

**STATE OF FLORIDA
BOARD OF NURSING**

BOARD: Nursing

CASE NUMBER: 2015-01818

DATE OF COMPLAINT: September 22, 2015

COMPLAINT MADE BY: DOH/CSU

SUBJECT: Robyn L. Hartman, C.N.A.
4248 Gondolier Road
Springhill, Florida 34609

SUBJECT ATTORNEY: N/A

INVESTIGATED BY: Shondra A. Watson
Consumer Services Unit

REVIEWED BY: Natalia S. Thomas
Assistant General Counsel

RECOMMENDATION: Dismiss (4097)
Reconsideration

CLOSING ORDER ON RECONSIDERATION

THE COMPLAINT: The Complainant alleged that Respondent violated Section 464.204(1)(b), Florida Statutes (2014), intentionally violating any provision of this chapter, chapter 456, or the rules adopted by the board, by intentionally violating Section 456.072(1)(c), Florida Statutes (2014), 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.

THE FACTS: On or about January 26, 2016, the Department filed an Administrative Complaint alleging that Subject was convicted of a crime

related to the practice of nursing assistance. On or about March 4, 2016, the Board of Nursing filed a Final Order in case number 2014-18202, which revoked Subject's certification as a certified nursing assistant.

Respondent no longer possesses a certification to practice nursing assistance in the state of Florida; therefore, the Department recommends that this case 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 _____, 2016.

CHAIRPERSON, PROBABLE CAUSE PANEL
BOARD OF NURSING

/NST

PCP:

PCP Members:

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2015-01818

ROBYN L. HARTMAN, 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, Robyn L. Hartman, 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 Administrative Complaint, Respondent was a certified nursing assistant (C.N.A.) within the state of Florida, having been issued certification number CNA 172758.

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

4. Respondent's address of record is 4248 Gondolier Road, Springhill, Florida, 34609.

5. On or about September 10, 2015, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, Respondent entered a plea of nolo contendere to Exploitation of the Elderly, a second-degree felony, in violation of Section 825.103(2)(b), Florida Statutes.

6. A certified nursing assistant is one of a handful of categories of licensed professionals that provides direct patient care, in many instances, to minors, the elderly or those with long-term infirmities, often in patients' homes or in nursing home settings with access to patients' valuables. As such, entering a plea of nolo contendere to exploitation of the elderly, relates to the practice of, or the ability to practice, nursing assistance and violates the level of trust and confidence invested by the Legislature in these categories of licensees.

COUNT ONE

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

8. Section 464.204(1)(b), Florida Statutes (2015), provides that intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

9. Section 456.072(1)(c), Florida Statutes (2015), 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, on or about September 10, 2015, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, Respondent entered a plea of nolo contendere to Exploitation of the Elderly, a second-degree felony, in violation of Section 825.103(2)(b), Florida Statutes, which relates to the Respondent's profession or the ability to practice the Respondent's profession.

11. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2015), by intentionally violating Section

456.072(1)(c), Florida Statutes (2015), 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 TWO

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

13. Section 464.204(1)(b), Florida Statutes (2015), provides that intentionally violating any provision of chapter 464, chapter 456, or the rules adopted by the board, constitutes grounds for disciplinary action.

14. Section 464.018(1)(e), Florida Statutes (2015), provides that having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28, constitutes grounds for disciplinary action.

15. Section 435.04(2)(gg), Florida Statutes (2015), lists violations of Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

16. As set forth above, on or about September 10, 2015, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, Respondent entered a plea of nolo contendere to Exploitation of the Elderly, a second-degree felony, in violation of Section 825.103(2)(b), Florida Statutes, an offense prohibited by Section 435.04(2)(gg), Florida Statutes (2015).

17. Based on the foregoing, Respondent violated Section 464.204(1)(b), Florida Statutes (2015), by intentionally violating Section 464.018(1)(e), Florida Statutes (2015), for having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

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 27th day of January, 2016.

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

N. Thomas

Natalia S. Thomas
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 83826
Telephone: (850) 245 - 4444 ext. 8218
Facsimile: (850) 245 - 4662
Email: Natalia.Thomas@flhealth.gov

FILED
Department Of Health
Deputy Clerk

CLERK *Angel Sanders*
DATE **JAN 28 2016**

/NST

PCP: *January 26, 2016*
PCP Members: *Gordon & 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.

Final Order No. DOH-16-0468- FOS -MQA

FILED DATE - 3-4-16
Department of Health

STATE OF FLORIDA
BOARD OF NURSING

By: Arny R. Comas
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2014-18202

License No.: 172758

ROBYN L. HARTMAN,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on February 3-5, 2016 in Miami, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner filed an Administrative Complaint seeking disciplinary action against the licensee. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Service of the Administrative Complaint was made upon Respondent by personal service. Respondent did not file an Election of Rights. Petitioner has filed a Motion for Determination of Waiver and Entry of Final Order. Petitioner was represented by Ann Prescott, Assistant General Counsel, Florida Department of Health. Respondent was not present.

FINDINGS OF FACT

Since the licensee has not replied to the Administrative Complaint nor contested the factual allegations, the prosecuting attorney offered the investigative file to prove the facts as alleged. The investigative file was received into evidence and the Board finds the uncontested facts adequately support the allegations. Therefore, the Board adopts as its finding of facts the facts stated in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 464.204(1)(b) by 464.018(1)(h) by Rule 64B9-8.005 and 456.072(1)(n), Florida Statutes.

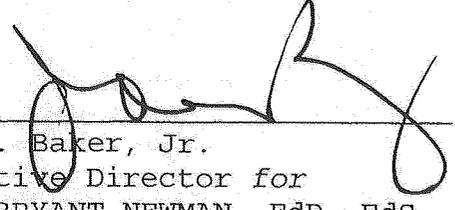
The Board is empowered by Sections 464.204(1)(b), 464.018(2), and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The license of ROBYN L. HARTMAN is revoked. Within 30 days the licensee shall return her license to the Board office, 4052 Bald Cypress Way, Tallahassee, Florida 32399 or shall surrender the license to an investigator of the Department of Health. The licensee's employer shall immediately be informed of the revocation in writing from the licensee with a copy to the Board office.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 30 day of Mar, 2016.

BOARD OF NURSING



Joe R. Baker, Jr.
Executive Director for
JODY BRYANT NEWMAN, EdD, EdS,
Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: ROBYN L. HARTMAN, 4248 Gondolier Rd., Springhill, FL 34609; and by e-mail to: Diane L. Guillemette, Assistant Attorney General, diane.guillemette@myfloridalegal.com; and to: Matthew Witters, Assistant General Counsel, Matthew.witters@flhealth.gov this 4th day of March, 2016.



Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF NURSING**

BOARD: Nursing

CASE NUMBER: 2011-04342

COMPLAINT MADE BY: Terri Keel, R.N., C.N.O.
Palms of Pasadena Hospital
1501 Pasadena Avenue South
Saint Petersburg, Florida 33707

DATE OF COMPLAINT: August 9, 2011

SUBJECT: Michael Dominic Zazzaro, L.P.N.
4624 DeLeon Street, #C109
Fort Myers, Florida 33907

Alternative Address: 3251 53rd Avenue North
Saint Petersburg, Florida 33741

SUBJECT'S ATTORNEY: Pro Se

INVESTIGATED BY: Jessica Mackesy and Janet Russell
Saint Petersburg

REVIEWED BY: Mary S. Miller
Assistant General Counsel

RECOMMENDATION: 4097
Reconsideration-Unresolved Issues

CLOSING ORDER ON RECONSIDERATION

THE COMPLAINT: The Complaint alleged that Subject violated Section 464.018(1)(h), Florida Statutes (2010), unprofessional conduct, as defined by Rule 64B9-8.005(1), Florida Administrative Code, to include acts of inaccurate recording. The Complaint also alleged the Subject violated

Section 464.018(1)(n), Florida Statutes (2010), by failing to meet the minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience.

THE FACTS: In February 2011, the Subject was employed by Arbor Staffing Services, an employment staffing service for medical professionals and assigned to the Palms of Pasadena Hospital (PPH). On multiple dates and multiple times, the Subject failed to document the full amount of the controlled substances he removed controlled substances from Pyxis for several patients on the patients' MARs. On multiple dates, at multiple times, in February 2011, the Subject administered controlled substances to patients at times earlier than authorized by the patients' treating physicians.

On October 21, 2011, the Department filed a two count Administrative Complaint against the Subject. Count One alleged the Subject violated Section 464.018(1)(h), Florida Statutes (2010), unprofessional conduct, as defined by Rule 64B9-8.005(1), Florida Administrative Code, to include acts of inaccurate recording. Count Two alleged the Subject violated Section 464.018(1)(n), Florida Statutes (2010), by failing to meet the minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience.

On November 21, 2011, the Subject submitted an Election of Rights electing an Informal Hearing before the Board. The Subject's case was placed on the Board's agenda for the February 2012 Board meeting. The Subject appeared at the February 2012 Board meeting and disputed material facts during the Subject's informal hearing requiring the Subject's case to be referred to the Division of Administrative Hearings.

