

**STATE OF FLORIDA
BOARD OF NURSING**

CASE NUMBER: 2014-07629

DATE OF COMPLAINT: May 16, 2014

COMPLAINT MADE BY: Department of Health

SUBJECT: Rebecca S. Kottwitz, C.N.A.
6662 82nd Avenue Court
Pinellas Park, Florida 33781

ADDITIONAL ADDRESS: 11735 Kent Grove Drive
Springhill, Florida 34610

SUBJECT ATTORNEY: Pro Se

INVESTIGATED BY: Marlene Toledo
St. Petersburg ISU

REVIEWED BY: Nicole L. Jordan
Assistant General Counsel

RECOMMENDATION: Reconsideration (4016)
License Revoked

CLOSING ORDER

THE COMPLAINT: Complainant alleged that Respondent violated section 464.204(1)(b), Florida Statutes (2013), by intentionally violating section 464.018(1)(i), Florida Statutes (2013), which provides that 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 authorized by this part, constitutes grounds for disciplinary action.

THE FACTS: On or about February 23, 2016, the Department filed an Administrative Complaint against Respondent, whereby charging Respondent with a violation of section 464.204(1)(b), Florida Statutes (2013), through a violation of section 464.018(1)(i), Florida Statutes (2013). The Administrative Complaint was predicated upon Respondent's attempt to fill fraudulent prescriptions for Alprazolam and Vicodin 5-325 mg at a pharmacy in St. Petersburg, Florida. However, on or about May 11, 2016, the Department filed a Final Order that was issued by the Board on or about May 10, 2016, in case number 14-07646, which revoked Respondent's certified nursing assistance certification. Based upon the revocation of license, this case should be closed without further prosecution.

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

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

/NLJ

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**STATE OF FLORIDA
BOARD OF NURSING**

CASE NUMBER: 2015-00088

DATE OF COMPLAINT: July 30, 2015

COMPLAINT MADE BY: Department of Health

SUBJECT: Charlotte Wonjah, C.N.A.
13990 NW 41st Street, #2
Doral, Florida 33178

SUBJECT ATTORNEY: Pro Se

INVESTIGATED BY: George Mulero
Miami ISU

REVIEWED BY: Nicole L. Jordan
Assistant General Counsel

RECOMMENDATION: Reconsideration (4038)
License Null and Void

CLOSING ORDER

THE COMPLAINT: Complainant alleged that Respondent violated section 464.204(1)(b), Florida Statutes (2015), by intentionally violating: section 456.072(1)(c), Florida Statutes (2015), which 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; and section 464.018(1)(d)6., Florida Statutes (2015), which provides that being found guilty, regardless of adjudication, of a violation of chapter 827, relating to child abuse, constitutes grounds for disciplinary action.

THE FACTS: On or about February 23, 2016, the Department filed a two-count Administrative Complaint against Respondent, whereby charging Respondent with violations of section 464.204(1)(b), Florida Statutes (2015), by intentionally violating: section 456.072(1)(c), Florida Statutes (2015); and section 464.018(1)(d)6., Florida Statutes (2015). The Administrative Complaint was predicated upon Respondent's entrance of a plea of guilty to Aggravated Child Abuse. However, Respondent's license is now null and void. Therefore, it would be appropriate to dismiss this case without further prosecution.

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

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
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456.057 - Ownership and control of patient records; report or copies of records to be
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**STATE OF FLORIDA
BOARD OF NURSING**

CASE NUMBER: 2015-25327

DATE OF COMPLAINT: October 1, 2015

COMPLAINT MADE BY: Department of Health

SUBJECT: Jacqueline Hendricks, L.P.N.
2928 Crossbow Way
Melbourne, Florida 32935

SUBJECT ATTORNEY: Pro Se

INVESTIGATED BY: Antoinette Carter
Consumer Services Unit

REVIEWED BY: Nicole L. Jordan
Assistant General Counsel

RECOMMENDATION: Dismiss (4097)
Reconsideration

CLOSING ORDER

THE COMPLAINT: Complainant alleged that Respondent violated section 464.018(1)(b), Florida Statutes (2010), which provides that having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, constitutes grounds for disciplinary action.

THE FACTS: On or about February 23, 2016, the Department filed an Administrative Complaint against Respondent's license, alleging a violation of section 464.018(1)(b), after Respondent's Tennessee Practical Nurse license was indefinitely suspended by the Tennessee Board of Nursing on or about October 6, 2010. The conduct that led to the

indefinite suspension was Respondent's failure to pay student loans. After the filing of the Administrative Complaint, the Department received information that on or about December 27, 2011, the suspension had been lifted by the Tennessee Board. Because the suspension was lifted more than four years prior to the filing of the Administrative Complaint, it is appropriate to dismiss this case without further prosecution.

