

The Florida

Board of Nursing

August 2021 Meeting Minutes

August 5-6, 2021

Bahia Mar Fort Lauderdale Beach
801 Seabreeze Boulevard
Fort Lauderdale



Deborah McKeen, BS, CD-LPN
Chair

Jody Bryant Newman, EdD, EdS, Consumer
Vice Chair

Joe Baker, Jr.
Executive Director



**Florida Board of Nursing Meeting Draft
Agenda August 5-6, 2021
Fort Lauderdale**

Participants in these public meetings should be aware that these proceedings are being recorded and that an audio file of the meetings will be posted to the board's website.

Board Members:

Deborah McKeen, BS, CD-LPN – Chair
Jody Bryant Newman, EdD, EdS, Consumer – Vice Chair
Maggie Hansen, MHSc, RN
Christine Mueller, DNP, RN, PCCN-K
Jose D. Castillo III, PhD, MSNA, CRNA, APRN
Fidelia Roster, MSN, RN, CCRN, CNRN
Jody Rain, MBA-HM, BSN, RN, CEN
Robert Macdonald, MS, Consumer
Heather Baumwald, Consumer
Mary Elizabeth “Libby” Flippo, MSN, MBA, RN
Deborah Becker, DNP, RN, CNE
Vacant, LPN
Vacant, LPN

Attorneys:

Deborah Loucks, Senior Assistant Attorney General
David Flynn, Senior Assistant Attorney General
Matthew Witters, Chief Legal Counsel

Board Staff:

Joe Baker, Jr., Executive Director
Melissa Passett, Program Operations Administrator
Nicole Benson, Program Operations Administrator
Sherri Sutton-Johnson, DrPH, MSN, RN, CCHW, Director of Nursing Education
Janet Doke, BSN, RN, Nursing Education Consultant

Court Reporter (Full Board only):

Phipps Reporting – (888) 811-3408

Thursday @ 8:30 AM

Credentials "A" Committee

- Required Appearances
- CNA Applicants for Licensure with criminal, discipline and health history and open cases
- LPN, RN and APRN Applicants for Licensure with criminal, discipline and health history and open cases
- Multi-State Upgrade Applicants
- Other Items for Discussion

Education and Credentials "B" Committee

- Required Appearances
- Education Credentials
- Exemption Applicants
- Applicants for Licensure under Section 456.0635, FS
- CNA Applicants for Licensure under Section 435.04, FS
- LPN, RN, APRN Applicants for Licensure under Section 464.009, FS
- LPN, RN, APRN Applicants for License - Other
- Non-Compliance with Section 464.019, FS, Approval of Nursing Education Programs
- Non-Compliance with Section 464.019(11), FS, Accreditation Requirement
- Ratification Lists
- Items for Discussion
- Informational Items

Thursday @ 1:30 PM

Full Board

- CNA, LPN, RN, and APRN Discipline & General Business
- Reconsiderations
- Licensure Informal Hearings
- Declaratory Statements
- Petitions for Variance and Waiver
- Petitions for Hearing/Modifications
- Recommended Orders
- CNA Settlement Agreements
- LPN, RN, and APRN Settlement Agreements
- CNA Voluntary Relinquishments
- LPN, RN, and APRN Voluntary Relinquishments
- CNA Informal Hearings
- LPN, RN, and APRN Informal Hearings
- CNA Informal Waivers
- Practice Issues
- Advanced Practice Issues
- Special Education Issues
- Legislative Issues
- IPN & Board Reports – **Items may be considered on Thursday or Friday**

Friday @ 8:30 AM

Full Board

- CNA, LPN, RN, and APRN Discipline & General Business
- CNA Motion to Vacate
- LPN, RN, and APRN Motion to Vacate
- LPN, RN, and APRN Informal Waivers
- Reinstatements and Compliance Issues
- IPN & Board Reports

Credentials Summary of Conditions

CONTINUING EDUCATION

Required within 6 months of licensure

PROBATION (P1)

Standard terms

[A] Violate no laws

[B] Report changes in address, employer, arrests, or violations of probation or orders from another jurisdiction

[C] Quarterly self-reports

[D] Quarterly nursing employer reports

[G] Tolling

Direct supervision

[H] Direct supervision, regularly assigned unit, no employment by nurse registry, nurse employment agency or home health agency, no multiple employers or self-employment

IPN (V6)

V6A - must sign IPN contract

V6B - must have IPN evaluation and contract if recommended

V6C - must have IPN evaluation and contract if recommended; if contract not recommended, probation

Credentials “A” Committee

Thursday, August 5, 2021 at 8:30 AM

Call to Order

The meeting was called to order by the Committee Chair, Ms. McKeen at 8:40 a.m.

Roll Call

Board Members:

Deborah McKeen, BS, CD-LPN – Committee Chair
Maggie Hansen, MHSc, RN
Fidelia Roster, MSN, RN
Jody Rain, MHA, MBA-HM, RN
Robert Macdonald, MS

Attorneys:

Deborah Loucks, Senior Assistant Attorney General

Board Staff:

Joe Baker, Jr., Executive Director
Melissa Passet, Program Operations Administrator

A. Required Appearances

CNA

1. Parson, Mariah; 4401/806364- **Continued**

LPN, RN, and APRN

2. Neston, Johnny; 1701/691664- Present. A motion was made by Hansen to approve for single state. Motion passed unanimously.
3. Strobel, Jennifer; 1701/711032- Present. A motion was made by Hansen to approve for single state. Motion passed unanimously.

B. Pending Formal Denial

CNA

None

LPN, RN, and APRN

None

C. Applicants for Licensure

CNA

Prior Board Action

None

Juvenile Offense

None

Criminal History

Exam

1. White, Monika W; 4401/818617- A motion was made by Macdonald to approve. Motion passed unanimously.
2. Jones, Jakayla J; 4401/814309- A motion was made by Hansen to require an appearance. Motion passed unanimously.
3. Rosquete, Natalie N; 4401/818517- Present. A motion was made by Hansen to approve. Motion passed unanimously.

Endorsement

None

Discipline History

Exam

1. Evans, Kizzy K; 4401/538094- A motion was made by Roster to require an appearance. Motion passed unanimously.
2. Watson, Latoya K; 4401/804045- A motion was made by McKeen to deny based on prior discipline and crimes related to the practice. Motion passed unanimously.

Endorsement

None

Health History

None

False Answer on Application

Exam

1. Cantero, Nicole; 4401/812626- A motion was made by Hansen to deny based on misrepresentation and crimes related to the practice. Motion passed unanimously.

2. Cooper, Priscilla A; 4401/805756- A motion was made by Hansen to deny based on prior discipline, crimes related to the practice and misrepresentation. Motion passed unanimously.

Endorsement
None

Open Case
None

**LPN, RN, and APRN
Discipline History
Exam**

1. Sylvestre, Denise Berlana; 1701/719183- A motion was made by Roster to approve. Motion passed unanimously.

2. Slocum, Briana; 1701/715074- A motion was made by McKeen to deny based on failure to comply with a prior board order. Motion passed unanimously.