Since the filing of the Administrative Complaint and the February 2012 Board meeting, the Department made multiple efforts to determine the Subject's intention to proceed with a formal hearing, or an informal hearing as he originally elected. The Department is unable to locate the Subject despite multiple attempts to contact him. The Department also attempted to contact other material witnesses necessary to proceed with a formal hearing in this case such as the PPH's Chief Nursing Officer and PPH's Director of

Pharmacy. PPH's Chief Nursing Office and Director of Pharmacy who investigated the incident involving the Subject are no longer employed by PPH. The Department's original investigator assigned to this case accepted other employment and is no longer with the Department.

The Department's burden of proof at DOAH is clear and convincing evidence that a licensed practical nurse violated the nurse practice act. 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 _____, 2016.

CHAIRPERSON, PROBABLE CAUSE PANEL BOARD
OF NURSING

/MSM

PCP:

PCP Members:

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2011-04342

MICHAEL DOMENIC ZAZZARO, L.P.N.

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, Michael Dominic Zazzaro, L.P.N., and in support thereof alleges:

1. Petitioner is the state department 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 practical nurse (LPN) within the state of Florida, having been issued license number and PN 5178320.

3. Respondent's address of record is 3251 53rd Avenue North, Saint Petersburg, Florida 33714.

4. At all times material to this Complaint, Respondent was employed as a licensed practical nurse by Arbor Medical Staffing of Florida, Incorporated (Arbor Medical), a personnel staffing agency which provided nursing personnel to facilities on a contract basis.

5. At all times material to this Complaint, Respondent was assigned to Palms of Pasadena Hospital, (PPH), in Saint Petersburg, Florida.

6. At all times material to this complaint, PPH used the Pyxis medication dispensing system (Pyxis). Pyxis consists of medication carts that secure and control access to medications, including controlled substances, through the use of a computer system. Each Pyxis cart has a computer console through which a nurse can access the locked drawers to remove controlled substances to administer to their patients. Each time a nurse removes a controlled substance from Pyxis, the date, time, medication removed, patient for whom the medication is intended, and the nurse removing the medication is recorded in the Pyxis computer. Activity reports can be generated from Pyxis that show all controlled substances removed from Pyxis by each nurse.

7. To accurately record patient care and account for controlled substances, PPH required nurses to document the time the controlled substances were administered to the patient on the patient's Medication Administration Record (MAR).

8. If a dose or partial dose of a controlled substance is removed from Pyxis, but not administered to the patient, the nurse is required to discard the controlled substance in the presence of another nurse who served as a witness. The nurse discarding the controlled substance documents the discard in the Pyxis computer. The nurse witnessing the discard also enters his or her name in the Pyxis computer, attesting that the discard was witnessed. The discard of a controlled substance is referred to in Pyxis as a "waste."

Patient P.W.

9. On or about February 2, 2011, Patient P.W., a 62 year-old patient, was admitted to PPH and diagnosed with acute diverticulitis.

10. On or about February 2, 2011, Patient P.W.'s treating physician ordered Patient P.W. to be administered with one (1) milligram (mg) of dilaudid, every three (3) hours, as needed for pain.

11. Dilaudid is the brand name for hydromorphone and is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, hydromorphone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydromorphone may lead to severe psychological or physical dependence.

12. At approximately 8:03 p.m. on February 3, 2011, Respondent removed approximately one (1) two (2) mg vial of hydromorphone vial from Pyxis, ostensibly for Patient P.W.

13. Hydromorphone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, hydromorphone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydromorphone may lead to severe psychological or physical dependence.

14. Respondent did not document that he administered and/or wasted all of the hydromorphone he removed from Pyxis at approximately 8:03 p.m. on February 3, 2011, ostensibly for Patient P.W.

15. At approximately 11:02 p.m. on February 3, 2011, Respondent removed one (1), two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient P.W.

16. Respondent did not document on Patient P.W.'s Pain Assessment Form that Patient P.W. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 11:02 p.m. on February 3, 2011, ostensibly for Patient P.W.

17. Respondent did not document that he administered and/or wasted all of the hydromorphone he removed from Pyxis at approximately 11:02 p.m. on February 3, 2011, ostensibly for Patient P.W.

18. At approximately 12:58 a.m. on February 4, 2011, Respondent removed one (1), two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient P.W.

19. Respondent did not document on Patient P.W.'s Pain Assessment Form that Patient P.W. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 12:58 a.m. on February 4, 2011, ostensibly for Patient P.W.

20. At approximately 1:02 a.m. on February 4, 2011, Respondent documented that he wasted "0" mg of hydromorphone he removed from Pyxis at approximately 12:58 a.m. on February 4, 2011, ostensibly for Patient P.W.

21. At approximately 1:39 a.m. on February 4, 2011, Respondent removed one (1), two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient P.W.

22. Respondent did not document on Patient P.W.'s Pain Assessment Form that Patient P.W. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 1:39 a.m. on February 4, 2011, ostensibly for Patient P.W.

23. Respondent did not document that he administered and/or wasted all of the hydromorphone he removed from Pyxis at approximately 1:39 a.m. on February 4, 2011, ostensibly for Patient P.W.

24. At approximately 4:20 a.m. on February 4, 2011, Respondent removed one (1), two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient P.W.

25. Respondent did not document on Patient P.W.'s Pain Assessment Form that Patient P.W. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 4:20 a.m. on February 4, 2011, ostensibly for Patient P.W.

26. Respondent did not document that he administered and/or wasted all of the hydromorphone he removed from Pyxis at approximately 4:20 a.m. on February 4, 2011, ostensibly for Patient P.W.

27. At approximately 6:03 a.m. on February 4, 2011, Respondent removed one (1), two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient P.W.

28. Respondent did not document on Patient P.W.'s Pain Assessment Form that Patient P.W. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 6:03 a.m. on February 4, 2011, ostensibly for Patient P.W.

29. Respondent did not document that he administered and/or wasted all of the hydromorphone he removed from Pyxis at approximately 6:03 a.m. on February 4, 2011, ostensibly for Patient P.W.

Patient R.A.

30. On or about February 7, 2011, Patient R.A., a 69 year-old patient, was admitted to PPH and diagnosed with acute cholecystitis (an inflamed gall bladder).

31. On or about February 7, 2011, Patient R.A.'s treating physician ordered Patient R.A. to be administered with one (1) to two (2) mg of dilaudid every three (3) hours, as needed for pain.

32. At approximately 11:47 p.m. on February 7, 2011, Respondent documented in Patient R.A.'s MAR that he ostensibly administered approximately one (1) mg of hydromorphone to Patient R.A.

33. At approximately 11:59 p.m. on February 7, 2011, Respondent removed one (1) two (2) mg hydromorphone vial from Pyxis, ostensibly for Patient R.A.

34. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 11:59 p.m. on February 7, 2011, ostensibly for Patient R.A.

35. At approximately 3:30 a.m. on February 8, 2011, Respondent removed one (1) two (2) mg hydromorphone vial from Pyxis, ostensibly for Patient R.A.

36. At approximately 4:48 a.m. on February 8, 2011, Respondent documented that he wasted approximately one (1) mg of hydromorphone, ostensibly for Patient R.A.

37. At approximately 6:00 a.m. on February 8, 2011, Respondent documented that he administered approximately two (2) mg hydromorphone, ostensibly to Patient R.A.

38. At approximately 6:00 a.m. on February 8, 2011, Respondent documented that he ostensibly administered more hydromorphone to Patient R.A. than would have been available to the patient according to Pyxis and MAR records at approximately 6:00 a.m. on February 8, 2011.

Patient M.L.

39. On or about February 7, 2011, Patient M.L., a 73 year-old patient, was admitted to PPH and diagnosed with acute cholecystitis

40. On or about February 7, 2011, Patient R.A.'s treating physician ordered Patient M.L. to be administered with one (1) mg of dilaudid every two (2) hours, as needed for pain.

41. At approximately 10:00 p.m. on February 7, 2011, Respondent documented that he administered approximately two (2) mg hydromorphone, ostensibly to Patient M.L.

42. At approximately 9:21 p.m. on February 7, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient M.L.

43. Respondent did not document on Patient M.L.'s Pain Assessment Form that Patient M.L. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone vial from Pyxis at approximately 9:21 p.m. on February 7, 2011, ostensibly for Patient M.L.

44. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 9:21 p.m. on February 7, 2011, ostensibly for Patient M.L.

45. At approximately 4:49 a.m. on February 8, 2011, Respondent wasted approximately one (1) mg of hydromorphone, ostensibly for Patient M.L.

46. At approximately 5:31 a.m. on February 8, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient M.L.

47. Respondent did not document on Patient M.L.'s Pain Assessment Form that Patient M.L. complained of pain at or near the time Respondent removed

the one (1) two (2) mg vial of hydromorphone vial from Pyxis at approximately 5:31 a.m. on February 8, 2011, ostensibly for Patient M.L.

48. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 5:31 a.m. on February 8, 2011, ostensibly for Patient M.L.

Patient C.D.

49. On or about February 9, 2011, Patient C.D., a 46 year-old patient, was admitted to PPH and diagnosed with Chronic Obstructive Pulmonary Disease (COPD).

50. On or about February 10, 2011, Patient C.D.'s treating physician ordered Patient C.D. to be administered with two (2) mg of dilaudid every four (4) hours, as needed for pain.

51. At approximately 11:41 a.m. on February 14, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient C.D.

52. Respondent did not document on Patient C.D.'s Pain Assessment Form that Patient C.D. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 11:41 a.m. on February 14, 2011, ostensibly for Patient C.D.

53. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 11:41 a.m. on February 14, 2011, ostensibly for Patient C.D.

54. At approximately 2:29 p.m. on February 14, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient C.D.

55. Respondent did not document on Patient C.D.'s Pain Assessment Form that Patient C.D. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 2:29 p.m. on February 14, 2011, ostensibly for Patient C.D.

56. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 2:29 p.m. on February 14, 2011, ostensibly for Patient C.D.

57. At approximately 6:29 p.m. on February 14, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient C.D.

58. Respondent did not document on Patient C.D.'s Pain Assessment Form that Patient C.D. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 6:29 p.m. on February 14, 2011, ostensibly for Patient C.D.

59. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 6:29 p.m. on February 14, 2011, ostensibly for Patient C.D.

Patient S.M.

60. On or about February 8, 2011, Patient S.M., a 57 year-old patient, was admitted to PPH.

61. On or about February 9, 2011, Patient S.M.'s treating physician ordered Patient S.M. to be administered with one (1) to two (2) mg of dilaudid every three (3) to six (6) hours, as needed for pain.

62. At approximately 6:42 p.m. on February 9, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient S.M.

63. Respondent did not document on Patient S.M.'s Pain Assessment Form that Patient S.M. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 6:42 p.m. on February 9, 2011, ostensibly for Patient S.M.

64. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 6:42 p.m. on February 9, 2011, ostensibly for Patient S.M.

65. At approximately 9:52 p.m. on February 9, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient S.M.

66. Respondent did not document on Patient S.M.'s Pain Assessment Form that Patient S.M. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 9:52 p.m. on February 9, 2011, ostensibly for Patient S.M.

67. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 9:52 p.m. on February 9, 2011, ostensibly for Patient S.M.

Patient S.H.

68. On or about February 9, 2011, Patient S.H., a 70 year-old patient was admitted to PPH.

69. On or about February 21, 2011, Patient S.H.'s treating physician ordered Patient S.H. to be administered with one (1) mg of dilaudid every hour, as needed for pain.

70. At approximately 9:59 p.m. on February 21, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient S.H.

71. Respondent did not document on Patient S.H.'s Pain Assessment Form that Patient S.H. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 9:59 p.m. on February 21, 2011, ostensibly for Patient S.H.

72. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 9:59 p.m. on February 21, 2011, ostensibly for Patient S.H.

73. At approximately 11:24 p.m. on February 21, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient S.H.

74. Respondent did not document on Patient S.H.'s Pain Assessment Form that Patient S.H. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 11:24 p.m. on February 21, 2011, ostensibly for Patient S.H.

75. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 11:24 p.m. on February 21, 2011, ostensibly for Patient S.H.

76. At approximately 11:51 p.m. on February 21, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient S.H.

77. Respondent did not document on Patient S.H.'s Pain Assessment Form that Patient S.H. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 11:51 p.m. on February 21, 2011, ostensibly for Patient S.H.

78. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 11:51 p.m. on February 21, 2011, ostensibly for Patient S.H.

Patient J.H.

79. On or about February 11, 2011, Patient J.H., a 61 year-old patient, was admitted to PPH.

80. On or about February 14, 2011, Patient J.H.'s treating physician ordered Patient J.H. to be administered with one (1) to two (2) mg of dilaudid every three (3) to four (4) hours, as needed for pain.

81. At approximately 5:50 p.m. on February 14, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient J.H.

82. Respondent did not document on Patient J.H.'s Pain Assessment Form that Patient J.H. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone vial from Pyxis at approximately 5:50 p.m. on February 14, 2011, ostensibly for Patient J.H.

83. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 5:50 p.m. on February 14, 2011, ostensibly for Patient J.H.

84. At approximately 6:29 p.m. on February 14, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient J.H.

85. Respondent did not document on Patient J.H.'s Pain Assessment Form that Patient J.H. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 6:29 p.m. on February 14, 2011, ostensibly for Patient J.H.

86. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 6:29 p.m. on February 14, 2011, ostensibly for Patient J.H.

Patient M.S.

87. On or about February 15, 2011, Patient M.S., a 47 year-old patient, was admitted to PPH and diagnosed with a fractured left femur (thigh bone).

88. On or about February 21, 2011, Patient M.S.' treating physician ordered Patient M.S. to be administered with two (2) mg of dilaudid every six (6) hours, as needed for pain.

89. At approximately 9:53 p.m. on February 21, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient M.S.

90. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 9:53 p.m. on February 21, 2011, ostensibly for Patient M.S.

Patient K.D.

91. On or about February 15, 2011, Patient K.D., a 53 year-old patient, was admitted to PPH, and diagnosed with cellulitis in the patient's right leg.

92. On or about February 15, 2011, Patient K.D.'s treating physician ordered Patient K.D. to be administered with one (1) mg of dilaudid every three (3) hours, as needed for pain.

93. At approximately 8:07 p.m. on February 24, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient K.D.

94. Respondent did not document on Patient K.D.'s Pain Assessment Form that Patient K.D. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 8:07 p.m. on February 24, 2011, ostensibly for Patient K.D.

95. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 8:07 p.m. on February 24, 2011, ostensibly for Patient K.D.

96. At approximately 10:55 p.m. on February 24, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient K.D.

97. Respondent did not document on Patient K.D.'s Pain Assessment Form that Patient K.D. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 10:55 p.m. on February 24, 2011, ostensibly for Patient K.D.

98. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 10:55 p.m. on February 24, 2011, ostensibly for Patient K.D.

Patient J.N.

99. On or about February 20, 2011, Patient J.N., a 24 year-old patient, was admitted to PPH.

100. On or about February 21, 2011, Patient J.N.'s treating physician ordered Patient J.N. to be administered with one (1) mg of dilaudid every three (3) hours, as needed for pain.

101. At approximately 4:58 p.m. on February 21, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient J.N.

102. Respondent did not document on Patient J.N.'s Pain Assessment Form that Patient J.N. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 4:58 p.m. on February 21, 2011, ostensibly for Patient J.N.

103. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 10:55 p.m. on February 21, 2011, ostensibly for Patient J.N.

104. At approximately 10:56 p.m. on February 21, 2011, Respondent removed two (2) percocet tablets from Pyxis, ostensibly for Patient J.N.

105. Percocet is the brand name for a drug that contains oxycodone and is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of oxycodone may lead to severe psychological or physical dependence.

106. Respondent did not document that he administered and/or wasted the full amount of the percocet he removed from Pyxis at approximately 10:56 p.m. on February 21, 2011, ostensibly for Patient J.N.

Patient C.P.

107. On or about February 21, 2011, Patient C.P., a 70 year-old patient, was admitted to PPH and diagnosed with a left hip fracture.

108. On or about February 21, 2011, Patient C.P.'s treating physician ordered Patient C.P. to be administered with one (1) mg of dilaudid every two (2) hours, as needed for pain.

109. At approximately 4:59 p.m. on February 21, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient C.P.

110. Respondent did not document on Patient C.P.'s Pain Assessment Form that Patient C.P. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 4:59 p.m. on February 21, 2011, ostensibly for Patient C.P.

111. Respondent did not document that he administered and/or wasted all of the hydromorphone he removed from Pyxis at approximately 4:59 p.m. on February 21, 2011, ostensibly for Patient C.P.

112. At approximately 7:27 p.m. on February 21, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient C.P.

113. Respondent did not document on Patient C.P.'s Pain Assessment Form that Patient C.P. complained of pain at or near the time Respondent removed the one (1) two (2) mg vial of hydromorphone from Pyxis at approximately 7:27 p.m. on February 21, 2011, ostensibly for Patient C.P.

114. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 7:27 p.m. on February 21, 2011, ostensibly for Patient C.P.

Patient K.S.

115. On or about February 22, 2011, Patient K.S., a 75 year-old patient, was admitted to PPH.

116. On or about February 23, 2011, Patient K.S.' treating physician ordered Patient K.S. to be administered with one (1) to two (2) mg of dilaudid every four (4) hours, as needed for pain.

117. At approximately 8:10 p.m. on February 24, 2011, Respondent documented that he administered one (1) mg of hydromorphone to Patient K.S.

118. At approximately 9:10 p.m. on February 24, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient K.S.

119. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 9:10 p.m. on February 24, 2011, ostensibly for Patient K.S.

