

**STATE OF FLORIDA  
BOARD OF NURSING**

CASE NUMBER: 2014-22466

COMPLAINT MADE BY: DOH

DATE OF COMPLAINT: September 28, 2015

SUBJECT: Michelle L. Mattock, C.N.A.  
1363 Druid Road E.  
Clearwater, FL 33756

SUBJECT'S ATTORNEY N/A

INVESTIGATED BY: Diane Bates  
Consumer Services

REVIEWED BY: Judson Searcy  
Assistant General Counsel

RECOMMENDATION: Reconsideration (4038)  
Closed with  
Pending Discipline  
License Null and Void

**CLOSING ORDER ON RECONSIDERATION**

**THE COMPLAINT:** The Administrative Complainant alleged Subject violated Section 464.204(1)(b), Florida Statutes (2014), for intentionally violating Section 456.072(1)(c), Florida Statutes (2014), for 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; and Section 464.018(1)(e), Florida Statutes (2014), by having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to an offense prohibited by Section 435.04, Florida Statutes, which prohibits violations of Chapter 893, relating to drug abuse prevention and control.

**THE FACTS:** The Department filed an Administrative Complaint against Respondent on November 17, 2015, alleging that she entered pleas of guilty to one count of Possession of Controlled Substance, a third-degree felony violation of Section 893.13, F.S., and one count of Tampering with Physical Evidence, a third-degree felony.

Subject's license expired on December 31, 2013. Subject failed to properly renew her license during the delinquency period. Subject's license became null and void on January 1, 2016. Respondent will be unable to renew her license for five years from the date she finished her criminal sentence.

The Department and the Probable Cause Panel have determined that based upon the Subject's license being null and void, this case should be dismissed without further prosecution. Should Subject re-apply, the allegations addressed in this case shall be addressed before a new license will be issued by the Board of Nursing.

**THE LAW:** This case has been closed due to Subject's null and void license.

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

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

CHAIRPERSON, PROBABLE CAUSE PANEL  
BOARD OF NURSING

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2014-22466**

**MICHELLE L. MATTOCK, C.N.A.,**

**RESPONDENT.**

\_\_\_\_\_ /

**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, Michelle L. Mattock, C.N.A., 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 Administrative Complaint, Respondent was a certified nursing assistant (C.N.A.) within the state of Florida, having been issued license number CNA 60499.

3. Respondent's address of record is 1363 Druid Road East, Clearwater, Florida 33756. Respondent may be found at 3107 Gleneagles Drive, Clearwater, Florida 33765.

4. On or about April 13, 2015, in the Circuit Court, Sixth Judicial Circuit, in and for Pinellas County Florida, Respondent entered pleas of guilty to one count of Possession of Controlled Substance, a third-degree felony violation of Section 893.13, Florida Statutes (2013); and one count of Tampering with Physical Evidence, a third-degree felony.

5. Possession of Controlled Substance and Tampering with Physical Evidence are crimes that relate to the practice of, or ability to practice, licensee's profession; nursing assistance.

### **COUNT I**

6. Petitioner realleges and incorporates paragraphs one through five as if fully set forth herein.

7. Section 464.204(1)(b), Florida Statutes (2014), provides intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

8. Section 456.072(1)(c), Florida Statutes (2014), 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.

9. As set forth above, on or about April 13, 2015, Respondent entered pleas of guilty to one count of Possession of Controlled Substance, and one count of Tampering with Physical Evidence, one or more crimes that relate to the practice of, or ability to practice, licensee's profession; nursing assistance.

10. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2014), by intentionally violating Section 456.072(1)(c), Florida Statutes (2014), for 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**

11. Petitioner realleges and incorporates paragraphs one through five as if fully set forth herein.

12. Section 464.204(1)(b), Florida Statutes (2014), provides intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

13. Section 464.018(1)(e), Florida Statutes (2014), provides that having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.04 or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, constitutes grounds for disciplinary action.

14. Section 435.04(2)(ss), Florida Statutes (2014), lists violations of Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

15. As set forth above, on or about April 13, 2015, Respondent entered a plea of guilty to Possession of Controlled Substance, a third-degree felony violation of Chapter 893, Florida Statutes (2013).