- Endorsement
3. Bogalis, Roxanne Donna-Shea; 1702/213106- **Continued**
4. Brown, Gina Rene; 1701/707645- A motion was made by Macdonald to approve. Motion passed unanimously.
5. Davis, Melissa; 1701/717211- A motion was made by Macdonald to approve. Motion passed unanimously.
6. Milligan, Katelyn Marie; 1701/695420- A motion was made by Hansen to approve. Motion passed unanimously.
7. Weierman, Amanda KayAnne; 1701/719186- A motion was made by McKeen to approve with a V6A. Motion passed unanimously.
8. Beach, Kaitlin Anne; 1702/213290- A motion was made by McKeen to approve with CEs in Ethics (8 hrs) & Legal Aspects (8 hrs) prior to licensure. Motion passed unanimously.
9. Black, Mark Ryan; 1701/705633- Present. A motion was made by Macdonald to approve with a V6A. Motion passed unanimously.
10. Flax, Janiece Doreen; 1702/213408- A motion was made by Macdonald to deny based on prior discipline. Motion passed unanimously.

11. Harness, Christina Nichole; 1701/710334- Present. A motion was made by Hansen to approve for single state with a V6A. Motion passed unanimously.
12. Hughes, Kendra Lavette; 1702/213094- A motion was made by McKeen to deny based on prior discipline and crimes related to the practice. Motion passed unanimously.
13. Saylor, Starla Lynn; 1701/724170- A motion was made by McKeen to require an appearance. Motion passed unanimously.
14. Toneff, Devin; 1701/694986- A motion was made by McKeen to approve for single state. Motion passed unanimously.
15. Cyr, Denise Mary; 1701/631977- A motion was made by McKeen to approve with a V6A. Motion passed unanimously.
16. Dixon, Sharmaine; 1702/214027- A motion was made by McKeen to approve. Motion passed unanimously.
17. Keller, Tanesa L; 1701/708203- A motion was made by Macdonald to deny based on prior discipline and failure to comply with a prior board order. Motion passed unanimously.
18. Hooper, Joseph M; 1701/562851- A motion was made by McKeen to approve for single state with a V6A. Motion passed unanimously.
19. Ayala, Jacqueline Renee; 1702/213665- A motion was made by McKeen to approve with a V6B and remedial course. Motion passed unanimously.

APRN

20. Eke-Huber, Esther Akunna; 1711/647743- A motion was made by Hansen to approve with prescribing restrictions concurrent to those in TX. Motion passed unanimously.
21. Polito, Dolores Jean; 1711/650783- A motion was made by Macdonald to approve. Motion passed unanimously.
22. St. Helen, Emlyne; 1711/650540- A motion was made by McKeen to approve with CEs in Ethics (2 hrs), Legal Aspects (2 hrs), Critical Thinking (2 hrs) and Laws & Rules (2 hrs) within 6 months, prior to licensure. Motion passed unanimously.

Prior Board Action

Exam

1. Augustin, Equila; 1701/690736- A motion was made by McKeen to approve with a V6A. Motion passed unanimously.

Endorsement

2. Gibson, Douglas Chadwick; 1701/686549- A motion was made by McKeen to approve with probation with the same terms and concurrent to that in MO. Motion passed unanimously.

3. Speiser, Kevin Paul; 1701/715066- A motion was made by McKeen to approve. Motion passed unanimously.

4. Wallace-Montgomery, Elizabeth A; 1702/182799- Present. A motion was made by McKeen to deny based on failure to comply with a prior board order. Motion passed unanimously.

APRN

None

Criminal History

Exam

None

Endorsement

1. Eder, Kenneth Allen; 1701/674893- Present. A motion was made by Macdonald to approve. Motion passed unanimously.

2. Stone, Shannon Gilchrist; 1701/721954- Present with attorney Ephraim Livingston. A motion was made by Macdonald to approve. Motion passed with McKeen in opposition.

APRN

3. Heimer, Kathryn; 1711/650093- A motion was made by McKeen to approve. Motion passed unanimously.

Health History

Exam

1. Desty, Jacqueline; 1702/208422- A motion was made by McKeen to approve. Motion passed with Hansen in opposition.

Endorsement

2. Vasi, Marco; 1701/717407- A motion was made by McKeen to approve. Motion passed unanimously.

3. Stacey, Sarah; 1701/712135- A motion was made by McKeen to approve with a V6A. Motion passed unanimously.

APRN

4. Stacey, Sarah; 1711/649498- A motion was made by McKeen to approve with a V6A. Motion passed unanimously.

Multi-State Upgrade

1. Guillaume, David Harrold; 1701/386120- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

2. Monroe, Tracey Lamont Jr; 1702/195755- Present. A motion was made by Hansen to accept the request to withdraw. Motion passed with McKeen in opposition.

3. Wiggins, Mercy D Stallworth; 1702/12471- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

4. Addison, Denosa Shantaire; 1702/200452- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

5. Rooks, Latashia; 1702/206945- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

6. Curry, Benjamin Scott; 1702/204963- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

7. Palomino, Tracey L; 1702/162592- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

False Answer on Application

Exam

1. Gonzalez, Eduardo; 1701/708319- Present. A motion was made by McKeen to approve for single state. Motion passed unanimously.

Endorsement

None

APRN

None

Other

Open Case

Exam

1. Crawford, Tiffany Tawanna; 1702/211413- Present. A motion was made by McKeen to approve with documentation of dismissal of the criminal case. Motion passed unanimously.

Endorsement

None

APRN

None

Staff Note

None

D. Other Items for Discussion

None

The meeting adjourned at 11:16 a.m.

Education & Credentials “B” Committee

Thursday, August 5, 2021 at 8:30 AM

Call to Order:

The meeting was called to order at 8:34 AM

Roll Call

Board Members:

Jody Bryant Newman, EdD, EdS, Consumer – Chair

Christine Mueller, DNP, RN, PCCN-K

Jose D. Castillo III, PhD, MSNA, CRNA, APRN

Heather Baumwald, Consumer

Deborah Becker, DNP, RN, CNE

Absent:

Mary Elizabeth “Libby” Flippo, MSN, MBA, RN- unexcused

Attorneys:

David Flynn, Senior Assistant Attorney General

Board Staff:

Nicole Benson, Program Operations Administrator

Sherri Sutton-Johnson, DrPH, MSN, RN, CCHW, Director of Nursing Education

Janet Doke, BSN, RN, Nursing Education Consultant

A. Required Appearances

CNA

None

LPN, RN, and APRN

1. Rodriguez Ozuna, Gleddys Francheska; 1701/663401-Present. A motion was made by Newman to approve with a remedial course. Motion passed unanimously.

B. Pending Formal Denial

CNA

None

LPN, RN, and APRN

1. Morales De Leon, Jose Carlos; 1701/686818-Present. A motion was made by Newman to accept the waiver of 90 days in order to obtain a new education evaluation. Motion passed unanimously.

C. Education Credentials

LPN, RN, and APRN

Exam

1. Anaraban, Emerencia Abo; 1701/718068- A motion was made by Baumwald to require an appearance. Motion passed unanimously.

2. Cobb Romero, Amy Lou; 1701/704800-**Pulled**

3. Dorado, Miki Vimari; 1701/715183-Present. A motion was made by Newman to approve. Motion passed unanimously.

4. Gargioni, Marika; 1701/719581- A motion was made by Newman to deny based on not meeting the education requirements. Motion passed unanimously.

5. Incoom, Elizabeth Ocansey; 1701/712320-**Pulled**

6. Mecnas, Ana Carina De Carvalho Carini; 1701/662778- A motion was made by Newman to approve with a remedial course. Motion passed unanimously.