120. At approximately 1:41 a.m. on February 25, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient K.S.

121. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 1:41 a.m. on February 25, 2011, ostensibly for Patient K.S.

122. At approximately 2:07 a.m. on February 25, 2011, Respondent removed one (1) two (2) mg vial of hydromorphone from Pyxis, ostensibly for Patient K.S.

123. Respondent did not document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 2:07 a.m. on February 25, 2011.

COUNT ONE

124. Petitioner realleges and incorporates paragraphs one (1) through one hundred twenty-three (123) as if fully set forth herein.

125. Section 464.018(1)(h), Florida Statutes (2010), provides that engaging in unprofessional conduct, as defined by board rule, constitutes grounds for disciplinary action by the Board of Nursing.

126. Rule 64B9-8.005(1), Florida Administrative Code, provides that unprofessional conduct includes inaccurate recording.

127. Respondent engaged in inaccurate recording in one or more of the following ways:

- a. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 8:03 a.m. on February 3, 2011, ostensibly for Patient P.W.; and/or
- b. by failing to document Patient P.W.'s complaints of pain, if any, at or near the times he removed hydromorphone ostensibly for Patient P.W. on or about February 3, 2011; and/or
- c. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at

approximately 11:02 p.m. on February 3, 2011, ostensibly for Patient P.W.; and/or

d. by failing to document Patient P.W.'s complaints of pain, if any, at or near the times Respondent removed hydromorphone from Pyxis ostensibly for Patient P.W. on or about February 4, 2011; and/or

e. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 12:58 a.m. on February 4, 2011, ostensibly for Patient P.W.; and/or

f. by documenting that he wasted "0" hydromorphone from a two (2) mg hydromorphone vial, ostensibly for Patient P.W., on or about February 4, 2011, when the patient's treating physician ordered that the patient should be administered one (1) mg hydromorphone; and/or

g. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 1:39 a.m. on February 4, 2011, ostensibly for Patient P.W.; and/or

h. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at

approximately 4:20 a.m. on February 4, 2011, ostensibly for Patient P.W.; and/or

i. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 6:03 a.m. on February 4, 2011, ostensibly for Patient P.W.; and/or

j. by failing to document that he administered and/or wasted the full amount of the hydromorphone he removed from Pyxis at approximately 11:59 p.m. on February 7, 2011, ostensibly for Patient R.A.; and/or

k. by documenting in Patient R.A.'s MAR at approximately 6:00 a.m. on February 8, 2011, that he administered more hydromorphone to Patient R.A. than was available to the patient according to Pyxis and MAR documentation records at approximately 6:00 a.m. on February 8, 2011; and/or

l. by failing to document Patient M.L.'s complaints of pain, if any, at or near the times he removed hydromorphone from Pyxis ostensibly for Patient M.L. on or about February 7, 2011; and/or

m. by failing to document that he administered and/wasted the full amount of hydromorphone he removed from Pyxis at approximately 9:21 p.m. on February 7, 2011, ostensibly for Patient M.L.; and/or

n. by failing to document Patient M.L.'s complaints of pain, if any, at or near the times he removed hydromorphone from Pyxis on or about February 8, 2011, ostensibly for Patient M.L.; and/or

o. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis ostensibly for Patient M.L. on or about February 8, 2011; and/or

p. by failing to document Patient C.D.'s complaints of pain, if any, at or near the times he removed hydromorphone from Pyxis ostensibly for Patient C.D. on or about February 14, 2011; and/or

q. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 11:41 a.m. on February 14, 2011, ostensibly for Patient C.D.; and/or

r. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 2:29 p.m. on February 14, 2011, ostensibly for Patient C.D.; and/or

s. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 6:29 p.m. on February 14, 2011, ostensibly for Patient C.D.; and/or

t. by failing to document Patient S.M.'s complaints of pain, if any, at or near the times he removed hydromorphone from Pyxis, ostensibly for Patient S.M. on or about February 9, 2011; and/or

u. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 6:42 p.m. on February 9, 2011, ostensibly for Patient S.M.; and/or

v. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 9:52 p.m. on February 9, 2011, ostensibly for Patient S.M.; and/or

w. by failing to document Patient S.H.'s complaints of pain, if any, at or near the times he removed hydromorphone from Pyxis, ostensibly for Patient S.H., on or about February 21, 2011; and/or

x. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at

approximately 9:59 p.m. on February 21, 2011, ostensibly for Patient S.H.; and/or

y. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 11:24 p.m. on February 21, 2011, ostensibly for Patient S.H.; and/or

z. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 11:51 p.m. on February 21, 2011, ostensibly for Patient S.H.; and/or

aa. by failing to document Patient J.H.'s complaints of pain, if any, at or near the times he removed hydromorphone from Pyxis, ostensibly for Patient J.H., on or about February 14, 2011; and/or

bb. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 5:50 p.m. on February 14, 2011, ostensibly for Patient J.H.; and/or

cc. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at

approximately 6:29 p.m. on February 14, 2011, ostensibly for Patient J.H.; and/or

dd. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 9:53 p.m. on February 21, 2011, ostensibly for Patient M.S.; and/or

ee. by failing to document Patient K.D.'s complaints of pain, if any, at or near the time he removed hydromorphone, ostensibly for Patient K.D., on or about February 24, 2011; and/or

ff. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 8:07 p.m. on February 21, 2011, ostensibly for Patient K.D.; and/or

gg. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 10:55 p.m. on February 21, 2011, ostensibly for Patient K.D.; and/or

hh. by failing to document Patient J.N.'s complaints of pain, if any, at or near the times he removed from Pyxis, ostensibly for Patient J.N., on or about February 21, 2011; and/or

ii. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 10:55 p.m. on February 21, 2011, ostensibly for Patient J.N.; and/or

jj. by failing to document that he administered and/or wasted the full amount of percocet he removed from Pyxis at approximately 10:56 p.m. on February 21, 2011, ostensibly for Patient J.N.; and/or

kk. by failing to document Patient C.P.'s complaints of pain, if any, at or near the times he removed hydromorphone from Pyxis, ostensibly for Patient C.P. on or about February 21, 2011; and/or

ll. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 7:27 p.m. on February 21, 2011, ostensibly for Patient C.P.; and/or

mm. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 9:10 p.m. on February 24, 2011, ostensibly for Patient K.S.; and/or

nn. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at

approximately 1:41 a.m. on February 24, 2011, ostensibly for Patient K.S.; and/or

oo. by failing to document that he administered and/or wasted the full amount of hydromorphone he removed from Pyxis at approximately 2:07 a.m. on February 24, 2011, ostensibly for Patient K.S.

128. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes (2010), by engaging in unprofessional conduct as defined by Rule 64B9-8.005(1), Florida Administrative Code, to include inaccurate recording.

COUNT TWO

129. Petitioner realleges and incorporates paragraphs one (1) through one hundred twenty-three (123) as if fully set fourth herein.

130. Section 464.018(1)(n), Florida Statutes (2010), provides that failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience, constitutes grounds for disciplinary action.

131. Respondent failed to meet the minimal standards of acceptable and prevailing nursing practices in his care of Patients P.W., R.A., M.K., C.D., S.M., S.H., J.H., M.S., K.D., J.N., C.P., and/or K.S. in one or more of the following ways:

- a. by administering hydromorphone to Patient P.W. on or about February 4, 2011, at times earlier than ordered by the patient's treating physician; and/or
- b. by ostensibly administering more hydromorphone to Patient P.W. on or about February 3, 2011 than was authorized by the patient's treating physician; and/or
- c. by ostensibly administering more hydromorphone to Patient P.W. on or about February 4, 2011 than was authorized by the patient's treating physician; and/or
- d. by administering hydromorphone to Patient R.A. on or about February 7, 2011 at a time(s) earlier than ordered by the patient's treating physician; and/or
- e. by ostensibly administering hydromorphone to Patient R.A. on or about February 7, 2011 when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or
- f. by ostensibly administering hydromorphone to Patient R.A. on or about February 7, 2011 when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

g. by ostensibly administering more hydromorphone to Patient R.A. on or about February 7, 2011 than was authorized by the patient's treating physician; and/or

h. by ostensibly administering more hydromorphone to Patient R.A. on or about February 8, 2011 than was authorized by the patient's treating physician; and/or

i. by ostensibly administering hydromorphone to Patient M.L. on or about February 7, 2011, when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

j. by ostensibly administering more hydromorphone to Patient M.L. on or about February 7, 2011 than was authorized by the Patient's treating physician; and/or

k. by ostensibly administering hydromorphone to Patient C.D. on or about February 14, 2011 when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

l. by ostensibly administering more hydromorphone to Patient C.D. on or about February 14, 2011 than was authorized by the patient's treating physician; and/or

m. by ostensibly administering hydromorphone to Patient S.M. on or about February 9, 2011, when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

n. by ostensibly administering more hydromorphone to Patient S.M. on or about February 9, 2011 than was authorized by the patient's treating physician; and/or