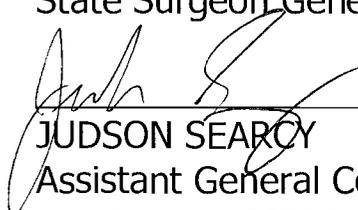
16. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2014), by intentionally violating Section 464.018(1)(e), Florida Statutes (2014), by having been found guilty of,

regardless of adjudication, or entered a plea of nolo contendere or guilty to an offense prohibited by Section 435.04, Florida Statutes, which prohibits violations of Chapter 893, relating to drug abuse prevention and control.

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** 17<sup>th</sup> **day of** November, **2015.**

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

  
\_\_\_\_\_  
**JUDSON SEARCY**  
Assistant General Counsel  
Fla. Bar No. 98772  
Florida Department of Health  
4052 Bald Cypress Way, Bin #C65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444 ex. 8100  
Facsimile: (850) 245-4683  
Email: judson.searcy@flhealth.gov

**FILED**

DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: Angel Sanders

DATE: NOV 17 2015

PCP: 11-17-15

PCP Members: Whitson and Kemp

## **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.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **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.**

9414 7266 9904 2043 9417 89

TO:

Michelle L. Mattock, C.N.A.  
3107 Gleneagles Drive  
Clearwater, FL 33756

SENDER: ESO  
Michelle L. Mattock, CNA

REFERENCE: 2015-22466

PS Form 3800, January 2005

RE  
RE  
SE

**Certified Article Number**

9414 7266 9904 2043 9417 89

**SENDERS RECORD**

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**Rick Scott**

Governor

**John H. Armstrong, MD, FACS**

Surgeon General and Secretary

**Vision:** To be the Healthiest State in the Nation

November 02, 2015

Michelle L. Mattock, C.N.A.  
3107 Gleneagles Drive  
Clearwater, FL 33756

RE: Department of Health vs. Michelle L. Mattock, C.N.A.  
Case Number: 2014-22466

Dear Ms. Mattock:

Enclosed please find an Order of Emergency **Suspension** of Certificate filed October 30, 2015, against your certificate to practice as a certified nursing assistant in the State of Florida. You should immediately cease the practice as a certified nursing assistant according to the enclosed Order of Emergency **Suspension** of Certificate.

If you have any questions, please do not hesitate to contact Judson Searcy, Assistant General Counsel at (850) 245-4444.

Sincerely,

Alyson Motes  
Regulatory Supervisor/Consultant  
Prosecution Services Unit

AM  
Enclosure

**Florida Department of Health**

Office of the General Counsel • Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-1701  
Express mail address: 2585 Merchants Row - Suite 105  
PHONE: 850/245-4444 • FAX 850/245-4662

**www.FloridaHealth.gov**  
TWITTER: HealthyFLA  
FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh  
FLICKR: HealthyFla  
PINTEREST: HealthyFla

9414 7266 9904 2043 9417 72

**TO:**

Michelle L. Mattock, C.N.A.  
1363 Druid Road East  
Clearwater, FL 33756

**SENDER:** ESO  
Michelle L. Mattock, CNA  
**REFERENCE:** 2015-22466

PS Form 3800, January 2005

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RECE  
SERV

**Certified Article Number**

9414 7266 9904 2043 9417 72

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November 02, 2015

Michelle L. Mattock, C.N.A.  
1363 Druid Road East  
Clearwater, FL 33756

RE: Department of Health vs. Michelle L. Mattock, C.N.A.  
Case Number: 2014-22466

Dear Ms. Mattock:

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If you have any questions, please do not hesitate to contact Judson Searcy, Assistant General Counsel at (850) 245-4444.

Sincerely,

A handwritten signature in black ink, appearing to read "Alyson Motes".

Alyson Motes  
Regulatory Supervisor/Consultant  
Prosecution Services Unit

AM  
Enclosure

**Florida Department of Health**

Office of the General Counsel • Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-1701  
Express mail address: 2585 Merchants Row - Suite 105  
PHONE: 850/245-4444 • FAX 850/245-4662

**www.FloridaHealth.gov**  
TWITTER: HealthyFLA  
FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh  
FLICKR: HealthyFla  
PINTEREST: HealthyFla

FILED DATE -  
Department of Health

By: Amy L. Carraway  
Deputy Agency Clerk

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

In Re: Emergency Suspension of the Certificate of  
Michelle L. Mattock, C.N.A.  
Certificate No.: CNA 60499  
Case No.: 2014-22466