THE LAW: Therefore, 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.

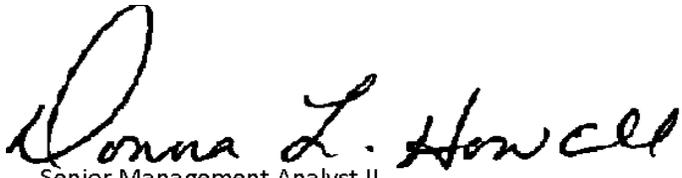
DONE and ORDERED this _____ day of _____, 2016.

CHAIRPERSON, PROBABLE CAUSE PANEL
BOARD OF NURSING

/NLJ



INVESTIGATIVE REPORT

Office: Consumer Services Unit		Date of Case: 10/01/2015	Case Number: 2015-25327	
Subject: JACQUELINE HENDRICKS, LPN 2928 Crossbow Way Melbourne, FL, 32935 (321) 216-8461			Source: DEPARTMENT OF HEALTH/NURSYS	
Prefix: 1702/LPN	License #: 5182322	Profession: Licensed Practical Nurse	Board: Nursing	Report Date: 04/06/2016
Period of Investigation: 03/15/16-04/05/16			Type of Report: SUPPLEMENTAL	
Alleged Violation: SS. 456.072(1)(k)(x)(dd), 464.018(1)(b)(o), F.S				
<p>Synopsis: This supplemental investigation is predicated on the receipt of a request from Legal to obtain a copy of any reinstatement of license or order lifting suspension of license in Tennessee. Respondent has indicated that she paid her loans and renewed her Tennessee license a few years ago. We need to know whether the Board in Tennessee allowed Respondent to practice again after the Notice of Suspension Thank you for your time (Ex. S-1).</p> <p>Documentation received from the Tennessee Board of Nursing on 04/05/16 state HENDRICKS suspension was lifted on 12/27/11 but expired as 06/30/13. A reinstatement has not been requested according to their records (Ex. S-2).</p>				
Related Case:				
Investigator/Date:  Antoinette Carter 04/06/16 Government Analyst I			Approved By/Date:  Senior Management Analyst II Senior Management Analyst II	
Distribution: Legal/Consumer Services Unit				Page 1

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Rick Scott
Governor

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

Vision: To be the Healthiest State in the Nation

PSU REQUEST FORM

FROM: Brandon Long for Nicole Jordan, Esq.	TO: Donna L. Howell, Senior Management Analyst II
Date: 3/15/2016	TO: CSU
Phone #: 850-245-4444, ext 8125	CC: Antoinette F. Carter, Government Analyst I

Case Number: 2015-25327	Board: Nursing	Status: 87
Subject: HENDRICKS, L.P.N.	HL Code: h1124a	
Requested Completion Date: ASAP		

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

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

Details: Please provide a copy of any reinstatement of license or order lifting suspension of license in Tennessee. Respondent has indicated that she paid her loans and renewed her Tennessee license a few years ago. We need to know whether the Board in Tennessee allowed Respondent to practice again after the Notice of Suspension. Thank you for your time.

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

Last Known Address:

Last Known Name & Phone Number:

Last Known Place of Employment & Address if Known:

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

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

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

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

(ISU/CSU) RESPONSE:

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

Email to:

[Pensacola](#) [Tallahassee](#) [Alachua](#) [Jacksonville](#) [St. Pete](#) [Tampa](#) [Orlando](#) [Ft. Myers](#) [West Palm](#) [Ft. Lauderdale](#) [Miami](#)

[Consumption](#)

[Services](#) [ULA](#)

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Rick Scott
Governor

Celeste Philip, MD, MPH
Interim State Surgeon General

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

March 23, 2016

Tennessee Board of Nursing
665 Mainstream Drive
Nashville, TN 37243;

DOH Reference Number: 201525327
Subject: Jacqueline R. Hendricks, LPN

Dear Sir or Madam:

The Consumer Services Unit is reviewing the disciplinary action taken by your state against the above healthcare provider who is also licensed in Florida. Please submit the following information so that we can review this matter and take appropriate action.