o. by ostensibly administering hydromorphone to Patient S.H. on or about February 21, 2011, when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

p. by ostensibly administering more hydromorphone to Patient S.H. on or about February 21, 2011 than was authorized by the patient's treating physician; and/or

q. by ostensibly administering hydromorphone to Patient J.H. on or about February 14, 2011, when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

r. by ostensibly administering more hydromorphone to Patient J.H. on or about February 14, 2011 than was authorized by the patient's treating physician; and/or

s. by ostensibly administering more hydromorphone to Patient M.S. on or about February 21, 2011 than was authorized by the patient's treating physician; and/or

t. by ostensibly administering hydromorphone to Patient K.D. on or about February 24, 2011, when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

u. by ostensibly administering more hydromorphone to Patient K.D. on or about February 24, 2011 than was authorized by the patient's treating physician; and/or

v. by ostensibly administering hydromorphone to Patient J.N. on or about February 14, 2011 when the patient did not complain of pain, contrary to orders from patient J.N.'s treating physician; and/or

w. by ostensibly administering more hydromorphone to Patient J.N. on or about February 14, 2011, than was authorized by the patient's treating physician; and/or

y. by ostensibly administering hydromorphone to Patient C.P. on or about February 21, 2011, when the patient did not complain of pain, contrary to orders from the patient's treating physician; and/or

z. by ostensibly administering Patient K.S. with hydromorphone on or about February 24, 2011, at a time(s) earlier than ordered by the patient's treating physician; and/or

aa. by ostensibly administering Patient K.S. with hydromorphone on about February 25, 2011, at time(s) earlier than authorized by the patient's treating physician; and/or

bb. by ostensibly administering more hydromorphone to Patient K.S. on or about February 24, 2011 than authorized by the patient's treating physician.

132. Based on the foregoing, Respondent violated Section 464.018(1)(n), Florida Statutes (2010), by failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or 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, remedial education and/or any other relief that the Board deems appropriate.

Signed this 20th day of October, 2011.

H. FRANK FARMER, JR., M.D., Ph.D., F.A.C.P.
State Surgeon General
Florida Department of Health

NICHOLAS W. ROMANELLO
General Counsel
Florida Department of Health

WM. FREEMAN MILLER
Supervising Attorney
Prosecution Services Unit

Mary S. Miller
MARY S. MILLER
Assistant General Counsel
Fla. Bar No. 0780420
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin #C65
Tallahassee, Florida 32399-3265
Telephone: (850) 245 - 4640
Facsimile: (850) 245 - 4683
Email: Mary_Miller2@doh.state.fl.us

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Melisa Nobles
DATE: 10 / 21 / 2011

/MSM
PCP: October 20, 2011
PCP Members: Kemp + Habgood

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Sections 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.



Rick Scott
Governor

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General

NOTICE OF HEARING

January 6, 2012
Case: 201104342

To: MICHAEL DOMENIC ZAZZARO
3251 53RD AVE N
SAINT PETERSBURG, FL 33714

YOU ARE HEREBY NOTIFIED that the Board of Nursing will consider your case at the following meeting:

Date: Thursday, February 2, 2012
Time: 1:00 pm (or soon thereafter)
Type: Informal Hearing Request
Re: MICHAEL DOMENIC ZAZZARO: 201104342
Place: Ft. Lauderdale Sheraton Airport Hotel
1825 Griffin Road
Dania, FL 33004
(954) 920-3500

Attendance: No

Informal hearings, informal waivers and informal licensure hearings are heard individually by the Board. Respondents have the opportunity to address the Board but attendance is not mandatory unless otherwise indicated.

After the conclusion of the meeting, the Board will file a final order stating the facts of the case and the outcome voted on by the Board. A copy of the order will be sent to the respondent, typically within 30 days of the board meeting.

Do not send additional materials to the Board office at this time. Additional material will not be considered at the Board meeting, except at the discretion of the Board Chair.

Requests for continuance must be received in the Board Office at least 7 days in advance of the meeting and are subject to approval by the Board Chair or designee. Any request due to medical conditions must be accompanied by a statement from a Physician or Advanced Registered Nurse Practitioner. Requests for continuances can be mailed to the board office or faxed to (850) 412-2208. Please include your full name and contact information.

For questions regarding meeting location directions, contact the hotel at the number listed above under "Place."

If you have any further questions regarding the upcoming board meeting, please contact Terri Sue Aldridge Lawson at the Florida Board of Nursing office at (850) 245-4176.



Rick Scott
Governor

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General

NOTICE OF HEARING

January 6, 2012
Case: 201104342

To: MICHAEL DOMENIC ZAZZARO
3251 53RD AVE N
SAINT PETERSBURG, FL 33714

YOU ARE HEREBY NOTIFIED that the Board of Nursing will consider your case at the following meeting:

Date: Thursday, February 2, 2012
Time: 1:00 pm (or soon thereafter)
Type: Informal Hearing Request Rcvd
Re: MICHAEL DOMENIC ZAZZARO: 201104342
Place: Ft. Lauderdale Sheraton Airport Hotel
1825 Griffin Road
Dania, FL 33004
(954) 920-3500

Attendance: No

Informal hearings, informal waivers and informal licensure hearings are heard individually by the Board. Respondents have the opportunity to address the Board but attendance is not mandatory unless otherwise indicated.

After the conclusion of the meeting, the Board will file a final order stating the facts of the case and the outcome voted on by the Board. A copy of the order will be sent to the respondent, typically within 30 days of the board meeting.

Do not send additional materials to the Board office at this time. Additional material will not be considered at the Board meeting, except at the discretion of the Board Chair.

Requests for continuance must be received in the Board Office at least 7 days in advance of the meeting and are subject to approval by the Board Chair or designee. Any request due to medical conditions must be accompanied by a statement from a Physician or Advanced Registered Nurse Practitioner. Requests for continuances can be mailed to the board office or faxed to (850) 412-2208. Please include your full name and contact information.

For questions regarding meeting location directions, contact the hotel at the number listed above under "Place."

If you have any further questions regarding the upcoming board meeting, please contact Terri Sue Aldridge Lawson at the Florida Board of Nursing office at (850) 245-4176.



Rick Scott
Governor

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General

MEMORANDUM

TO: Joe Baker Jr., Executive Director, Florida Board of Nursing
FROM: Mary Miller, Assistant General Counsel *MSM*
RE: **Informal Hearing Request Rcvd**
SUBJECT: DOH v. Michael Domenic Zazzaro, L.P.N.
 DOH Case Number 2011-04342
DATE: December 12, 2011

Enclosed you will find materials in the above-referenced case to be placed on the agenda for final agency action for the **February 2, 2012** meeting of the board. The following information is provided in this regard.

Subject: Michael Domenic Zazzaro, L.P.N.
Subject's Address of Record: 3251 53rd Ave N
 Saint Petersburg, FL 33714
Enforcement Address: 3251 53rd Ave N
 Saint Petersburg, FL 33714
Subject's License No: 5178320 **Rank:** PN
Licensure File No: 125618
Initial Licensure Date: 7/18/2007
Required to Appear: No
Current IPN/PRN Contract: No
Allegation(s): Count I: Section 464.018(1)(h), Florida Statutes, (2010), Rul 64B9-8.005(1), Florida Administrative Code
 Count II: 464.018(1)(n), Florida Statutes, (2010)
Prior Discipline: None
Probable Cause Panel: October 20, 2011
 Kemp & Habgood
Subject's Attorney: Pro Se
Complainant/Address: Teri Keel
 1501 Pasadena Avenue South
 Palms Of Pasadena Hospital
 St Petersburg, FL 33707
Materials Submitted: Memorandum to the Board
 Motion For Hearing
 Respondent's Request for Hearing Not Involving

Disputed Issues of Material Facts
Election of Rights
Copy of Certified Mail Receipt
Correspondence to Respondent from Petitioner
Final Investigative Report with Exhibits
PCP Memo

**STATE OF FLORIDA
BOARD OF NURSING**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2011-04342

MICHAEL DOMENIC ZARRARO, L.P.N.,

Respondent.

**MOTION FOR FINAL ORDER AFTER HEARING NOT INVOLVING
DISPUTED ISSUES OF MATERIAL FACTS**

COMES NOW, the Petitioner, by and through its undersigned counsel, and moves the Board of Nursing for entry of a Final Order in the above-styled cause on a date and time that has been determined and noticed by the Board. As grounds therefore, the Petitioner would state the following:

1. Petitioner previously filed an Administrative Complaint against Respondent alleging that Respondent had violated the provisions of Florida Statutes, as set forth therein. The Department, by filing the Administrative Complaint, is seeking to discipline the Respondent's license to practice **nursing**, thereby affecting the Respondent's substantial interests.

2. On or about November 1, 2011, Petitioner served Respondent with the Administrative Complaint via certified mail at 3251 53rd Avenue N. St. Petersburg, Florida 33714. The Department, by serving the Respondent with the Administrative Complaint, provided the Respondent written notice of its decision to seek discipline of the Respondent's license to practice **nursing**.