**ORDER OF EMERGENCY SUSPENSION OF CERTIFICATE**

John H. Armstrong, MD, FACS, State Surgeon General and Secretary of Health, ORDERS the emergency suspension of the certificate of Michelle L. Mattock, C.N.A., to practice as a certified nursing assistant in the State of Florida. Ms. Mattock holds certificate number CNA 60499. Her address of record is 1363 Druid Road East, Clearwater, Florida 33756. Ms. Mattock may be found at 3107 Gleneagles Drive, Clearwater, Florida 33765. The following Findings of Fact and Conclusions of Law support the emergency suspension of Ms. Mattock's certificate to practice as a certified nursing assistant.

**FINDINGS OF FACT**

1. The Department of Health (Department) is the state agency charged with regulating the practice of nursing pursuant to Chapters 20, 456, and 464, Florida Statutes (2015). Section 456.074(1)(a), Florida Statutes (2015), authorizes the Department to summarily suspend Ms. Mattock's certificate to practice as a certified nursing assistant.

2. At all times material to this Order, Ms. Mattock was certified to practice as a certified nursing assistant in the State of Florida pursuant to Chapter 464, Florida Statutes (2015).

3. On or about September 26, 2013, the Pinellas County Sheriff's Office arrested Ms. Mattock for Possession of Controlled Substance, a third-degree felony violation of Section 893.13, Florida Statutes (2013).

4. On or about April 13, 2015, in the Circuit Court, Sixth Judicial Circuit, in and for Pinellas County Florida, Ms. Mattock entered a plea of guilty to Possession of Controlled Substance, a third-degree felony violation of Section 893.13, Florida Statutes (2013).

5. Section 456.074(1)(a), Florida Statutes (2015), provides that the Department *shall* issue an emergency order suspending the license of any person licensed under Chapter 464, Florida Statutes (2015), who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication to a felony under Chapter 893, Florida Statutes (2015), regardless of adjudication.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The Department has jurisdiction pursuant to Sections 20.43 and 456.074(1)(a), Florida Statutes (2015), and Chapter 464, Florida Statutes (2015).

2. Ms. Mattock entered a plea of guilty to Possession of Controlled Substance, a third-degree felony violation of Section 893.13, Florida Statutes (2009).

3. The Department is mandated to summarily suspend Ms. Mattock's certificate to practice as a certified nursing assistant in accordance with Section 456.074(1)(a), Florida Statutes (2015).

WHEREFORE, in accordance with Section 456.074(1)(a), Florida Statutes (2015), it is ORDERED THAT:

1. The certificate of Michelle L. Mattock, C.N.A., certificate number CNA 60499, is immediately suspended.

2. A proceeding seeking formal suspension or discipline of the certificate of Michelle L. Mattock, C.N.A., to practice as a certified nursing assistant will be promptly instituted and acted upon in compliance with Section 120.569, Florida Statutes (2015).

In Re: Emergency Suspension of the Certificate of  
Michelle L. Mattock, C.N.A.  
Certificate No.: CNA 60499  
Case No.: 2014-22466

DONE and ORDERED this 29<sup>th</sup> day of October, 2015.

 for

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

PREPARED BY:

Judson Searcy  
Assistant General Counsel  
Fla. Bar No. 98772  
Florida Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin #C65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444 ex. 8100  
Facsimile: (850) 245-4683  
Email: judson.searcy@flhealth.gov

In Re: Emergency Suspension of the Certificate of  
Michelle L. Mattock, C.N.A.  
Certificate No.: CNA 60499  
Case No.: 2014-22466

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Section 120.68, Florida Statutes (2015), this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.

## Motes, Alyson

---

**From:** Motes, Alyson  
**Sent:** Friday, October 30, 2015 1:48 PM  
**To:** DL MQA Inv Serv Priority Mail Area2 (CI) Tallahassee  
**Subject:** Emergency Action

Good afternoon, attached is a supplemental request for the service of the filed ESO for Lauren Eileen Black, C.N.A., 2015-20738. Thank you for your assistance.



ESO

Supplemental 1...