Please forward a **certified copy** of:

- * The Administrative Complaint in which violations of the Public Health Law is cited.
- * The Final Order and/or Stipulation which details the penalty of the violation(s).
- * Any additional public information related to the professional practice of the healthcare professional.
- * If pertinent, the mailing address and telephone number of the Clerk of the Court where the healthcare practitioner (was/may have been) found guilty of a crime.
- * Mailing address for the healthcare professional.

The mission of the Department of Health is to protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts. If you have any questions, please call the Consumer Services Unit at (850) 245-4339. In addition, if you have any concerns or suggestions about our complaint process, please fill out our *Customer Concerns or Suggestions* form at www.floridashealth.com/mqa/survey.html.

Sincerely,

Antoinette F. Carter
Government Analyst I

AC/mw
Enclosure

DOH-Form204

Florida Department of Health

Division of Medical Quality Assurance • Bureau of Enforcement
4052 Bald Cypress Way, Bin C-75 • Tallahassee, FL 32399-3275
PHONE: (850) 245-4339 • FAX : (850) 488-0796

Exhibit #S-2
Page #003

www.FloridaHealth.gov

TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fdoh
FLICKR: HealthyFla
PINTEREST: HealthyFla

Carter, Antoinette

From: Ronda Vari <Ronda.Vari@tn.gov>
Sent: Tuesday, April 05, 2016 4:11 PM
To: Carter, Antoinette
Subject: RE: Jacqueline Hendricks

Yes, December 27, 2011 the Suspension for failure to pay student loans was lifted.



Ronda Vari | Administrative Service Assistant 2
RNFA/LPN Endorsements/ Verifications/ TSAC & Child Support
TN Board of Nursing
665 Mainstream Drive, Nashville, TN 37243
p. 615-253-8913 f. 615-741-7899
ronda.vari@tn.gov
tn.gov/health
Connect with TDH on [Facebook](#) and [Twitter](#) @TNDeptofHealth!

Our Mission – To protect, promote and improve the health and prosperity of people in Tennessee.

From: Carter, Antoinette [mailto:Antoinette.Carter@flhealth.gov]
Sent: Tuesday, April 05, 2016 2:53 PM
To: Ronda Vari
Subject: RE: Jacqueline Hendricks

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Ms. Vari,

Was the suspension lifted?

Thanks,
Antoinette



Antoinette F. Carter, MPA, Notary Public
Government Analyst
Nursing, EMT & Paramedics, Pharmacy and Hearing Aids
Florida Department of Health/MQA
Consumer Services Unit, Bin C-75
4052 Bald Cypress Way
Tallahassee, FL 32399-3275

☎ (850) 245-4339 X8304

7(850) 488-0796

✉ Antoinette.Carter@flhealth.gov

Work Hours: Monday- Friday 7:15AM-4:00PM

From: Ronda Vari [<mailto:Ronda.Vari@tn.gov>]
Sent: Tuesday, April 05, 2016 2:39 PM
To: Carter, Antoinette <Antoinette.Carter@flhealth.gov>
Subject: Jacqueline Hendricks