7. Navalta, Kristia Loraine Valencia; 1701/720410- A motion was made by Newman to approve. Motion passed unanimously.

8. Rivera Hernandez, Joel; 1701/715086-Present. A motion was made by Newman to approve. Motion passed unanimously.

9. Sands, Betty Carolyn; 1701/707474- A motion was made by Mueller to require an appearance. Motion passed unanimously.

10. Brown, Orinthia Latoya; 1701/694463- A motion was made by Newman to approve with a remedial course. Motion passed unanimously.

11. Ravelo, Jo-Anna; 1701/708917-**Pulled**

12. Philip, Cherry; 1702/195929-Present. A motion was made by Newman to approve withdrawal of application. Motion passed unanimously.

13. Suarez, Veronica Mar; 1701/673728-Present. A motion was made by Newman to approve with a remedial course. Motion passed unanimously.

Endorsement
None

D. Exemption Applicants

CNA
None

LPN, RN, and APRN
None

E. Applicants for Licensure under 456.0635, FS

CNA
Exam
None

Endorsement
None

LPN, RN, and APRN
Exam
1. Gibson, Nadia; 1701/712947- A motion was made by Newman to deny based on 456.0635, FS. Motion passed unanimously.

Endorsement
2. Gibson, Nadia; 1702/212451- A motion was made by Newman to deny based on 456.0635, FS. Motion passed unanimously.

APRN
None

F. CNA Applicants for Licensure under Section 435.04, FS

Exam
None

Endorsement
None

G. LPN, RN, APRN Applicants for Licensure under Section 464.009, FS

None

H. LPN, RN, APRN Applicants for License – Other

None

I. Non-Compliance with Section 464.019, FS, Approval of Nursing Education Programs

1. **RN Approved or Accredited to Probation**

1. Azure College, Inc., ADN, US70701200, 1704/152-**Pulled**

2. **PN Approved or Accredited to Probation**

1. Med-Life Institute, PN, US70203800, 1705/137-Present and represented by Marie Pierre and Dr. Lemuel Pierre. A motion was made by Newman to accept the remediation plan. Motion approved unanimously.

2. Suncoast Technical College, PN, US70112700, 1705/319- A motion was made by Newman to have Board Counsel prepare a letter of non-compliance to be added to the file. Motion approved unanimously.

J. Non-Compliance with Section 464.019(11), FS, Accreditation Requirement

None

K. Ratification Lists

1. CNA Training Programs-A motion was made by Newman to approve. Motion passed unanimously.
2. Nursing Education Programs -A motion was made by Newman to approve. Motion passed unanimously.

3. Internationally Educated Ratification List-A motion was made by Newman to approve. Motion passed unanimously.

L. Items for Discussion

None

M. Informational Items

1. Accreditation Commission for Education in Nursing (ACEN)- Substantive Change Actions - April 2021
2. Accreditation Commission for Education in Nursing (ACEN)- Substantive Change Actions - May 2021
3. Accrediting Council for Independent Colleges & Schools (ACICS)- Removal of Licensure Outcomes Monitoring- Southern Technical College-Tampa
4. Accrediting Council for Independent Colleges & Schools (ACICS)- Continued Licensure Outcomes Reporting- Southern Technical College-Fort Myers
5. Commission on Collegiate Nursing Education (CCNE) Board Accreditation Action Notification- Updated
6. Advance Science International College- ACEN Candidacy Application
7. Chamberlain University College of Nursing-Miramar- July 2021 Session Academic Plan
8. Chamberlain University College of Nursing-Jacksonville- July 2021 Session Operation Update
9. West Palm Beach School of Nursing, LLC - Notification of New Ownership
10. Hosanna College of Health- Plan of Correction for Practical Nursing Program
11. 2021 2nd Quarter NCLEX-PN Score Reports - Jurisdiction Program Summary of All First-Time Candidates Licensed in All Jurisdictions
12. 2021 2nd Quarter NCLEX-PN - Number and Percent Passing of First-Time Candidates Educated in NRB Jurisdictions, By Degree Type
13. 2021 2nd Quarter NCLEX-RN Score Reports - Jurisdiction Program Summary of All First-Time Candidates Licensed in All Jurisdictions
14. 2021 2nd Quarter NCLEX-RN - Number and Percent Passing of First-Time Candidates Educated in NRB Jurisdictions, By Degree Type

The meeting was adjourned at 9:32 AM

Summary of Discipline

CONTINUING EDUCATION

Required within 6 months

PROBATION (P3)

Standard terms

[A] Violate no laws

[B] Report changes in address, employer, arrests, or violations of probation or orders from another jurisdiction

[C] Quarterly self-reports

[D] Quarterly nursing employer reports

[G] Tolling

Direct supervision

[H] Direct supervision, regularly assigned unit, no employment by nurse registry, nurse employment agency or home health agency, no multiple employers or self-employment
C1

PROBATION (P4)

Stayed suspension conditioned on compliance

IPN (V6)

V6A - suspension until entry into IPN, suspension stayed while compliant

V6B - suspension until IPN evaluation and contract if recommended, suspension stayed while compliant

V6C - suspension until IPN evaluation and contract if recommended suspension stayed while compliant; if contract not recommended probation

V6J - suspension until IPN evaluation; if contract not recommended, suspension for minimum period until appearance to demonstrate safety; upon reinstatement, probation for minimum period

SUSPENSION (V)

V1 - suspend until appearance to demonstrate safety

V2 - suspend until appearance to demonstrate safety with IPN coordinated evaluation

V3 - suspend for a minimum period and thereafter until appearance to demonstrate safety with IPN coordinated evaluation

V4 - suspend until fine and costs/bounced check paid

V5A – suspend until compliant with CEs

V5F - suspend until compliant with previous final order and costs from current case are paid

V9- suspend until new student loan payment terms are established, followed by probation for the duration of the loan and a fine equal to 10 percent of the defaulted loan amount

REVOCAATION

V8 - revocation

Guidelines for Acceptable Disciplinary CE

CE AREA	HOURS/OPTIONS	TYPICAL CONTENT
Anger Management	4 hr 8 hr	<ul style="list-style-type: none"> • Definition, assessment, management of anger • Positive anger management tools • Resources
Assessment	2 hr 8 hr 40 hr full course	<ul style="list-style-type: none"> • Health History, including cultural assessment • Fundamental physical assessment techniques • Assessing body systems: Integumentary, Respiratory, Cardiac, Gastrointestinal, Reproductive, Musculoskeletal, Neurological
Critical Thinking	2 hr 8 hr	<ul style="list-style-type: none"> • Definition • Characteristics and skills that demonstrate critical thinking • Strategies to improve ability to think critically
Delegation	2 hr 8 hr	<ul style="list-style-type: none"> • Aspects that a nurse needs to consider when delegating • Professional roles that a nurse cannot delegate • Process for effective delegation
Documentation	2 hr 8 hr	<ul style="list-style-type: none"> • Process of charting • Common charting errors • Implications of poor record keeping • Emerging issues, i.e., faxes, computers, HIPAA • Legal case review
Ethics	2 hr 8 hr (may be combined with Legal Aspects)	<ul style="list-style-type: none"> • Ethical decision making • Concepts of beneficence, justice and autonomy • History of ethics in nursing • Common ethical issues/case review, frameworks • Resources
Legal Aspects	2 hr 8 hr (may be combined with Ethics)	<ul style="list-style-type: none"> • Nursing Practice Act: purpose and role of Board; definitions of advanced, professional, and practical nursing; scope of practice; grounds for disciplinary actions • Delegation • Documentation & medical record keeping • Informed consent • Case review
LPN Supervision	30 hr	<ul style="list-style-type: none"> • Per 64B9-15 • Note: RNs may take this course; for CE credit for RNs, at least 2 hours must be on the RN role
Medication Administration	16 hr Supervised lab	<ul style="list-style-type: none"> • Standard abbreviations • Transcription of orders • Calculations, including pediatric dosages • Preparation and administration of oral, parental, intravenous medications, fluids • Legal responsibilities related to medication administration, observation, documentation, and record keeping • Common errors and strategies to avoid them
Pain Management	2 hr 8 hr	<ul style="list-style-type: none"> • Classifying acute and chronic pain • Assessment and reassessment strategies • Barriers to effective pain management; psychology of pain