Filed ESO

10.30.15.pdf



IR.pdf

Alyson Motes, Regulatory Supervisor/Consultant  
Office of the General Counsel  
Prosecution Services Unit  
Florida Department of Health  
4052 Bald Cypress Way, Bin #C-65  
Tallahassee, FL 32399-3265  
(850) 245-4444 \* 8134

How am I communicating? Please contact my supervisor.

Effective October 1, 2013, email address for DOH will change to [firstname.lastname@flhealth.gov](mailto:firstname.lastname@flhealth.gov)

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

However, if this e-mail concerns anticipated or current litigation or adversarial administrative proceeding to which the Florida Department of Health is a party, this email is an attorney-client communication, and is, therefore, a limited access public document exempt from the provisions of Chapter 119, Florida Statutes.

See Section 119.071(d)1., Florida Statutes (2010).

DOH Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: Healthiest State in the Nation

Values: (ICARE)

I nnovation: We search for creative solutions and manage resources wisely.

C ollaboration: We use teamwork to achieve common goals & solve problems.

A ccountability: We perform with integrity & respect.

R esponsiveness: We achieve our mission by serving our customers & engaging our partners.

E xcellence: We promote quality outcomes through learning & continuous performance improvement.

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**Rick Scott**  
Governor

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State Surgeon General & Secretary

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**PSU REQUEST FORM**

FROM: Alyson Motes for Judson Searcy, Esq.	TO: ISU Matt Knispel, St. Petersburg Investigations Manager
Date: 10/30/15	TO: CSU
Phone #: 850-245-4444 x 8100	CC:

<b>Case Number:</b> 2014-22466	<b>Board:</b> Nursing	<b>Status:</b> 90
<b>Subject:</b> Michelle L. Mattock, C.N.A.	<b>HL Code:</b> HLL96B	
<b>Requested Completion Date:</b> ASAP		

**(PSU) TYPE OF REQUEST:** (describe details below)

- Process Service\* (Activity Code 160)
- Additional Information Requested (Activity Code 145)
- Deficiency in Investigative Work (Activity Code 150)

**Details:** Please hand serve the attached ESO. Thank you for your assistance.

\*The following additional information is needed for each service request:

Last Known Address: 1363 Druid Road East, Clearwater, FL 33756 or 3107 Gleneagles Drive, Clearwater, FL 33765.

Last Known Name & Phone Number: Michelle L. Mattock, C.N.A., 727-906-2806.

Last Known Place of Employment & Address if Known:

Has Contact Been Made With This Individual? YES  No ; If Yes, When?

Was this case originally worked by CSU or in an area office different from where this service request is being sent?

YES \*\* No  NOTE: All process service requests need to be sent to appropriate field office.

**\*\*IF YES, please send a copy of the original Investigative Report without attachments.**

**(ISU/CSU) RESPONSE:**

- Process Service Completed (Activity Code 161)  Process Service NOT Completed (Activity Code 162)
- Additional Info Sent to Legal (Activity Code 156)
- Supp. Investigation Request Cancelled (Activity Code 157)

<b>Email to:</b>	<u>Tallahass</u>	<u>Alach</u>	<u>Jacksonvi</u>	<u>St.</u>	<u>Tamp</u>	<u>Orland</u>	<u>Ft.</u>	<u>West</u>	<u>Ft.</u>	<u>Miam</u>
<u>Pensacol</u>	<u>ee</u>	<u>ua</u>	<u>lle</u>	<u>Pete</u>	<u>a</u>	<u>o</u>	<u>Myers</u>	<u>Palm</u>	<u>Lauderdale</u>	<u>i</u>
<u>a</u>	<u>Consume</u>									
	<u>r</u>									
	<u>Services</u>	<u>ULA</u>								

**\*\* Transmit Conf. Report \*\***

P.1

Nov 2 2015 03:39pm

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**Rick Scott**

Governor

**John H. Armstrong, MD, FACS**

Surgeon General and Secretary

November 02, 2015

The Honorable Robert S. Cohen  
Chief Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, FL 32301

RE: Department of Health vs. Michelle L. Mattock, C.N.A.  
Case Number: 2014-22466

Dear Judge Cohen:

This letter is to advise you that the Department has issued an Emergency Suspension Order concerning the certificate of **Michelle L. Mattock, C.N.A.**, to practice as a certified nursing assistant in the State of Florida. An Administrative Complaint has not been issued in the above case. Therefore, this is not a request for a formal hearing.