3. The Respondent has filed an Election of Rights Form or other responsive pleading evincing, or has otherwise indicated, that Respondent does not dispute the material facts alleged in the Administrative Complaint.

4. There are no disputed issues of material fact to be resolved by the Board.

5. Respondent has been advised, by a copy of this Motion, that a copy of the investigative file in this case shall be furnished to the Board to establish a prima facie case regarding the violations as set forth in the Administrative Complaint.

WHEREFORE the parties respectfully request the Board of Nursing, after allowing the Respondent the opportunity to present oral and/or written evidence in mitigation of the Administrative Complaint, enter a Final

Order imposing whatever discipline upon the Respondent's license that the Board deems appropriate.

Respectfully submitted,

H. FRANK FARMER, JR., M.D., Ph.D., F.A.C.P.
State Surgeon General
Florida Department of Health

NICHOLAS W. ROMANELLO
General Counsel
Florida Department of Health

WM. FREEMAN MILLER
Attorney Supervisor
Prosecution Services Unit



MARY S. MILLER

Assistant General Counsel
Fla. Bar No. **0780420**
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4683
Email: **mary_miller@doh.state.fl.us**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been provided by U.S. certified mail this 13th day of December, 2011, to: Michael D. Zazzaro, L.P.N., at 3251 53rd Avenue N. St. Petersburg, Florida 33714.

Mary S. Miller
Mary S. Miller
Assistant General Counsel

**STATE OF FLORIDA
BOARD OF NURSING**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2011-04342

MICHAEL DOMENIC ZARRARO, L.P.N.,

Respondent.

_____ /

**MOTION TO ASSESS COSTS IN ACCORDANCE
WITH SECTION 456.072(4)**

COMES NOW the Department of Health, by and through undersigned counsel, and moves the Board of Nursing for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes. As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board of Nursing will take up for consideration the above-styled disciplinary action and will enter a Final Order therein.

2. Section 456.072(4), Florida Statutes, states as follows:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant to this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is not board, shall assess costs related to the investigation and prosecution of the case. Such costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. . . .

3. The investigation and prosecution of this case has resulted in costs in the total amount of \$2,929.89, based on the following itemized statement of costs:

***** Cost to Date *****		
	Hours	Costs
Complaint:	0.20	\$11.52
Investigation:	16.50	\$1,118.87
Legal:	20.60	\$1,799.50
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	37.30	\$2,929.89
Expenses to Date:		\$0.00
Prior Amount:		\$0.00
Total Costs to Date:		\$2,929.89

Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of \$2,929.89 as evidenced in the attached affidavit. (Exhibit A).

4. Should the Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion, specifying the grounds for the objections and the specific elements of the costs to which the objections are made, the Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

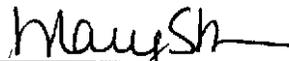
5. Petitioner requests that the Board grant this motion and assess costs in the amount of \$2,929.89 as supported by competent,

substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes.

WHEREFORE, the Department of Health requests that the Board of Nursing enter a Final Order assessing costs against the Respondent in the amount of \$2,929.89.

DATED this 13th day of December, 2011.

Respectfully submitted,



Mary S. Miller
Assistant General Counsel
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640 telephone
(850) 245-4683 facsimile
Florida Bar No. **0780420**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been provided by U.S. Mail this 13th day of December, 2011, to: Michael D. Zazzaro, L.P.N., at 3251 53rd Avenue N. St. Petersburg, Florida 33714.

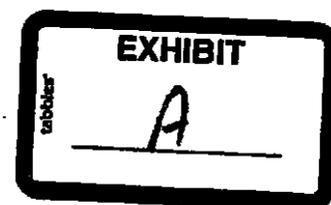
Mary S. Miller
Mary S. Miller
Assistant General Counsel

AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

BEFORE ME, the undersigned authority, personally appeared **SHANE WALTERS** who was sworn and states as follows:

- 1) My name is Shane Walters.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am the Operations and Management Consultant Manager (OMCM) for the Consumer Services and Compliance Management Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As OMCM of the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) **2011-04342** (Department of Health v **MICHAEL DOMENIC ZAZZARO, L.P.N.**) are **TWO THOUSAND NINE HUNDRED TWENTY-NINE DOLLARS AND EIGHTY-NINE CENTS (\$2,929.89)**.
- 6) The costs for DOH case numbers **2011-04342** (Department of Health v. **MICHAEL DOMENIC ZAZZARO, L.P.N.**) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers **2011-04342** (Department of Health . **MICHAEL DOMENIC ZAZZARO, L.P.N.**) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.



- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)
- 9) Shane Walters, first being duly sworn, states that she has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

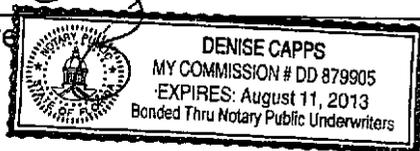
FURTHER AFFIANT SAYETH NOT.

Shane Walters
 Shane Walters, Affiant

State of Florida
County of Leon

Sworn to and subscribed before me this 12 day of DEC, 2011,
by Shane Walters, who is personally known to me.

[Signature]
 Notary Signature



Name of Notary Printed

Stamp Commissioned Name of Notary Public:

Complaint Cost Summary

Complaint Number: 201104342

Subject's Name: ZAZZARO, MICHAEL DOMENIC

	***** Cost to Date *****	
	Hours	Costs
Complaint:	0.20	\$11.52
Investigation:	16.50	\$1,118.87
Legal:	20.60	\$1,799.50
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	37.30	\$2,929.89
Expenses to Date:		\$0.00
Prior Amount:		\$0.00
Total Costs to Date:		\$2,929.89





*** CONFIDENTIAL ***

Time Tracking System
Itemized Cost by Complaint

Complaint 201104342

Report Date 12/12/2011

Staff Code	Activity	Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
------------	----------	-------	------------	------	---------------	---------------	----------------------

CONSUMER SERVICES UNIT

HA115		0.10	\$57.62	\$5.76	03/14/2011	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA17		0.10	\$57.62	\$5.76	06/24/2011	1	ROUTINE ADMINISTRATIVE DUTIES
Sub Total		0.20		\$11.52			

INVESTIGATIVE SERVICES UNIT

P121		2.00	\$67.81	\$135.62	03/17/2011	4	ROUTINE INVESTIGATIVE WORK
P131		2.00	\$67.81	\$135.62	03/25/2011	4	ROUTINE INVESTIGATIVE WORK
P131		1.50	\$67.81	\$101.72	03/29/2011	4	ROUTINE INVESTIGATIVE WORK
P131		2.00	\$67.81	\$135.62	04/01/2011	4	ROUTINE INVESTIGATIVE WORK
P131		2.00	\$67.81	\$135.62	04/01/2011	4	ROUTINE INVESTIGATIVE WORK
P131		3.00	\$67.81	\$203.43	04/11/2011	4	ROUTINE INVESTIGATIVE WORK
P131		3.00	\$67.81	\$203.43	04/25/2011	76	REPORT PREPARATION
P131		1.00	\$67.81	\$67.81	05/31/2011	76	REPORT PREPARATION
Sub Total		16.50		\$1,118.87			

PROSECUTION SERVICES UNIT

HL01N		0.20	\$50.00	\$10.00	05/17/2011	60	MISCELLANEOUS
HL01N		1.30	\$50.00	\$65.00	05/17/2011	25	REVIEW CASE FILE
HL01N		0.80	\$50.00	\$40.00	05/18/2011	115	CONTACT WITH INVESTIGATORS
HL01N		1.40	\$50.00	\$70.00	06/08/2011	25	REVIEW CASE FILE
HL01N		2.00	\$50.00	\$100.00	06/08/2011	103	REVIEW SUPPLEMENTAL REPORT
HL01N		0.30	\$50.00	\$15.00	06/22/2011	26	PREPARE OR REVISE MEMORANDUM
HL01N		0.80	\$50.00	\$40.00	06/22/2011	25	REVIEW CASE FILE
HL01N		1.10	\$50.00	\$55.00	06/22/2011	25	REVIEW CASE FILE
HL01N		0.20	\$50.00	\$10.00	06/23/2011	27	REVIEW MEMORANDUM
HL70A		1.60	\$111.56	\$178.50	09/08/2011	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT





*** CONFIDENTIAL ***

Time Tracking System
Itemized Cost by Complaint

Complaint 201104342

Report Date 12/12/2011

Page 2 of 2

Staff Code	Activity	Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL70A		1.60	\$111.56	\$178.50	09/08/2011	25	REVIEW CASE FILE
HLL70A		3.90	\$111.56	\$435.08	09/09/2011	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL70A		3.90	\$111.56	\$435.08	09/09/2011	25	REVIEW CASE FILE
HLL70A		1.50	\$111.56	\$167.34	09/12/2011	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Sub Total		20.60		\$1,799.50			

Total Cost	\$2,929.89
-------------------	-------------------



*** CONFIDENTIAL ***

Time Tracking System
Itemized Expense by Complaint
Complaint

Report Date: 12/12/2011

Page 1 of 1

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
------------	--------------	----------------	--------------	--------------------------