CE AREA	HOURS/OPTIONS	TYPICAL CONTENT
		<ul style="list-style-type: none"> • Pain intensity scales • Pharmacological pain interventions • Non-pharmacological pain management • Interdisciplinary discharge planning • Patient/family education
Patient Rights	2 hr	<ul style="list-style-type: none"> • Specific rights protected by federal and state laws • Right to be informed • Right to exercise self-determination • Protection of personal privacy • Forms of abuse • Reporting violations
Pharmacology	16 hr 40 hr	<ul style="list-style-type: none"> • Classification systems • Drug forms, routes, actions, uses, precautions, interactions, and side effects • Computation and dosages • Asepsis • Resources
Professional Standards	Varies	<ul style="list-style-type: none"> • Programs on Standards from Professional Associations • Curriculums approved by Professional Associations • Examples (not limited to): Association of Operating Room Nurses, Association of Critical Care Nurses, American Nurses Association, Infusion Nurses Society, Oncology Nurses Association
Refresher Remedial Courses	80 didactic and 96 hours clinical	<ul style="list-style-type: none"> • All disciplinary board-ordered refresher or remedial courses require didactic and clinical components that are in compliance with 64B9-3.025. • Additional clinical hours in specialized or general areas may be specified
Universal Protocol		<ul style="list-style-type: none"> • Agency specific, agency provided in-services on JCAHO requirements for procedural timeout and other standards

Note: 2 & 8 hour courses offered by CE Providers; 40 hour courses may be offered by CE Providers but are more commonly part of a nursing program curriculum.

Disciplinary Hearings & General Business

Thursday, August 5, 2021 at 1:30 PM

Call to Order:

The meeting was called to order by the Board Chair, Ms. McKeen at 1:36 p.m.

Roll Call

Board Members:

Deborah McKeen, BS, CD-LPN – Chair
Jody Bryant Newman, EdD, EdS, Consumer – Vice Chair
Maggie Hansen, MHSc, RN
Christine Mueller, DNP, RN, PCCN-K
Jose D. Castillo III, PhD, MSNA, CRNA, APRN
Fidelia Roster, MSN, RN, CCRN, CNRN
Jody Rain, MBA-HM, BSN, RN, CEN
Robert Macdonald, MS, Consumer
Heather Baumwald, Consumer
Deborah Becker, DNP, RN, CNE

Absent:

Mary Elizabeth “Libby” Flippo, MSN, MBA, RN- unexcused

Attorneys:

Deborah Loucks, Senior Assistant Attorney General
David Flynn, Senior Assistant Attorney General
Matthew Witters, Chief Legal Counsel

Board Staff:

Joe Baker, Jr., Executive Director
Melissa Passett, Program Operations Administrator
Nicole Benson, Program Operations Administrator
Sherri Sutton-Johnson, DrPH, MSN, RN, CCHW, Director of Nursing Education
Janet Doke, BSN, RN, Nursing Education Consultant

Court Reporter (Full Board only):

Phipps Reporting – (888) 811-3408

I. CNA, LPN, RN, and APRN Discipline & General Business

Unlicensed Activity Presentation- Chilo Casas, Unlicensed Activity Liaison-
informational

A. Reconsiderations

CNA

1. Kuhn, Shirley; 4401/795702- Present and sworn in. A motion was made by McKeen to deny the request. Motion passed with Hansen and Castillo in opposition. A motion was made by Hansen to vacate the prior Intent to Approve with Conditions and approve the request to withdraw. Motion passed unanimously.

2. Tyson, Dinnell Sinclair CNA 352590 Case #2020-11485 File #734845- **Continued**

LPN, RN, and APRN

3. Ackerman, Clarissa; 1701/690987- A motion was made by McKeen to vacate the prior Intent to Approve with Conditions and approve the request to withdraw. Motion passed unanimously.

4. Philippe, Micette; 1702/206324- Present and sworn in. A motion was made by McKeen to deny the request. Motion passed with Mueller and Castillo in opposition.

5. Stepp, Theresa Burt; 1701/703099- A motion was made by McKeen to vacate the prior Intent to Approve with Conditions and approve the application. Motion passed with Newman in opposition.

Training Programs

6. FVI School of Nursing and Technology, 1557, 4402/631- Angela Botero, Program Director present and sworn in. A motion was made by McKeen to approve the request contingent upon proof of a tester in 2020. Motion passed unanimously.

7. S.T.E.P. Medical Teaching/Learning, Inc, 1380, 4402/394- A motion was made by McKeen to approve the request. Motion passed with Baumwald in opposition.

8. Pine Ridge High School, 1556, 4402/610- A motion was made by McKeen to approve the request. Motion passed unanimously.

9. Universal Training Center, 1530, 4402/582- **pulled**

Dr. Newman left the meeting at 3:46 p.m.

The meeting recessed from 3:46 p.m. – 4:07 p.m.

B. Licensure Informal Hearings

CNA

None

LPN, RN, and APRN

Motion to Deny Formal Request and Proceed to Informal

1. O'Hara, Megan Marie; 1701/406026- A motion was made by McKeen to deny the request for a formal hearing. Motion passed unanimously. A motion was made by McKeen to adopt the findings of fact in the original Intent to Deny. Motion passed unanimously.

C. Declaratory Statements

1. Haight, Tish APRN 9165333 File #1711/250252; Reference: Section 464.003(2) and 464.003(3), FS, regarding whether the intravenous administration of low dose Ketamine for the purpose of pain control in the acute care hospital setting is within the scope of practice of the Advanced Practice Registered Nurse. Present and sworn in. A motion was made by Castillo to grant the request, with the additional clarification of "per hour" to the dosage. Motion passed with McKeen, Baumwald and Becker in opposition.

D. Petitions for Waiver and Variance

None

E. Petitions for Hearing/ Modifications

None

F. Recommended Orders

1. Neville, Heather Ann; 1701/681311, DOAH Case #21-0346- Present and sworn in. A motion was made by McKeen to grant respondent's Exception 1. Motion passed unanimously. A motion was made by McKeen to grant respondent's Exception 2. Motion passed unanimously. A motion was made by McKeen to grant respondent's Exception 3. A motion was made by McKeen to accept the Findings of Fact as set forth in the Recommended Order. A motion was made by McKeen to accept the conclusions of law as set forth in the Recommended Order. Motion passed unanimously. A motion was made by McKeen to approve with a V6B and a remedial course. Motion passed unanimously.