This letter is sent to advise you of the action taken by the Department and to advise you of the possibility that the respondent may request an expedited hearing. The Department shall keep you advised of any developments. If you need additional information, please contact Judson Searcy, Assistant General Counsel at (850) 245-4444.

Sincerely,

A handwritten signature in black ink, appearing to read "Alyson Motes".

Alyson Motes  
Regulatory Supervisor/Consultant  
Prosecution Services Unit

AM

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Governor

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Surgeon General and Secretary

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November 02, 2015

The Honorable Robert S. Cohen  
Chief Administrative Law Judge  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, FL 32301

RE: Department of Health vs. Michelle L. Mattock, C.N.A.  
Case Number: 2014-22466

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Sincerely,

Alyson Motes  
Regulatory Supervisor/Consultant  
Prosecution Services Unit

AM

**Florida Department of Health**

Office of the General Counsel • Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-1701  
Express mail address: 2585 Merchants Row - Suite 105  
PHONE: 850/245-4444 • FAX 850/245-4662

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FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh  
FLICKR: HealthyFla  
PINTEREST: HealthyFla

## **Motes, Alyson**

---

**From:** FL-Rules@dos.state.fl.us  
**Sent:** Friday, October 30, 2015 4:46 PM  
**To:** Motes, Alyson  
**Subject:** Submit Notice in FAR

You have successfully submitted a notice for publication in the Florida Administrative Register on 10/30/2015 4:45:40 PM.

Department: Department of Health  
Organization: Board of Nursing  
Notice type: Miscellaneous  
Issue: 41/214

Once this notice is published you will be able to view it by clicking the following link:  
[http://www.FLRules.org/gateway/View\\_Notice.asp?id=16709334](http://www.FLRules.org/gateway/View_Notice.asp?id=16709334)

You may contact the Florida Administrative Register office at (850)245-6270 for additional information.

@ItsWorkingFL: <https://twitter.com/ItsWorkingFL> The Department of State is leading the commemoration of Florida's 500th anniversary in 2013. For more information, please go to [www.fl500.com](http://www.fl500.com). The Department of State is committed to excellence. Please take our Customer Satisfaction Survey: <http://survey.dos.state.fl.us/index.aspx?email=>

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Governor

**John H. Armstrong, MD, FACS**  
State Surgeon General & Secretary

**Vision:** To be the Healthiest State in the Nation

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**MEMORANDUM**

**TO:** Florida Administrative Weekly, Liz Cloud  
**FROM:** Alyson Motes, Compliance Officer  
**RE:** Michelle L. Mattock, C.N.A., Certificate CNA 60499  
**CASE NO(S):** 2014-22466  
**DATE:** October 30, 2015 ID# 16709334

---

Attached please find notice of the issuance of an Emergency Suspension Order for notice in the next issue of the Florida Administrative Registry.

On October 30, 2015, State Surgeon General issued an Order of Emergency Suspension of Certificate with regard to the certificate of Michelle L. Mattock, C.N.A., Certificate CNA 60499. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

**Florida Department of Health**

Office of the General Counsel • Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-1701  
Express mail address: 2585 Merchants Row – Suite 105  
PHONE: 850/245-4444 • FAX 850/245-4662

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FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh  
FLICKR: HealthyFla  
PINTEREST: HealthyFla

**STATE OF FLORIDA  
BOARD OF NURSING**

CASE NUMBER: 2015-20740

COMPLAINT MADE BY: DOH

DATE OF COMPLAINT: July 27, 2015

SUBJECT: Mary E. Moore, C.N.A.  
2539 Taylor Road  
Panama City, FL 32404

SUBJECT'S ATTORNEY N/A

INVESTIGATED BY: Diane Bates  
Consumer Services

REVIEWED BY: Judson Searcy  
Assistant General Counsel

RECOMMENDATION: Reconsideration (4038)  
Closed with  
Pending Discipline  
License Null and Void

**CLOSING ORDER ON RECONSIDERATION**

**THE COMPLAINT:** The Administrative Complainant alleged Subject violated Section 464.204(1)(b), Florida Statutes (2013), by intentionally violating Section 456.072(1)(c), Florida Statutes (2013), for 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; Section 464.018(1)(e), Florida Statutes (2013), by entering a plea of nolo contendere, regardless of adjudication, to an offense prohibited by Section 435.04, Florida Statutes, which prohibits violations of Section 782.04, Florida Statutes, relating to murder.