SubTotal

Total Expenses



STATE OF FLORIDA

DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: St. Petersburg		Date of Case: 03/09/2011		Case Number: 201104342	
Subject: MICHAEL DOMENIC ZAZZARO, LPN 3251 53rd Ave N Saint Petersburg, FL 33714 (727) 657-2516			Source: TERI KEEL, RN, CNO 1501 Pasadena Avenue South PALMS OF PASADENA HOSPITAL St Petersburg, FL 33707 (727) 341-7747		
Prefix: PN	License #: 5178320	Profession: Licensed Practical Nurse	Board: Florida Board of Nursing	Report Date: 4/25/11	
Period of Investigation: 3/17/11-4/25/11			Type of Report: FINAL		
Alleged Violation: F.S. 464.018(1)(i), Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes...					
<p>Synopsis:</p> <p>This investigation is predicated upon receipt of a Healthcare Practitioner Complaint Form (Exh.1) from TERRI KEEL, CNO of Palms of Pasadena Hospital, stating that MICHAEL ZAZZARO, LPN, was found to be removing Dilaudid from Pyxis from 2/3/11 through 2/24/11 and not documenting the time the narcotic was administered to the patient nor wasting appropriately. ZAZZARO was under contract with Arbor Medical Staffing at the time of the incident. ZAZZARO was suspected of drug diversion. A drug screen was not performed.</p> <p>ZAZZARO was notified of the investigation by letter, dated 3/17/11(Exh.2) and was provided a copy of the Case Summary and attachments from Exhibit 1. ZAZZARO was also mailed a Voluntary Relinquishment.</p> <p>A search of the DOH licensure database reveals ZAZZARO is a Licensed Practical Nurse (Exh.3). The original date of licensure is 7/18/07 and is Clear, Active.</p> <p>Due to the type of allegation, patient notification was not required.</p> <p>The Status 30 Letter was mailed to KEEL on 3/18/11 (Exh.4).</p> <p><u>ZAZZARO is not known to be represented by an attorney in this matter.</u></p> <p>ZAZZARO denied all allegations and stated that he is only guilty of poor documentation.</p>					
Related Case(s): None					
Investigator/Date: <i>J Mackesy PI 31</i> Jessica Mackesy, MMI April 25, 2011			Approved By/Date: <i>Karen Hanzal</i> Karen Hanzal, Inv. Supervisor 4/25/11		
Distribution: HQ/ISU					

RECEIVED - LEGAL
11 APR 27 PM 5:29

Received
Investigative Services

APR 27 2011

DOH/MQA
Tallahassee HQ



STATE OF FLORIDA
DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

DOH INVESTIGATIVE REPORT

CASE NUMBER: 201104342

TABLE OF CONTENTS

I. INVESTIGATIVE REPORT COVER1

II. TABLE OF CONTENTS2

III. INVESTIGATIVE DETAILS

 Summary of Exhibits/Records/Documents3

Interviews/Statements:

 TERRI KEEL, RN, CNO-SOURCE.....3

 RICHARD MURPHY, Risk Manager-WITNESS.....3-4

 MIKE PUTZE, Director of Pharmacy-WITNESS.....4

 SHERRI SOMMERS, RN, DON-WITNESS.....4

 MICHAEL ZAZZARO, LPN-SUBJECT.....4-5

IV. EXHIBITS

* 1. Case Summary 6-10

* 2. Copy of Notification letter, dated 3/17/11..... 11-19

3. Copy of DOH Licensure Printout20

* 4. Status 30 Letter21

* 5. Law Enforcement Letter22

* 6. Records per Palms of Pasadena Hospital..... 23-294

***EXHIBITS CONTAIN INFORMATION WHICH IDENTIFIES PATIENT(S) BY NAME AND ARE SEALED PURSUANT TO SECTION 456.057(10)(a), FLORIDA STATUTES**

****These records are sealed pursuant to Section 456.057(10)(a), Florida Statutes and copies of same are not maintained in the Investigative Services office**

*****This exhibit contains confidential records concerning reports of abuse, neglect or exploitation of the vulnerable adult, including reports made to the central abuse hotline, and is sealed pursuant to section 415.107(1), Florida Statutes**



STATE OF FLORIDA

DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

DOH INVESTIGATIVE REPORT

CASE NUMBER: 201104342

INVESTIGATIVE DETAILS**SUMMARY OF EXHIBITS/RECORDS/DOCUMENTS**

Investigator's Note: Palms of Pasadena Hospital is a member of the Patient Safety Organization (PSO). Anything considered under "patient safety work product" is inaccessible by the DOH. Witnesses to any incident are not permitted to speak to this investigator.

Exhibit 4 contains the Status 30 Letter mailed to KEEL on 3/18/11.

Exhibit 5 contains the Law Enforcement Notification Letter mailed to the St. Petersburg Police Department on 3/17/11. This investigator has not received any return correspondence as of this time.

Exhibit 6 contains the physician orders, nurse's notes, MARs, and Pyxis report. According to the records, there are numerous discrepancies in the documentation of administration and waste from 2/3/11 through 2/25/11 by ZAZZARO. **The chart audit is located at the beginning of each patient's records.**

INTERVIEW OF TERRI KEEL, CNO-SOURCE

Palms of Pasadena Hospital
1501 Pasadena Avenue South
St. Petersburg, FL 33707
(727) 341-7747

This investigator made several attempts to interview KEEL regarding the allegations. KEEL did not return this investigator's phone calls due to scheduling conflicts.

INTERVIEW OF RICHARD MURPHY, Risk Manager-WITNESS

Palms of Pasadena Hospital
1501 Pasadena Avenue South
St. Petersburg, FL 33707
(727) 341-7747

This investigator interviewed MURPHY on several occasions via telephone. MURPHY stated that there were several incident reports received from other nurses because of ZAZZARO not wasting properly. MURPHY stated that he could not provide this investigator with the documents due to the PSO. MURPHY also stated that LPNs are not allowed to do IV push narcotics at Palms of Pasadena Hospital. MURPHY stated that Arbor Medical Staffing was informed of the allegations



STATE OF FLORIDA

DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

DOH INVESTIGATIVE REPORT

CASE NUMBER: 201104342

and were to conduct a drug screen. MURPHY stated that the drug screen was not performed due to ZAZZARO not presenting for the meeting. MURPHY stated that ZAZZARO was placed onto the do not call list for Palms of Pasadena Hospital and their sister hospitals. MURPHY stated that he could not provide the staffing schedules because they are disposed of at the end of every month. MURPHY had nothing further to add at this time.

INTERVIEW OF MIKE PUTZE, Director of Pharmacy -WITNESS

Palms of Pasadena Hospital
1501 Pasadena Avenue South
St. Petersburg, FL 33707
(727) 341-7747

This investigator interviewed PUTZE on several occasions via telephone. PUTZE stated that he was not involved in the investigation of ZAZZARO. PUTZE stated that the smallest dosage of Dilaudid available at that hospital is 2mg. PUTZE also stated that every LPN and RN has access to the Pyxis machine.

INTERVIEW OF SHERRI SOMMERS, DON and Director of Clinical Services-WITNESS

Arbor Medical Staffing
14926 Casey Road
Tampa, FL 33624
1-800-473-7701

This investigator interviewed SOMMERS via telephone on several occasions. SOMMERS stated that KEEL reported the incident to Arbor Medical Staffing on 3/14/11. SOMMERS stated that she was required to sign a PSO Agreement with Palms of Pasadena Hospital and is not permitted to speak about the incident with this investigator. SOMMERS did report that ZAZZARO had no prior standard of care issues but was terminated from his employment with Arbor Medical Staffing due to the severity of the allegations. SOMMERS stated that ZAZZARO never spoke with her about the allegations.

INTERVIEW OF MICHAEL ZAZZARO, LPN-SUBJECT

3251 53rd Ave N
Saint Petersburg, FL 33714
(727) 657-2516

On 4/11/11, this investigator interviewed ZAZZARO at ISU St. Petersburg. ZAZZARO stated that he has never had any issues at a hospital that he has worked in. ZAZZARO stated that he was informed in February that LPNs are not allowed to do a narcotic IV push at that facility. ZAZZARO



STATE OF FLORIDA

DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

DOH INVESTIGATIVE REPORT

CASE NUMBER: 201104342

stated that he is allowed to do that at other facilities and continued to do that at Palms of Pasadena because there was no time to get a registered nurse to do all of the narcotics. ZAZZARO stated that Palms of Pasadena Hospital did not speak to him regarding the suspicion of diversion. ZAZZARO stated that while he was on vacation, Arbor Medical Staffing called and wanted him to come in for a meeting. ZAZZARO stated that he did not go in for the meeting and received the DOH notification letter in the mail. ZAZZARO stated that Arbor Medical Staffing is no longer allowing him to take shifts. ZAZZARO stated that he is bad with documentation and that the facility is very busy. ZAZZARO stated that there were constant computer issues and the Pyxis was 20-30 minutes fast throughout the hospital. ZAZZARO stated that during his shift on 2/24/11-2/25/11, he was sent home early due to census and was very busy charting at the end of his shift. ZAZZARO stated that if he is guilty of anything, it is poor documentation. ZAZZARO also added that he is on Oxycodone 15mg prescribed by DEMETIOS KAIFAS, MD, due to issues with his back. ZAZZARO stated that he will be scheduling surgery soon if he is a candidate.