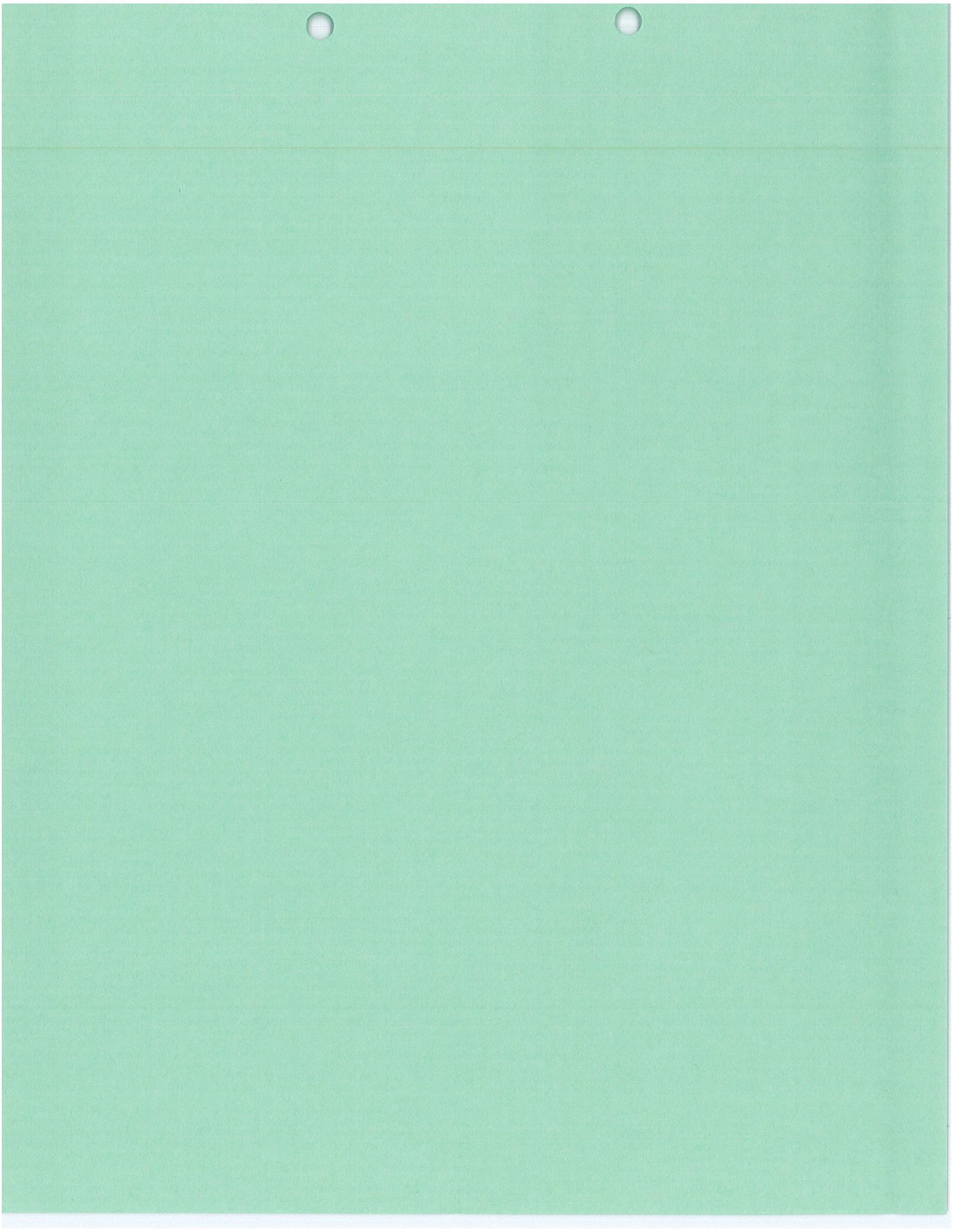
Ms. Carter,

According to our records, Ms. Hendrick's license is expired as of 6/30/13. A reinstatement has not been requested.



Ronda Vari | Administrative Service Assistant 2
RNFA/LPN Endorsements/ Verifications/ TSAC & Child Support
TN Board of Nursing