2. Fernandez, Manuel; 1701/695732, DOAH Case #21-0384- A motion was made by McKeen to accept the Findings of Fact as set forth in the Recommended Order. A motion was made by McKeen to accept the conclusions of law as set forth in the Recommended Order. Motion passed unanimously. A motion was made by McKeen to adopt the recommendation as set forth in the Recommended Order and deny the application. Motion passed unanimously.

3. D'Amico, Fransetta Coen RN 9184977 Case #2018-11927 File #272444- A motion was made by McKeen to grant petitioner's Exception 1. Motion passed unanimously. A motion was made by McKeen to grant petitioner's Exception 2. Motion passed unanimously. A motion was made by McKeen to grant petitioner's Exception 3. Motion passed unanimously. A motion was made by McKeen to accept the amended Findings of Fact and Conclusions of Law as set forth in the Recommended Order. A motion was made by McKeen to impose a reprimand and costs to be bifurcated. Motion passed unanimously. A motion was made by McKeen to find the respondent violated the practice act. Motion passed unanimously.

G. CNA Settlement Agreements

No Recused Member- A motion was made by McKeen to approve. Motion passed unanimously.

1. Albritton, Mychela D. CNA 304779 Case #2018-27262 File #621264 **(\$940.37)**

H. LPN, RN, and APRN Settlement Agreements

No Recused Member- A motion was made by McKeen to approve. Motion passed unanimously.

1. Laguardia, Larisa RN 9368439 Case #2017-02187 File #475691 **(\$2,340.45)**
2. Hinds, Gwendolyn LPN 1307131 Case #2020-22928 File #68465 **(\$3,030.14)**
3. DeGennaro, Catherine Maria RN 9340397 Case #2020-35983 File #432992 **(\$1,262.70)**
4. Fitzpatrick, Terri RN 9409999 Case #2020-33726 File #527287 **(\$8,395.12)**
5. Yang, Hsueh Fang RN 9364147 Case #2019-05819 File #467932 **(\$3,015.18)**

Recused Member: Maggie Hansen- A motion was made by McKeen to approve. Motion passed unanimously.

6. Curtis, Leah Rene RN 9315432 Case #2021-03961 File #407407 **(\$3,756.04)**

No Recused Member- A motion was made by McKeen to approve. Motion passed unanimously.

7. Houghton, Denise LPN 5160427 Case #2020-38281 File #104855 **(\$1,242.87)**
8. Duff, Sara Anne RN 9456848 Case #2018-25436 File #577282 **(\$633.02)**
9. Pedigo, Darren LPN 5162308 Case #2020-00666 File #107261 **(\$3,654.90)**
10. Sainfort, Keisha K. RN 9506346, LPN 5208737 Case #2020-11605 & #2020-11630 File #637226 & #158358 **(\$2,293.58)**

11. Nieves-Morales, Abdiel D. RN 9321924 Case #2020-27464 File #416177 **(\$1,350.25)**

**Recused Member: Maggie Hansen- A motion was made by McKeen to approve.
Motion passed unanimously.**

12. Valme, Naomie Soraya LPN 5237880 Case #2020-36172 File #197960 **(\$2,381.08)**

13. Mendoza, Karen RN 9484032 Case #2020-27017 File #616430 **(\$2,312.41)**

**Recused Member: Deborah McKeen- A motion was made by Hansen to approve.
Motion passed unanimously.**

14. Chiu-Koehler, Rachel RN 9284624 Case #2020-26211 File #383139 **(\$861.18)**

**Recused Member: Jody Bryant Newman- A motion was made by McKeen to approve.
Motion passed unanimously.**

15. Arnett, Christina Louise RN 9479694 Case #2021-01997 File #613557 **(\$1,626.06)**

16. Illes, Ernest John RN 9421305 Case #2020-34476 File #524520 **(\$2,761.97)**

I. CNA Voluntary Relinquishments

No Recused Member- A motion was made by McKeen to approve. Motion passed unanimously.

1. Gonzalez, Miguel Angel G. CNA 154366 Case #2020-35780 File #426755

2. Barnes, Kiera CNA 334585 Case #2020-38614 File #706064

**Recused Member: Maggie Hansen- A motion was made by McKeen to approve.
Motion passed unanimously.**

3. Hyman, Tiarra K. CNA 353822 Case #2020-14400 File #733895

**Recused Member: Jody Bryant Newman- A motion was made by McKeen to approve.
Motion passed unanimously.**

4. King, Jaylen Dawn CNA 381320 Case #2020-01965 File #779258

J. LPN, RN, and APRN Voluntary Relinquishments

No Recused Member- A motion was made by McKeen to approve. Motion passed unanimously.

1. Burgham, David Allen RN 9188731 Case #2021-12028 File #277399

2. Morales, Savannah D. RN 9495606 Case #2020-28587 File #631578

3. Pickard, Laurie Ann RN 9516506 Case #2020-35631 File #658418

4. Michael, Sharmila Mark RN 9166392 Case #2020-14476 File #250802

**Recused Member: Jody Bryant Newman- A motion was made by McKeen to approve.
Motion passed unanimously.**

5. Bray, Sharon Elaine RN 9237710 Case #2020-11378 File #330907

K. CNA Informal Hearings

The board, as appropriate, accepted unanimously the following motions: 1). The Department asks that you accept the investigative report into evidence. 2). The Department asks that you find that the Respondent was properly served and waived the right to a formal hearing. 3). The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

No Recused Member

1. Barnes Harvey, Andrea J. CNA 337299 Case #2020-38335 File #709689- A motion was made by McKeen to impose costs of \$98.99 and CEs in Legal Aspects (8 hrs) & Anger Management (8 hrs) within one year. Motion passed unanimously.
2. Catlin, Velma CNA 228969 Case #2020-30680 File #540094- A motion was made by McKeen to impose a V8. Motion passed unanimously.
3. Stallworth, Tyler CNA 367257 Case #2019-24592 File #759012- Present and sworn in. A motion was made by McKeen to impose costs of \$114.26, a reprimand, and CEs in Legal Aspects (2 hrs) and Ethics (2 hrs). Motion passed unanimously.

Recused Member: Maggie Hansen

4. Word, Shawn J. CNA 172286 Case #2020-33045 File #455871- A motion was made by McKeen to impose costs of \$1,740.42 and a V6A. Motion passed unanimously.

Recused Member: Heather Baumwald

5. Rodriguez, Cassandra L. CNA 346095 Case #2019-19065 File #722429- **Continued**

L. LPN, RN, and APRN Informal Hearings

The board, as appropriate, accepted unanimously the following motions: 1). The Department asks that you accept the investigative report into evidence. 2). The Department asks that you find that the Respondent was properly served and waived the right to a formal hearing. 3). The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

No Recused Member

1. Hendershot, Amanda Michelle RN 9470147 Case #2018-00234 File #586985- A motion was made by McKeen to impose costs of \$1,121.32, a reprimand, a \$150 fine, and a CE in Legal Aspects (8 hrs) within six months. Motion passed unanimously.
2. Breton, Marie E. RN 2982572 Case #2020-28882 File #162531- A motion was made by McKeen to impose costs of \$1,114.76 and a V6J and if no monitoring needed, a 1 year suspension and jurisdiction retained for the period of probation. Motion passed unanimously.

3. Guillaume, Ewana LPN 5216653 Case #2019-28520 File #170825- A motion was made by McKeen to impose a V8. Motion passed unanimously.