**THE FACTS:** The Department filed an Administrative Complaint against Respondent on January 13, 2016, alleging that she entered a plea of no contest to Accessory After the Fact to First Degree Murder.

Subject's license expired on December 31, 2013. Subject failed to properly renew her license during the delinquency period. Subject's license became null and void on January 1, 2016.

The Department and the Probable Cause Panel have determined that based upon the Subject's license being null and void, this case should be dismissed without further prosecution. Should Subject re-apply, the allegations addressed in this case shall be addressed before a new license will be issued by the Board of Nursing.

**THE LAW:** This case has been closed due to Subject's null and void license.

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

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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CHAIRPERSON, PROBABLE CAUSE PANEL  
BOARD OF NURSING

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-20740**

**MARY E. MOORE, C.N.A.,**

**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, Mary E. Moore, C.N.A., 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 Administrative Complaint, Respondent was a certified nursing assistant (C.N.A.) within the state of Florida, having been issued license number CNA 255328.

3. Respondent's address of record is 2539 Taylor Road, Panama City, Florida 32404.

4. On or about May 19, 2014, in the Circuit Court, Fourteenth Judicial Circuit, in and for Bay County, Florida, Respondent entered a plea of no contest to Accessory After the Fact to First Degree Murder, a first-degree felony violation of Section 782.04, Florida Statutes.

5. Accessory After the Fact to First Degree Murder is a crime that relates to the practice of, or ability to practice, licensee's profession; nursing assistance.

### **COUNT I**

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

7. Section 464.204(1)(b), Florida Statutes (2013), provides intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

8. Section 456.072(1)(c), Florida Statutes (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.

9. As set forth above, on or about May 19, 2014, Respondent intentionally entered a plea of no contest to Accessory After the Fact to First Degree Murder, a crime that relates to the practice of, or ability to practice, licensee's profession; nursing assistance.

10. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2013), by intentionally violating Section 456.072(1)(c), Florida Statutes (2013), for 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**

11. Petitioner realleges and incorporates paragraphs one through six as if fully set forth herein.

12. Section 464.204(1)(b), Florida Statutes (2013), provides intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

13. Section 464.018(1)(e), Florida Statutes (2013), provides that having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.04 or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, constitutes grounds for disciplinary action.

14. Section 435.04(2)(d), Florida Statutes (2013), lists violations of Section 782.04, relating to murder.

15. As set forth above, on or about May 19, 2014, Respondent entered a plea of no contest to Accessory After the Fact to First Degree Murder, a first-degree felony violation of Section 782.04, Florida Statutes.

16. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2013), by intentionally violating Section 464.018(1)(e), Florida Statutes (2013), by entering a plea of nolo contendere, regardless of adjudication, to an offense prohibited by Section 435.04, Florida Statutes, which prohibits violations of Section 782.04, Florida Statutes, relating to murder.

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** 12th **day of** January, **2016.**

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



JUDSON SEARCY  
Assistant General Counsel  
Fla. Bar No. 98772  
Florida Department of Health  
Prosecution Services Unit  
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Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444 ex. 8100  
Facsimile: (850) 245-4683  
Email: judson.searcy@flhealth.gov

PCP: 01/12/2016

PCP Members: Habgood & Hubbard

FILED  
Department Of Health  
Deputy Clerk  
CLERK *Angel Sanders*  
DATE **JAN 13 2016**

## **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.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **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  
BOARD OF NURSING**

CASE NUMBER: 2015-07830

COMPLAINT MADE BY: DOH

DATE OF COMPLAINT: March 12, 2015

SUBJECT: Marilee N. Sherrod, C.N.A.  
185 SE Natalie Terra  
Lake City, FL 32025

SUBJECT'S ATTORNEY N/A

INVESTIGATED BY: Diane Bates  
Consumer Services

REVIEWED BY: Judson Searcy  
Assistant General Counsel

RECOMMENDATION: Reconsideration (4038)  
Closed with  
Pending Discipline  
License Null and Void

**CLOSING ORDER ON RECONSIDERATION**

**THE COMPLAINT:** The Administrative Complainant alleged Subject violated Section 464.204(1)(b), Florida Statutes (2014), for intentionally violating Section 456.072(1)(c), Florida Statutes (2014), for 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; and Section 464.018(1)(e), Florida Statutes (2014), by entering a plea of nolo contendere, regardless of adjudication, to an offense prohibited by Section 435.04, Florida Statutes, which prohibits violations of Chapter 812, relating

to theft, robbery, and related crimes, if the offense is a felony, and Section 827.04, relating to contributing to the delinquency or dependency of a child.