STATE OF FLORIDA
BOARD OF NURSING

BOARD: Nursing

CASE NUMBER: 2015-23102

COMPLAINT MADE BY: DOH – CSU

DATE OF COMPLAINT: August 13, 2015

RESPONDENT: Helen Karas Cabales, RN
1632 Meadowgold Court
Winter Park, Florida 32792

RESPONDENT'S ATTORNEY Pro Se

INVESTIGATED BY: Caroline Anderson
Consumer Services Unit

REVIEWED BY: Ann L. Prescott
Assistant General Counsel

RECOMMENDATION: 4097
Reconsideration

CLOSING ORDER ON RECONSIDERATION

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

THE FACTS: On or about January 28, 2016, the Department filed an Administrative Complaint against Respondent's license alleging the above violation for allegedly failing to timely pay costs of investigation in Department case number 2007-04938.

In light of new information obtained from the compliance officer that Respondent is now in compliance with the requirements imposed in case number 2007-04938, 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 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 _____, 2016.

CHAIRPERSON, PROBABLE CAUSE PANEL
BOARD OF NURSING

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2015-23102

HELEN KARAS CABALES, R.N.,

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, Helen Karas Cabales, 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 Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 1647652.

3. Respondent's address of record is 1632 Meadowgold Court, Winter Park, Florida 32792.

4. On or about March 13, 2008, the Board of Nursing filed a Final Order against Respondent in case number 2007-04938.

5. The Final Order required Respondent to pay investigative costs in the amount of \$1,466.09 (one thousand four hundred and sixty-six dollars and nine cents) prior to the completion of the IPN contract also required by the Final Order, which she completed on December 19, 2013.

6. Respondent failed to pay the investigative costs of \$1,466.09 timely in case number 2007-04938.

7. Section 456.072(1)(q), Florida Statutes (2014), provides that violating a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department constitutes grounds for discipline.

8. Respondent is licensed pursuant to Chapter 464, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2013).

9. Respondent violated the Final Order filed by the Board of Nursing in case number 2007-04938 by failing to pay the costs of

investigation of \$1,466.09 prior to the completion of the IPN contract also required by the Final Order on December 19, 2013.

10. Based on the foregoing, Respondent has violated Section 456.072(1)(q), Florida Statutes (2013), by violating a lawful order of the department or board, or failing to comply with a lawfully issued subpoena of the department.

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.

[Signature page follows.]

SIGNED this 28 day of January, 2016.

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



Ann L. Prescott
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0092974
(850) 245 - 4444 Telephone
(850) 245 - 4662 Facsimile
Email: Ann.Prescott@flhealth.gov

/ALP

PCP: 01/26/16

PCP Members: Kemp & Gordon

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angel Sordus*
DATE: JAN 28 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.

9414 7266 9904 2017 4883 33

TO:

Ann Prescott/tlr
CABALES, 15-23102
STIP PACK (2/1/16)

SENDER:

HELEN CABALES
140 ALEXANDRIA BLVD.
OVIEDO, FLORIDA 32765

REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

USPS®
Receipt for
Certified Mail®

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

Mission:

To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

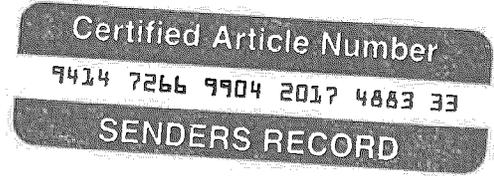


Vision: To be the Healthiest State in the Nation

Rick Scott
Governor

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

February 1, 2016



Helen Karas Cabales
140 Alexandria Blvd.
Oviedo, Florida 32765

RE: DOH v. Helen Karas Cabales, R.N.
Case No. 2015-23102

Dear Ms. Cabales:

Enclosed please find a copy of an Administrative Complaint that has been filed against your license by the Department of Health. An Election of Rights form is also enclosed.

Please review the attached documents and return the Election of Rights form to my attention. You must return your election to my office within twenty-one (21) days of the date you received it. Failure to return your election within twenty-one (21) days will be considered a waiver of your right to dispute the facts alleged in the Administrative Complaint.

In addition, enclosed is a Settlement Agreement containing terms I believe will be acceptable in resolving this matter without the need for a Formal or Informal Hearing. If you would like to accept the terms of the Settlement Agreement, please sign it before a notary public and return it to my office. Please note that the Settlement Agreement is subject to final approval by the Board of Nursing and is considered disciplinary action.

A Voluntary Relinquishment form has also been included in this package for your consideration. Voluntarily relinquishing your license is giving up your ability to practice Nursing in the state of Florida. If you no longer wish to practice Nursing in Florida, please sign the voluntary relinquishment before a notary and return it to my office. Please note that voluntary relinquishment of your license is considered disciplinary action.

Please contact me by phone at 850-245-4444, extension 8117, if you have any questions.

Sincerely,

Ann L. Prescott
Assistant General Counsel
(850) 245-4444 Ext. 8117

Enclosures: Administrative Complaint, Election of Rights form, Settlement Agreement, and Voluntary Relinquishment form

ALP/tr

ELECTION OF RIGHTS

Please sign and complete all of the information below:

I received the Administrative Complaint on the following date: _____

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS.

OPTION 1. _____ I do not dispute the allegations of material fact in the Administrative Complaint. I request a hearing be conducted pursuant to Section 120.57(2), Florida Statutes, where I will be permitted to appear, if I so choose, and submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. _____ I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to the requirement of Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure to do so may be considered a waiver of your right to elect a hearing in this matter, pursuant to Rule 28-106.111(4), Florida Administrative Code, and the Board may proceed to hear your case.

PLEASE NOTE: Regardless of which option you choose, you may be able to reach a settlement agreement with the Department in your case. Please contact the prosecuting attorney if you wish to do so.

Respondent's Signature _____
Address: _____

Lic. No.: _____

Phone No.: _____ Fax No.: _____

Email: _____

STATE OF FLORIDA _____
COUNTY OF _____

Attorney/Qualified Representative* _____
Address: _____

Phone No.: _____

Fax No.: _____

Email: _____

*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared _____, whose identity is known to me or produced _____ (type of identification) and who, acknowledges that his/her signature appears above.
Sworn to or affirmed by Affiant before me this _____ day of _____ 20__.

Notary Public-State of Florida _____

My Commission Expires _____

Type or Print Name _____

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Ann L. Prescott, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444 ext. [8117]; FAX (850) 245-4662; TDD 1-800-955-8771

9414 7266 9904 2017 4882 96

TO:

**Ann Prescott/tlr
CABALES,15-23102
STIP PACK (2/1/16)**

SENDER:

**HELEN CABALES
1632 MEADOWGOLD COURT
WINTER PARK, FLORIDA 32792**

REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

**USPS®
Receipt for
Certified Mail®**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

Mission:

To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.



Vision: To be the Healthiest State in the Nation

Rick Scott
Governor

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

February 1, 2016

Certified Article Number

9414 7266 9904 2017 4882 96

SENDERS RECORD

Helen Karas Cabales
1632 Meadowgold Court
Winter Park, Florida 32792

RE: DOH v. Helen Karas Cabales, R.N.
Case No. 2015-23102

Dear Ms. Cabales:

Enclosed please find a copy of an Administrative Complaint that has been filed against your license by the Department of Health. An Election of Rights form is also enclosed.

Please review the attached documents and return the Election of Rights form to my attention. You must return your election to my office within twenty-one (21) days of the date you received it. Failure to return your election within twenty-one (21) days will be considered a waiver of your right to dispute the facts alleged in the Administrative Complaint.

In addition, enclosed is a Settlement Agreement containing terms I believe will be acceptable in resolving this matter without the need for a Formal or Informal Hearing. If you would like to accept the terms of the Settlement Agreement, please sign it before a notary public and return it to my office. Please note that the Settlement Agreement is subject to final approval by the Board of Nursing and is considered disciplinary action.

A Voluntary Relinquishment form has also been included in this package for your consideration. Voluntarily relinquishing your license is giving up your ability to practice Nursing in the state of Florida. If you no longer wish to practice Nursing in Florida, please sign the voluntary relinquishment before a notary and return it to my office. Please note that voluntary relinquishment of your license is considered disciplinary action.

Please contact me by phone at 850-245-4444, extension 8117, if you have any questions.

Sincerely,

Ann L. Prescott
Assistant General Counsel
(850) 245-4444 Ext. 8117

Enclosures: Administrative Complaint, Election of Rights form, Settlement Agreement, and Voluntary Relinquishment form

ALP/tlr