665 Mainstream Drive, Nashville, TN 37243
p. 615-253-8913 f. 615-741-7899
ronda.vari@tn.gov
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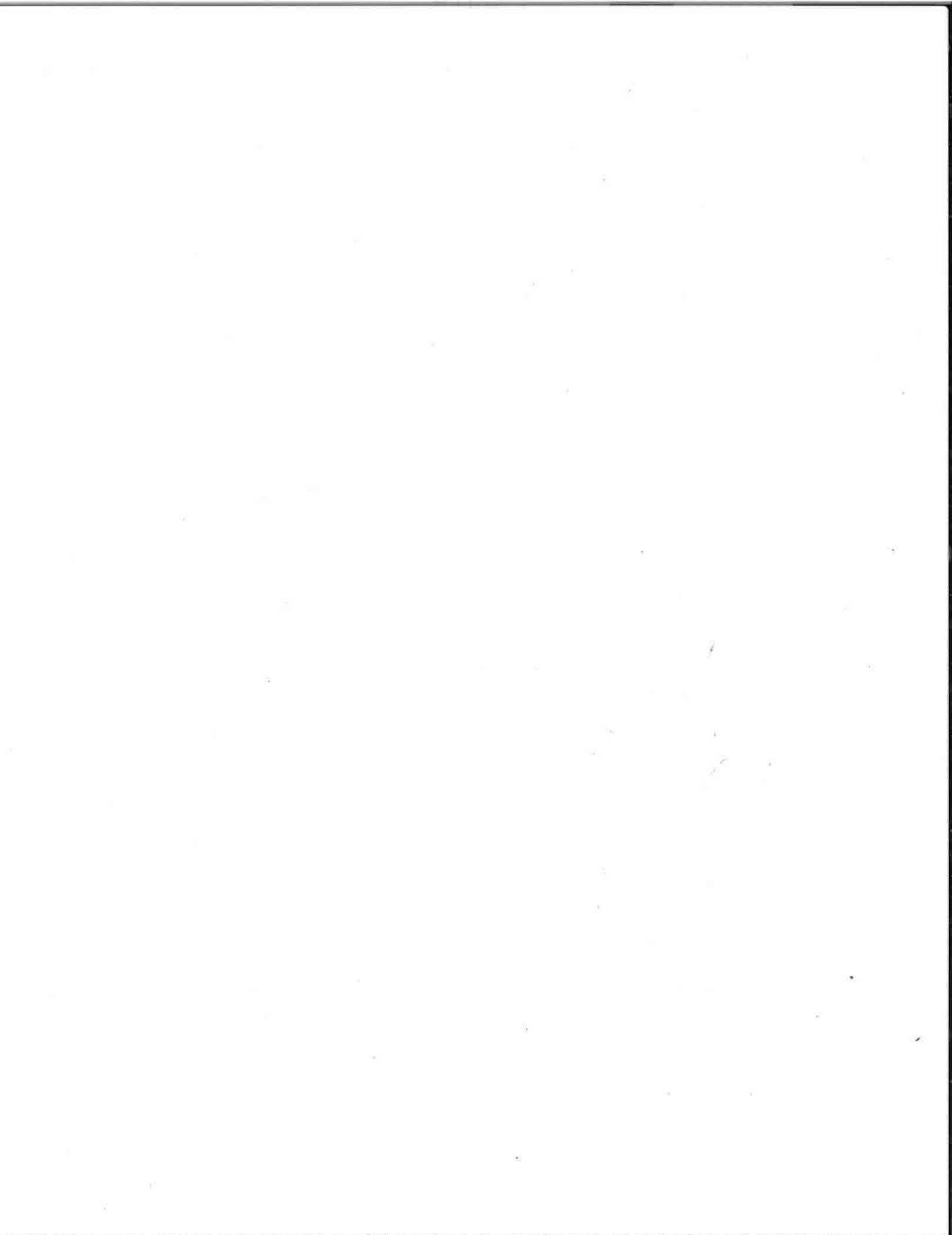
Our Mission – To protect, promote and improve the health and prosperity of people in Tennessee.