**THE FACTS:** The Department filed an Administrative Complaint against Respondent on January 13, 2016, alleging that she entered pleas of guilty to eleven counts of Grand Theft III: Specified Property, and one count of Contributing to the Dependency of a Minor.

Subject's license expired on December 31, 2013. Subject failed to properly renew her license during the delinquency period. Subject's license became null and void on January 1, 2016.

The Department and the Probable Cause Panel have determined that based upon the Subject's license being null and void, this case should be dismissed without further prosecution. Should Subject re-apply, the allegations addressed in this case shall be addressed before a new license will be issued by the Board of Nursing.

**THE LAW:** This case has been closed due to Subject's null and void license.

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

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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CHAIRPERSON, PROBABLE CAUSE PANEL  
BOARD OF NURSING

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-07830**

**MARILEE N. SHERROD, C.N.A.,**

**RESPONDENT.**

\_\_\_\_\_ /

**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, Marilee N. Sherrod, C.N.A., 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 Administrative Complaint, Respondent was a certified nursing assistant (C.N.A.) within the state of Florida, having been issued license number CNA 167250.

3. Respondent's address of record is 185 South East Natalie Terra, Lake City, Florida 32025.

4. On or about June 1, 2015, in Circuit Court, Third Judicial Circuit, in and for Columbia County, Florida, Respondent entered pleas of guilty to eleven counts of Grand Theft III: Specified Property, a third-degree felony violation of Section 812.014, Florida Statutes, and one count of Contributing to the Dependency of a Minor, a first-degree misdemeanor violation of Section 827.04, Florida Statutes.

5. Grand Theft III: Specified Property and Contributing to the Dependency of a Minor are crimes that relate to the practice of, or ability to practice, licensee's profession; nursing assistance.

### **COUNT I**

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

7. Section 464.204(1)(b), Florida Statutes (2014), provides intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

8. Section 456.072(1)(c), Florida Statutes (2014), 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.

9. As set forth above, on or about June 1, 2015, Respondent intentionally entered pleas of guilty to eleven counts of Grand Theft III: Specified Property, and one count of Contributing to the Dependency of a Minor, crimes that relate to the practice of, or ability to practice, licensee's profession; nursing assistance.

10. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2014), by intentionally violating Section 456.072(1)(c), Florida Statutes (2014), for 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**

11. Petitioner realleges and incorporates paragraphs one through six as if fully set forth herein.

12. Section 464.204(1)(b), Florida Statutes (2014), provides intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

13. Section 464.018(1)(e), Florida Statutes (2014), provides that having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.04 or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, constitutes grounds for disciplinary action.

14. Section 435.04(2)(cc), Florida Statutes (2014), lists violations of Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.

15. Section 435.04(2)(jj), Florida Statutes (2014), lists violations of Section 827.04, relating to contributing to the delinquency or dependency of a child.

16. As set forth above, on or about June 1, 2015, Respondent entered pleas of guilty to eleven counts of Grand Theft III: Specified Property, a third-degree felony violation of Section 812.014, Florida Statutes,

and one count of Contributing to the Dependency of a Minor, a first-degree misdemeanor violation of Section 827.04, Florida Statutes.

17. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2014), by intentionally violating Section 464.018(1)(e), Florida Statutes (2014), by entering a plea of nolo contendere, regardless of adjudication, to an offense prohibited by Section 435.04, Florida Statutes, which prohibits violations of Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony, and Section 827.04, relating to contributing to the delinquency or dependency of a child.

*[Remainder of page intentionally left 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** 12<sup>th</sup> **day of** January, **2016.**

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

  
\_\_\_\_\_

JUDSON SEARCY  
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PCP: 01/12/2016

PCP Members: Habgood & Hubbard

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FILED  
Department Of Health  
Deputy Clerk  
CLERK *Angel Sanders*  
DATE **JAN 13 2016**

## **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.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **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.**