Recused Member: Maggie Hansen

4. Moss III, Charles Harrelson APRN 11001615 Case #2020-34331 File #636480- Present and sworn in. A motion was made by Newman to impose costs of \$134.26, suspension until the AL license is reinstated, and CEs in Legal Aspects (8 hrs), Ethics (8 hrs) and Medication Administration (16 hrs) within one year. Motion passed with Baumwald in opposition.

5. Jones, Shantrell Rogina LPN 5196160 Case #2020-38602 File #145552- Present and sworn in. A motion was made by McKeen to impose costs of \$706.93 and a V6A. Motion passed unanimously.

6. Jones, Shantrell Rogina RN 9529116 Case #2020-38154 File #672014- Present and sworn in. A motion was made by McKeen to impose costs of \$1,180.40 and a V6A. Motion passed unanimously.

7. Rhoden, Tiffany O. RN 9377069 Case #2020-22840 File #484868-**Continued**

C. CNA Informal Waivers

The board, as appropriate, accepted unanimously the following motions: 1). The Department asks that you accept the investigative report into evidence. 2). The Department asks that you find that the Respondent was properly served and waived the right to a formal hearing (either by failing to respond at all or timely). 3). The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

No Recused Member

1. Saunders, Ebony M. CNA 296530 Case #2018-27006 File #640240- A motion was made by McKeen to impose a V8. Motion passed unanimously.

2. Champion, Veronica M. CNA 344487 Case #2021-05157 File #720979- A motion was made by McKeen to impose a V8. Motion passed unanimously.

3. Fortin, Jennifer CNA 366408 Case #2020-36911 File #758062- A motion was made by McKeen to impose costs of \$609.08 and a V6B. Motion passed unanimously.

4. Powell, Armani A. CNA 384977 Case #2020-10180 File #781008- **Pulled**

5. Ridgeway, Nancy A. CNA 73188 Case #2020-34973 File #85625- A motion was made by McKeen to impose costs of \$1,089.09 and a V6A. Motion passed unanimously.

Recused Member: Maggie Hansen

6. Wells, Autumn Marie CNA 173543 Case #2020-23826 File #457320- A motion was made by McKeen to impose a V8. Motion passed unanimously.

7. Carree, Cozie CNA 289979 Case #2020-22997 File #623265- **pulled**

Recused Member: Deborah McKeen

8. Wiggins, Eugene CNA 351580 Case #2020-12671 File #722311- A motion was made by Hansen to impose a V8. Motion passed unanimously.

Recused Member: Heather Baumwald

9. Few, Lanaysha L. CNA 324487 Case #2017-01648 File #685842- A motion was made by McKeen to impose costs of \$1,165.15, a reprimand, a \$100 fine and CEs in Legal Aspects (2 hrs) and Ethics (2 hrs) within six months. Motion passed unanimously.

10. Meyers, Celeste CNA 379618 Case #2020-01963 File #766015- A motion was made by McKeen to impose a V8. Motion passed unanimously.

11. Hoyt, Kyla R. CNA 351883 Case #2018-12955 File #733024- A motion was made by McKeen to impose a V8. Motion passed unanimously.

Recused Member: Jody Bryant Newman

12. Diamond, Hillary A. CNA 233568 Case #2021-02490 File #533324- A motion was made by McKeen to impose a V8. Motion passed unanimously.

The meeting recessed from 5:05 p.m. – 5:15 p.m.

II. Other

A. Practice Issues

None

B. Advanced Practice Issues

None

C. Special Education Issues

None

D. Legislative Issues

None

III. Intervention Project for Nurses

1. State Reports
 - A. May 2021
 - B. June 2021
2. IPN Agenda
3. August 2021 Meeting Report
4. Performance Measures and Standards- Quarterly Summary Report – 4th Quarter FY 20-21

Dr. Shannon Opie provided a brief update on the monthly reports for May and June 2021. She informed the board of steps IPN has taken to adjust their operations, while still ensuring public protection and to help with nursing shortages, as well as recent and upcoming conferences.

IV. Board Reports

A. Board Chair

Ms. McKeen reported issues with low vaccination rates and staffing shortages in her area.

B. Board Members

Mr. Macdonald gave the board members an overview of the Prescription Drug Monitoring Program and his experience as Executive Director of the Foundation.

Ms. Hansen gave an update on the far-reaching effects of the current pandemic as she has seen in her facilities and the impact it has had on staff, and the changes it has necessitated.

Ms. Roster echoed Ms. Hansen's sentiments.

C. Board Counsel

1. Rules Report- informational
 - A. June 2021
 - B. July 2021
2. Litigation Update- Ms. Loucks gave the board an update on the status of recent appeals.

3. Rule 64B9-4.002, FAC- Requirements for Licensure- A motion was made by McKeen to approve the proposed amendment. Motion passed unanimously. A motion was made by McKeen to acknowledge that the proposed amendment would not have an adverse effect on small businesses or likely directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Motion passed unanimously. A motion was made by McKeen that a violation of this rule would not constitute a minor violation. Motion passed unanimously. A motion was made by McKeen that the proposed rule should not be subject to sunshine review. Motion passed unanimously.

64B9-4.002 Requirements for Licensure.

(1) In accordance with the provisions of Section 464.012, F.S., any person who wishes to be licensed as an Advanced Practice Registered Nurse shall submit a completed Advanced Practice Registered Nurse (APRN) Application, form number DH-MQA 1124, 08/2020, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12522>, and Financial Responsibility, form number DH-MQA 1186, 08/2021 ~~1-09~~, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07539>, or from the Board office or on the Board's website: www.FloridasNursing.gov.

(2) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

- (a) Council on Certification of Nurse Anesthetists, or Council on Recertification of Nurse Anesthetists, or their predecessors.
 - (b) American College of Nurse Midwives.
 - (c) American Nurses Association (American Nurses Credentialing Center) Nurse Practitioner level examinations only.
 - (d) National Certification Corporation for OB/GYN, Neonatal Nursing Specialties (nurse practitioner level examination only).
 - (e) National Board of Pediatric Nurse Practitioners and Associates (Pediatric Nurse Associate/Practitioner level examinations only).
 - (f) National Board for Certification of Hospice and Palliative Nurses.
 - (g) American Academy of Nurse Practitioners (nurse practitioner level examination only).
 - (h) Oncology Nursing Certification Corporation.
 - (i) American Association of Critical-Care Nurses (AACN Certification Corporation) Adult Acute Care Nurse Practitioner Certification (ACNPC).
 - (j) Psychiatric Mental Health Nurse Practitioner Certification (family) (ANCC).
 - (k) Family Psychiatric and Mental Health Nurse Practitioner (ANCC).
 - (l) Adult Psychiatric and Mental Health Nurse Practitioner (ANCC).
 - (m) Psychiatric Adult CNS (ANCC).
 - (n) Psychiatric Mental Health CNS-Child Adolescent (ANCC).
- (3) Nursing specialty boards shall meet the following standards:
- (a) Attest to the competency of nurses in a clinical specialty area;
 - (b) Require a written examination prior to certification;
 - (c) Require (and required at the time of original certification) completion of a formal program prior to eligibility of examination;
 - (d) Maintain a program accreditation or review mechanism that adheres to criteria which are substantially equivalent to requirements in Florida;
 - (e) Identify standards or scope of practice statements as appropriate for the specialty.