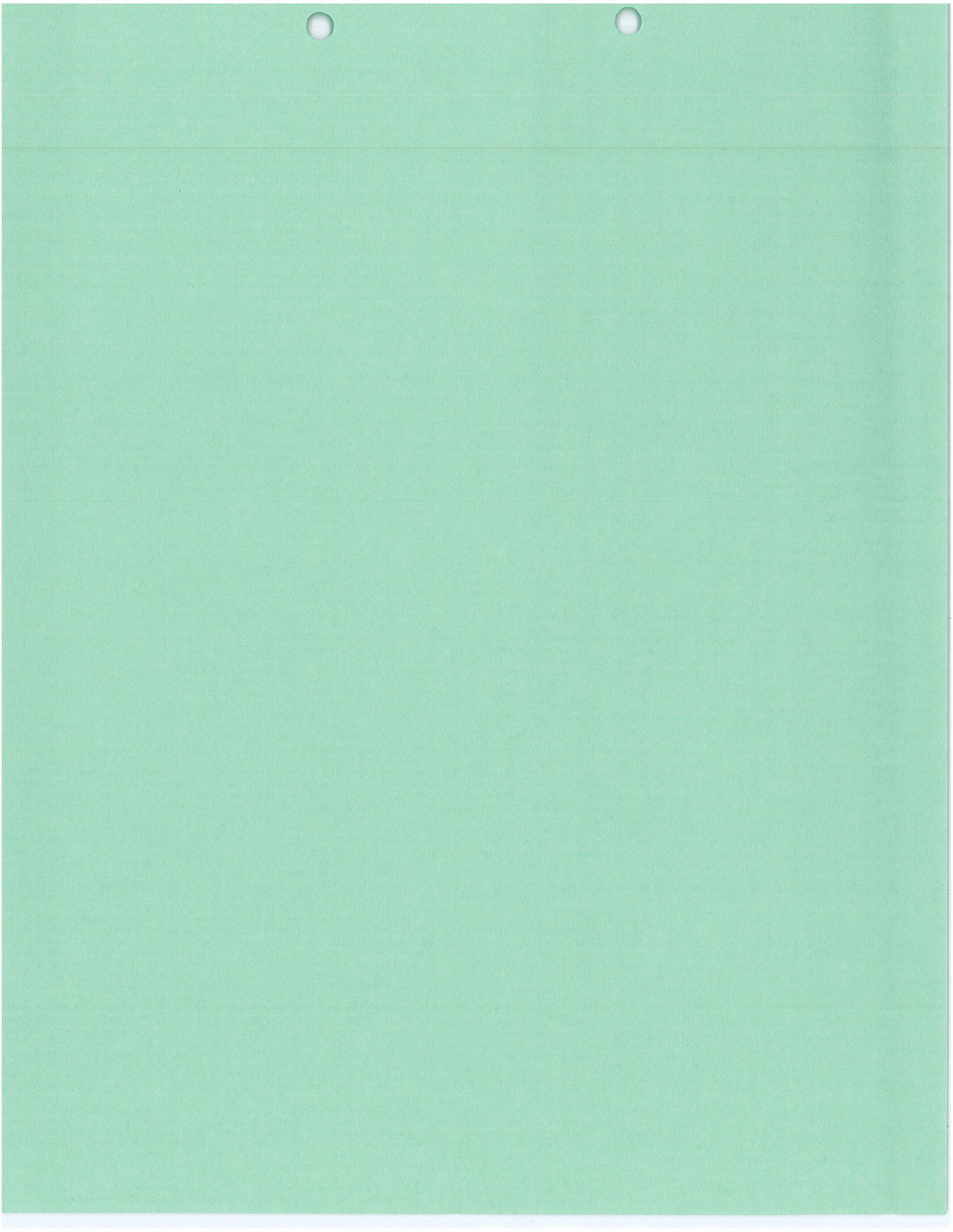


FL. Dept Health
4052 BALD Cypress Way
Bn C-65
TALLAHASSEE, FL 32399

32399701752

Att





9414 7266 9904 2017 4864 52

TO:
Jacqueline R. Hendricks, L.P.N.
2928 Crossbow Way
Melbourne, Florida 32935

SENDER: 45 day Waiver Ltr
Hendricks 2015-25327

REFERENCE:

Certified Article Number

9414 7266 9904 2017 4864 52

SENDER'S RECORD

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

3/15/16

2. Article Number  9414 7266 9904 2017 4864 52	COMPLETE THIS SECTION ON DELIVERY	
	A. Received by (Please Print Clearly)	B. Date of Delivery 3/17/16
3. Service Type CERTIFIED MAIL®	C. Signature X <i>James Arington</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
1. Article Addressed to:		

Jacqueline R. Hendricks, L.P.N.
2928 Crossbow Way
Melbourne, Florida 32935
Jordan
Request

PS Form 3811, January 2005

Domestic Return Receipt

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Governor

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

Vision: To be the Healthiest State in the Nation

March 15, 2016

VIA CERTIFIED MAIL

Jacqueline R. Hendricks, L.P.N.
2928 Crossbow Way
Melbourne, Florida 32935

Re: DOH vs. Jacqueline R. Hendricks, L.P.N.
DOH Case Number: 2015-25327

Dear Ms. Hendricks:

On March 14, 2016, the Department of Health received your Election of Rights form through which you requested a formal hearing before the Division of Administrative Hearings. I have reviewed your request and have determined that your request is in compliance with Uniform Rule 28-106.2015(5), Florida Administrative Code, and Section 120.54(5)(b)(5), Florida Statutes.

The Department of Health hereby grants the request for a formal Administrative Hearing. Section 456.073(5), Florida Statutes, provides that the Department shall refer the case to the Division of Administrative Hearings within 45 days after the date the Department received your Election of Rights form. You have the ability to waive that requirement. If you wish to be afforded more time prior to the referral of your case for an Administrative Hearing in order to attempt settlement negotiations with the Department, you may do so. Please fill out the portion below and return this form to me via email, facsimile or mail delivery. You should also keep a copy for your records.

_____ I hereby waive the requirement that the Department of Health refer this case to the Division of Administrative Hearings within 45 days after the date the Department received my Election of Rights.

OR

_____ I do not waive the requirement that the Department of Health refer this case to the Division of Administrative Hearings within 45 days after the date the Department received my Election of Rights.

