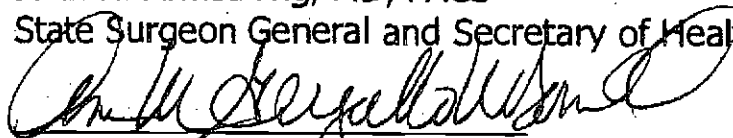
10. Based on the foregoing, Respondent violated Section 456.072(1)(hh), Florida Statutes (2013), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, Florida Statutes (2013), for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

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WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 25<sup>th</sup> day of November, 2013.

John H. Armstrong, MD, FACS  
State Surgeon General and Secretary of Health



Ana M. Gargollo-McDonald  
Assistant General Counsel  
Fla. Bar No. 85907

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FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Bridget Coates*

DATE: *11-26-13*

/AGM  
PCP: November 25, 2013  
PCP Members: Horne & Newman

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

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## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**Case No. 2012-07556**

**JOAQUIM BORGES CARREIRA, R.N.,**

**Respondent.**

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**AMENDED ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Amended Administrative Complaint before the Board of Nursing against Respondent, Joaquim Borges Carreira, R.N., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Amended Administrative Complaint, Respondent was a registered nurse (R.N.) within the state of Florida, having been issued license number RN 9287260.

3. Respondent's address of record is 4801 South Clyde Morris Blvd., Apt. #709, Port Orange, Florida 32129.

4. On or about November 22, 2011, Respondent was required to submit to an employer-ordered drug screening by Halifax Health System (Halifax), located in Port Orange, Florida.

5. On or about November 22, 2011, Respondent provided a specimen for use in the drug screen.

6. On or about November 30, 2011, Respondent's specimen provided for the drug screen was verified to be positive for marijuana metabolite.

7. According to Section 893.03(1), Florida Statutes, cannabis, also known as marijuana, is a Schedule I controlled substance that has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards.

8. Respondent has not provided a prescription and legitimate medical reason for using marijuana.

9. Section 456.072(1)(aa), Florida Statutes (2011), provides that testing positive for any drug, as defined in s. 112.0455, on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug, constitutes grounds for disciplinary action.

10. Section 112.0455(5)(a), Florida Statutes (2011), defines drugs as "Drug" means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

11. Respondent tested positive for marijuana metabolite, a drug defined in Section 112.0455(5)(a), Florida Statutes (2011), for which Respondent did not have a prescription and a legitimate medical reason for using.

12. Based on the foregoing, Respondent violated Section 456.072(1)(aa), Florida Statutes (2011), by testing positive for any drug, as defined in s. 112.0455, on any confirmed preemployment or employer-

ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

John H. Armstrong, MD, FACS  
State Surgeon General  
and Secretary of Health

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/AGM  
PCP:  
PCP Members:

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2013-08630**

**SHELLEY KAY HILL, R.N.,**

**RESPONDENT.**

\_\_\_\_\_ /

**AMENDED ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Amended Administrative Complaint before the Board of Nursing against Respondent, Shelly Kay Hill, R.N., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Amended Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9317251.

3. Respondent's address of record is 747 Sandlewood Drive, Orange Park, Florida 32065.

4. At all times material to this Amended Administrative Complaint, Respondent was employed at Progressive Medical Center (PMC), located at 1540 Wells Road, Suite 13, Orange Park, Florida 32073.

5. On or about May 15, 2013, when Patient L.T. presented to PMC, a physician did not perform a physician's examination or assessment of Patient L.T.

6. On or about May 15, 2013, Respondent administered a Botox cosmetic injection to Patient L.T., without a physician's order.

7. Botox cosmetic is the brand name for Botulinum Toxin type A. Botox cosmetic is a prescription medicine that is injected into muscles and used to improve the look of moderate to severe frown lines between the eyebrows (glabellar lines) in people 18 to 65 years of age for a short period of time.

8. The administration of Botox is outside the scope of practice for registered nurses without a physician's order.

9. Section 464.018(1)(h), Florida Statutes (2012), provides that unprofessional conduct as defined by board rule constitutes grounds for disciplinary action.

10. Rule 64B9-8.005(13), Florida Administrative Code, provides that unprofessional conduct includes practicing beyond the scope of the licensee's license, educational preparation or nursing experience.

11. Respondent is licensed pursuant to Chapter 464, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2012).

12. Respondent engaged in unprofessional conduct by practicing beyond the scope of Respondent's license, educational preparation or nursing experience, when Respondent administered a Botox cosmetic injection to Patient L.T. at PWC without a physician's order.

13. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes (2012), by engaging in unprofessional conduct as defined by Rule 64B9-8.005(13), by practicing beyond the scope of the licensee's license, educational preparation or nursing experience.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

John H. Armstrong, MD, FACS  
State Surgeon General and Secretary of Health

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/AGM  
PCP:  
PCP Members:

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2013-08630**

**SHELLEY KAY HILL, R.N.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Shelly Kay Hill, R.N., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9317251.

3. Respondent's address of record is 1865 Wells Road, Orange Park, Florida 32073.

4. At all times material to this Administrative Complaint, Respondent was employed at Progressive Medical Center (PMC), located at 1540 Wells Road, Suite 13, Orange Park, Florida 32073.

5. On May 15, 2013, Respondent administered a Botox cosmetic injection to L.T., a patient.

6. Botox cosmetic is the brand name for Botulinum Toxin type A. Botox cosmetic is a prescription medicine that is injected into muscles and used to improve the look of moderate to severe frown lines between the eyebrows (glabellar lines) in people 18 to 65 years of age for a short period of time.

7. The injection of Botox is outside the scope of practice for registered nurses and does not constitute the administration of medication.

8. Section 464.018(1)(h), Florida Statutes (2012), provides that unprofessional conduct as defined by board rule constitutes grounds for disciplinary action.

9. Rule 64B9-8.005(13), Florida Administrative Code, provides that unprofessional conduct includes practicing beyond the scope of the licensee's license, educational preparation or nursing experience.

10. Respondent is licensed pursuant to Chapter 464, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2012).

12. Respondent engaged in unprofessional conduct by practicing beyond the scope of Respondent's license, educational preparation or nursing experience, when Respondent administered a Botox cosmetic injection to L.T., a patient at PWC.

13. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes (2012), by engaging in unprofessional conduct as defined by Rule 64B9-8.005(13), by practicing beyond the scope of the licensee's license, educational preparation or nursing experience.



WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 29<sup>th</sup> day of October, 2013.

John H. Armstrong, MD, FACS  
State Surgeon General and Secretary of Health



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FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Angel Sanders*  
DATE OCT 30 2013

/AGM

PCP: October 29, 2013  
PCP Members: Horne and Newman

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**