Rulemaking Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.0391, 456.048, 456.049, 456.072(1)(f), 464.012, 464.018(1)(b), 456.0135, 456.0635 FS. History--New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 210-11.23, Amended 3-19-87, 4-6-92, Formerly 210-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06, 6-4-09, 12-6-10, 1-3-12, 10-22-12, 1-20-14, 11-15-16, 3-14-17, 10-1-18, 3-13-19, 1-7-21.

4. Rule 64B9-8.006, FAC- Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances- A motion was made by McKeen to approve the proposed language. Motion passed unanimously. A motion was made by McKeen to acknowledge that the proposed amendment would not have an adverse effect on small businesses or likely directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Motion passed unanimously. A motion was made by McKeen that a violation of this rule would not constitute a minor violation. Motion passed unanimously. A motion was made by McKeen that the proposed rule should not be subject to sunshine review. Motion passed unanimously.

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The legislature created the Board to assure protection of the public from nurses who do not meet minimum requirements for safe practice or who pose a danger to the public. The suspensions, restrictions of practice, and conditions of probation used by the Board in discharging its duties under Sections 464.018 and 456.072, F.S., shall include, but are not limited to, the following:

(a) Suspension until appearance before the Board or for a definite time period and demonstration of ability to practice safely.

(b) Suspension until appearance before the Board, or for a definite time period, and submission of mental or physical examinations from professionals specializing in the diagnosis or treatment of the suspected condition, completion of counseling, completion of continuing education, and ability to practice safely.

(c) Suspension until fees and fines paid or until proof of continuing education completion submitted.

(d) Suspension until evaluation by and treatment in the Intervention Project for Nurses.

(e) Suspension stayed so long as the licensee complies with probationary conditions.

(f) Probation with the minimum conditions of not violating laws, rules, or orders related to the ability to practice nursing safely, keeping the Board advised of the nurse’s address and employment, and supplying both timely and satisfactory probation and employer/supervisor reports, or the requirement that work must be under direct supervision on a regularly assigned basis.

(g) Probation with specified continuing education courses in addition to the minimum conditions. In those cases involving unprofessional conduct or substandard practice, including recordkeeping, the Board finds continuing education directed to the practice deficiency to be the preferred punishment.

(h) Personal appearances before the Board to monitor compliance with the Board’s order.

(i) Administrative fine and payment of costs associated with probation or professional treatment.

(2) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners or telehealth providers registered under section 456.47(4), F.S. and applicants for licensure guilty of violating chapters 464 and 456, F.S. The purpose of the disciplinary guidelines is to give notice to licensees and applicants of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 464 and 456, F.S.

For telehealth registrants, a suspension may be accompanied by a corrective action plan to be completed prior to reinstatement of the suspended registration or the corrective action plan may follow a suspension for a definite term.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees or telehealth registrants for violation of the noted statutes and rules:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or board. (Section 456.072(1)(h) or 464.018(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 fine and probation	\$10,000 fine and revocation
SECOND OFFENSE	\$5,000 fine, suspension or probation	\$10,000 fine and revocation

FOR TELEHEALTH REGISTRANTS	Denial of license	Revocation

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of this or any other state, territory or country. (Section 456.072(1)(f) or 464.018(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Letter of concern	Imposition of same penalty that would be imposed if the violation had occurred in Florida
SECOND OFFENSE	Imposition of same penalty that would be imposed if the violation had occurred in Florida	Revocation
FOR TELEHEALTH REGISTRANTS	Imposition of same penalty that would be imposed if the violation had occurred in Florida, or denial of license	Revocation

(c) Criminal Violations:

1. Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing. (section 456.072(1)(c), 464.018(1)(c), or 456.072(1)(ii), (ll), F.S.) or

2. Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a crime under specifically identified state or federal status. (section 464.018(1)(d), 464.018(1)(e), or 456.072(1)(ii) or (ll), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand	Revocation
SECOND OFFENSE	Suspension	Revocation
FOR TELEHEALTH REGISTRANTS	Reprimand	Revocation

(d) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so; Intentionally submitting a claim, statement or bill that has been upcoded as defined in section 627.736, F.S., for a PIP claim or for services that were not rendered. (section 456.072(1)(l), (ee) or (ff) or 464.018(1)(f), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, continuing education or probation	\$ 5 40,000 fine and suspension
SECOND OFFENSE	\$500 fine and suspension	\$10,000 fine and revocation
FOR TELEHEALTH REGISTRANTS	Reprimand	Suspension with a corrective action plan or revocation

(e) False, misleading or deceptive advertising. (Section 464.018(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine and probation	\$500 fine and suspension
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Letter of concern	Reprimand

<u>FOR TELEHEALTH REGISTRANTS SECOND OFFENSE</u>	<u>Suspension with corrective action plan</u>	<u>Revocation</u>

(f) Unprofessional conduct as defined by rule 64B9-8.005, F.A.C. (section 464.018(1)(h), F.S.).

1. Subsections 64B9-8.005(1) and (2), F.A.C.

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250 fine, and continuing education	\$500 fine and suspension with IPN evaluation or probation
SECOND OFFENSE	\$500 fine, suspension and IPN evaluation	Revocation
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Reprimand</u>	<u>Suspension with corrective action plan</u>
<u>FOR TELEHEALTH REGISTRANTS SECOND OFFENSE</u>	<u>Suspension with corrective action</u>	<u>Revocation</u>

2. Subsections 64B9-8.005(5), (6), (7), (9), (10), (11), (12) and (13), F.A.C.

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$500 fine and continuing education	Revocation
SECOND OFFENSE	\$1,000 fine, suspension or probation	Revocation
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Reprimand</u>	<u>Revocation</u>

3. Subsections 64B9-8.005(3), (8) and (14), F.A.C.

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250 fine, and continuing education	\$500 fine and probation
SECOND OFFENSE	\$750 fine, suspension or and probation	Revocation
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Reprimand</u>	<u>Suspension with corrective action</u>
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Suspension with corrective action plan</u>	<u>Revocation</u>

4. Subsection 64B9-8.005(4), F.A.C.

	MINIMUM	MAXIMUM
FIRST OFFENSE	Revocation	
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Revocation</u>	

5. Subsection 64B9-8.005(15), F.A.C.

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$5,000 fine	Revocation
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Reprimand to suspension with corrective action plan</u>	<u>Revocation</u>

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(g) Engaging or attempting to engage in the possession, sale or distribution of controlled substances as set forth in chapter 893, F.S. for illegitimate purposes; being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition; testing positive for any drug, as defined in section 112.0455, F.S., on any confirmed pre-employment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug; or being terminated from a treatment program for impaired practitioners for failure to comply without good cause with the terms of the monitoring or treatment contract, or not successfully completing a drug or alcohol treatment program. (section 456.072(1)(z), (aa), or (hh), or 464.018(1)(i) or (j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, suspension and IPN evaluation	\$500 fine, suspension, or revocation
SECOND OFFENSE	\$500 fine, suspension and IPN evaluation	Revocation
FOR TELEHEALTH REGISTRANTS	Suspension with corrective action plan	Revocation

(h) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant. (section 456.072(1)(i) or 464.018(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine and continuing education	\$250 fine and probation
SECOND OFFENSE	\$250 fine and probation	\$500 fine, continuing education and suspension
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Letter of Concern	Reprimand
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Reprimand to suspension with corrective action plan	Revocation