Florida Department of Health

Office of the General Counsel • Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3265
Express mail address: 2585 Merchants Row – Suite 105
PHONE: 850/245-4444 • FAX 850/245-4662

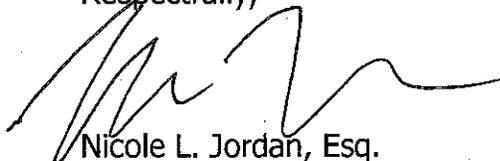
www.FloridaHealth.gov
TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fldoh

Signature

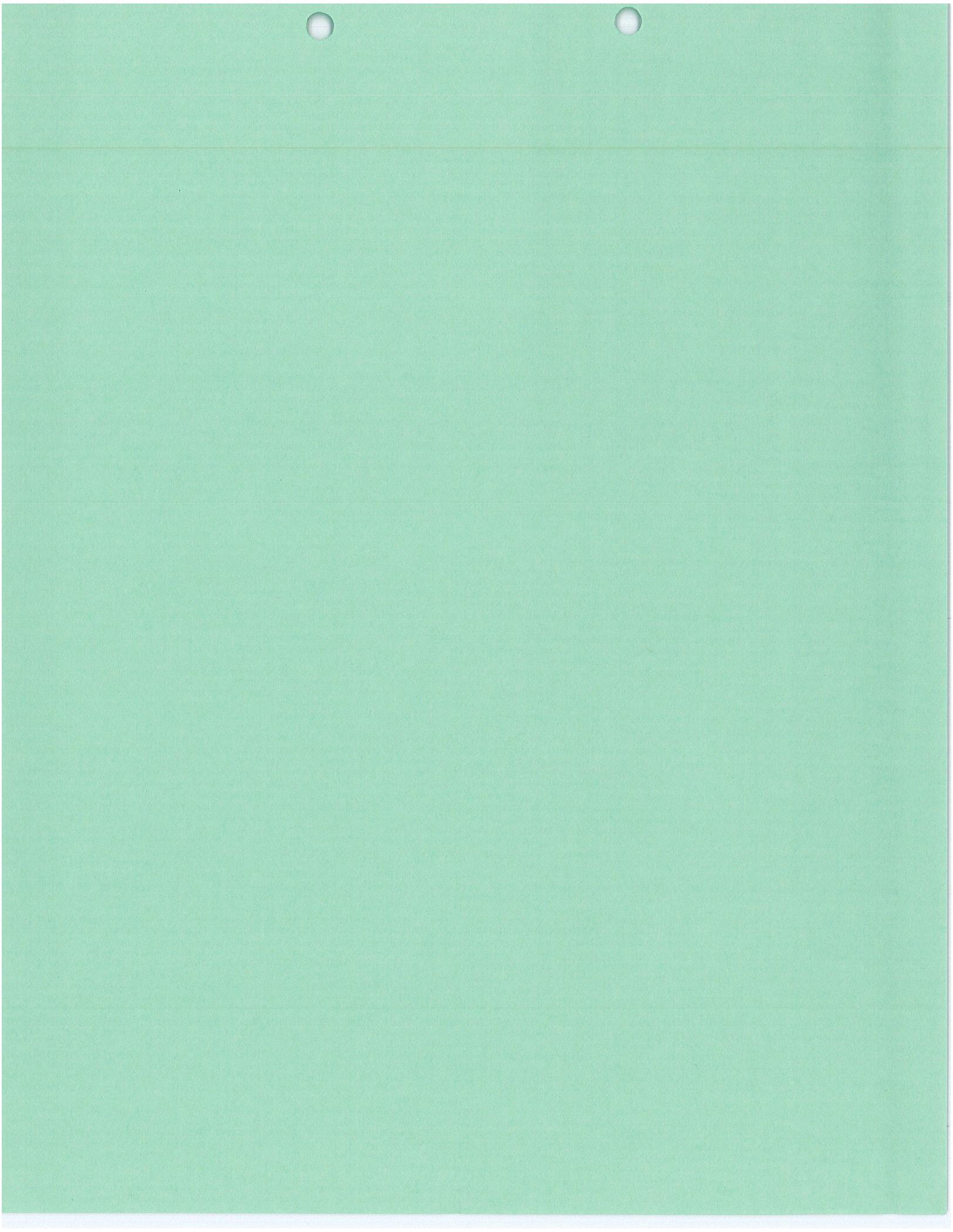
Date

Please contact me by phone at 850-245-4444, extension 8125, if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nicole L. Jordan', written over the word 'Respectfully,'.

Nicole L. Jordan, Esq.
Assistant General Counsel



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2015-25327

JACQUELINE R. HENDRICKS, 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, Jacqueline R. Hendricks, L.P.N., and in support thereof alleges:

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

2. At all times material to this Administrative Complaint, Respondent was a licensed practical nurse (L.P.N.) within the state of Florida, having been issued license number PN 5182322.

3. Respondent's address of record is 2928 Crossbow Way, Melbourne, Florida 32935.

4. The Tennessee Board of Nursing is the licensing authority for nurses in the state of Tennessee.

5. On or about October 6, 2010, the Tennessee Board of Nursing entered a Notice of Suspension, which indefinitely suspended Respondent's Tennessee License Practical Nurse license.

6. Section 464.018(1)(b), Florida Statutes (2010), provides that having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, constitutes grounds for disciplinary action.

7. As set forth above, on or about October 6, 2010, the Tennessee Board of Nursing, which is the licensing authority for nurses in the State of Tennessee, entered a Notice of Suspension, which indefinitely suspended Respondent's Tennessee License Practical Nursing license.

8. Based on the foregoing, Respondent violated Section 464.018(1)(b), Florida Statutes (2010), having a license to practice nursing

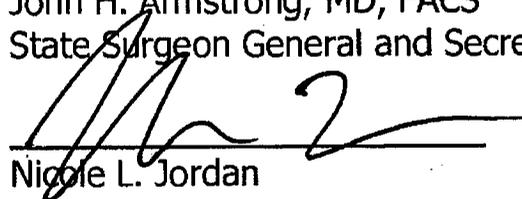
revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

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 23rd day of February, 2016.

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



Nicole L. Jordan
Assistant General Counsel
Florida Bar Number 106034
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone (850) 245 - 4444 Ext. 8125
Facsimile (850) 245 - 4662
Email: nicole.jordan@flhealth.gov

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Angel Sanders

DATE: FEB 23 2016

/NLJ

PCP: 2-23-16

PCP Members: Hubbard, Culin

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.

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**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2015-11954

SEAN A. BUCKNOR, 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, Sean A. Bucknor, L.P.N., and in support thereof alleges:

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

2. At all times material to this Administrative Complaint, Respondent was a licensed practical nurse within the state of Florida, having been issued license number PN 5196459.

3. Respondent's address of record is 4635 Portofino Way, Apt. 111, West Palm Beach, Florida, 33409.

4. At all times material to this Administrative Complaint, Respondent was employed as a licensed practical nurse and an independent contractor at CSI - Care Giver Services, located in West Palm Beach, Florida.

5. At all times material to this Administrative Complaint, Respondent was assigned to provide in-home care to D.T., a then sixty-one (61) year-old hospice patient.

6. On or about March 13, 2015, Respondent administered 2 mg of Haldol to D.T. without a physician's order.

7. Haldol is the brand name for Haloperidol, an antipsychotic medication commonly used to treat schizophrenia and Tourette's syndrome. Haldol is a legend drug but not a controlled substance.

8. On or about March, 13, 2015, Respondent administered 2 mg of Ativan to D.T. without a physician's order.

9. Ativan is the brand name for lorazepam and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, lorazepam

is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

10. On or about March 13, 2015, while providing in-home care to D.T., Respondent was found asleep.

COUNT ONE

11. Petitioner realleges and incorporates paragraphs one through ten (10) as if fully set forth herein.

12. Section 464.018(1)(n), Florida Statutes (2014), 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.

13. As set forth above, Respondent failed to meet the minimal standards of acceptable and prevailing nursing practice by administering medications to D.T. without a physician's order and by falling asleep while providing in-home care to D.T., on or about March 13, 2015.

14. Based on the foregoing, Respondent violated Section 464.018(1)(n), Florida Statutes (2014), 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.

COUNT TWO

15. Petitioner realleges and incorporates paragraphs one through nine as if fully set forth herein.

16. Section 464.018(1)(h), Florida Statutes (2014), provides that unprofessional conduct as defined by board rule constitutes grounds for disciplinary action.

17. Rule 64B9-8.005(12), Florida Administrative Code, provides that unprofessional conduct shall include practicing beyond the scope of the licensee's license, educational preparation or nursing experience.

18. As set forth above, Respondent practiced beyond the scope of his license as a licensed practical nurse when he administered Haldol and Ativan to D.T. without a physician's order.

19. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes (2014), by engaging in unprofessional conduct as defined by Rule 64B9-8.005(12), Florida Administrative Code, to

include practicing beyond the scope of the licensee's license, educational preparation or nursing experience.

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

SIGNED this 19th day of April, 2016.

Celeste Philip, MD, MPH
Interim State Surgeon General

N. Thomas

Natalia S. Thomas
Assistant General Counsel
Florida Bar No. 83826
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin #C65
Tallahassee, FL 32399-3265
Telephone: (850) 245-4444 ext. 8218
Facsimile: (850) 245-4662
Email: natalia.thomas@flhealth.gov

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Angie Sanders

DATE: APR 19 2016

/NST

PCP: 4/19/16

PCP Members: Trybulski & Hubbard

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.

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