(i) Knowingly violating any provision of Chapter 456 or 464, F.S., a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department; or failing to perform any statutory or legal obligation placed on a licensee. (Section 456.072(1)(b), (k) or (q), (dd), or 464.018(1)(l) or (o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and <u>suspension until compliance</u> with rule or terms of prior order	\$500 fine and suspension until compliant with rule or terms of prior order, or revocation
SECOND OFFENSE	\$500 fine and suspension until compliant with rule or terms of prior order	Revocation
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Reprimand	Suspension with corrective action plan
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Suspension with corrective action	Revocation

(j) Failing to report to the department any licensee under chapter 458, or 459, F.S., who the nurse knows has violated the grounds for disciplinary

action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, F.S., or a health maintenance organization certificated under part I of chapter 641, F.S., in which the nurse also provides services. (Section 464.018(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand	Revocation
<u>SECOND OFFENSE</u>	<u>Suspension or probation</u>	<u>Revocation</u>
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Reprimand</u>	<u>Revocation</u>

(k) 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, or practicing; or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (Section 456.072(1)(o), (gg) or 464.018(1)(n), (p), (q) or 456.44(3), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250 fine, and continuing education	Revocation
<u>SECOND OFFENSE</u>	<u>Reprimand, \$500 fine, suspension or probation</u>	<u>Revocation</u>
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Reprimand</u>	<u>Revocation</u>

(l) Making misleading, deceptive or fraudulent representations in or related to the practice of the licensee’s profession or making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(a) or (m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand and \$250 fine	\$10,000 fine and suspension, or revocation
SECOND OFFENSE	\$500 fine and suspension	\$10,000 fine and revocation
<u>FOR TELEHEALTH REGISTRANTS</u>	<u>Reprimand</u>	<u>Suspension with corrective action plan</u>
<u>FOR TELEHEALTH REGISTRANTS SECOND OFFENSE</u>	<u>Suspension with corrective action plan</u>	<u>Revocation</u>

(m) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted under section 501.122(2), F.S., governing the registration of the devices. (Section 456.072(1)(d), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand and \$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine and probation	\$500 fine and suspension
<u>FOR TELEHEALTH REGISTRANTS FIRST OFFENSE</u>	<u>Reprimand</u>	<u>Suspension with corrective action plan</u>
<u>FOR TELEHEALTH REGISTRANTS SECOND OFFENSE</u>	<u>Suspension with corrective action plan</u>	<u>Revocation</u>

(n) Failing to comply with the educational course requirements. (Section 456.072(1)(e) or (s), 464.013(3)(b), F.S., or rule 64B9-5.002, F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand and \$250 fine	\$500 fine and suspension until licensee complies
SECOND OFFENSE	\$500 fine and suspension until licensee complies	\$750 fine, suspension until licensee complies followed by probation
FOR TELEHEALTH REGISTRANTS	Not applicable	

(o) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand and \$250 fine	\$500 fine and suspension
SECOND OFFENSE	\$500 fine and suspension or probation	Revocation
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Reprimand	Suspension with corrective action plan
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Suspension with corrective action plan	Revocation

(p) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board, or delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(j), (p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and continuing education	\$500 fine and probation or suspension, or revocation
SECOND OFFENSE	\$500 fine and probation or suspension	Revocation
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Reprimand	Suspension with corrective action plan
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Suspension with corrective action plan	Revocation

(q) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party. (Section 456.072(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	Revocation
SECOND OFFENSE	\$500 fine and suspension or probation	Revocation
FOR TELEHEALTH REGISTRANTS	Reprimand to suspension with corrective action plan	Revocation

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r),

F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand and \$250 fine	\$500 fine and suspension
SECOND OFFENSE	\$500 fine, <u>suspension or and probation</u>	Revocation
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> FIRST OFFENSE	Reprimand	Suspension with corrective action plan
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> SECOND OFFENSE	Suspension with corrective action plan	Revocation

(s) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. (Section 456.072(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Letter of concern	Reprimand and \$200 fine
SECOND OFFENSE	Reprimand and \$500 fine	\$500 fine and probation
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> FIRST OFFENSE	Letter of concern	Reprimand
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> SECOND OFFENSE	Suspension with corrective action plan	Revocation

(t) Failing to comply with the requirements of sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine and continuing education	\$250 fine and probation
SECOND OFFENSE	\$500 fine and probation	\$500 fine and suspension
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> FIRST OFFENSE	Letter of concern	Reprimand
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> SECOND OFFENSE	Suspension with corrective action plan	Revocation

(u) Engaging or attempting to engage in sexual misconduct as defined and prohibited in section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, <u>and suspension and IPN evaluation</u>	\$500 fine and suspension, or revocation
SECOND OFFENSE	Revocation	Revocation
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u>	Suspension with corrective action plan	Revocation

(v) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application. (Section 456.072(1)(w), 456.041(8) or 456.44(2), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand and \$250 fine	\$500 fine and suspension until compliant
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension until compliant
FOR <u>TELEHEALTH</u> REGISTRANTS	Not applicable	

For failure to verify the profile contents and to correct any factual errors in the licensee’s profile within the 30-day period in section 456.041(8), F.S.:
A fine of \$50 per day.

(w) Failing to report to the board, ~~or the department if there is no board~~, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F. S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250 fine and continuing education	\$500 fine and probation
SECOND OFFENSE	\$500 fine, suspension or and probation	Revocation
FOR <u>TELEHEALTH</u> REGISTRANTS FIRST OFFENSE	Reprimand	<u>Suspension with corrective action plan</u>
FOR <u>TELEHEALTH</u> REGISTRANTS	Suspension with corrective action plan	Revocation

(x) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents under section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in the accidents. (Section 456.072(1)(y), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand and \$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine and probation	\$500 fine and suspension followed by probation
FOR <u>TELEHEALTH</u> REGISTRANTS FIRST OFFENSE	Letter of concern	Reprimand
FOR <u>TELEHEALTH</u> REGISTRANTS SECOND OFFENSE	Reprimand	<u>Suspension with corrective action plan</u>

(y) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient’s diagnosis or medical condition or leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. (Section 456.072(1)(bb) or (cc), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250 and continuing education	Reprimand, \$500 fine and continuing education
SECOND OFFENSE	\$500 fine and probation	\$750 <u>fine</u> and suspension

FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Letter of concern	Reprimand
FOR TELEHEALTH REGISTRANTS	Suspension with corrective action plan	Revocation

(z) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement (Section 456.072(1)(jj), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 fine and reprimand	Suspension until payment is made
SECOND OFFENSE	Suspend until payment is made	Revocation
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Reprimand	Suspension with corrective action plan
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Suspension with corrective action plan	Revocation

(aa) Being terminated from the state Medicaid program pursuant to section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored. (Section 456.072(1)(kk), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 fine and Reprimand	Revocation
SECOND OFFENSE	Revocation	Revocation

(bb) Violating any provision of section 390.0111, F.S. (Section 390.0111(13), F.S.)

	MINIMUM	MAXIMUM
	Letter of Concern	Letter of Concern

(cc) Failing to consult the prescription drug monitoring system, as required by section 893.055(8), F.S. (Section 456.072(1)(k), F.S.)

	MINIMUM	MAXIMUM
SECOND OFFENSE	\$250 fine and Reprimand	Suspension and \$500 fine

(dd) Failing to report adverse incidents occurring in planned out-of-hospital births as required by section 456.0495, F.S. (Section 456.072(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and reprimand	\$500 fine and suspension
SECOND OFFENSE	\$500 fine and suspension	Revocation

(ee) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients. (Section 456.072(1)(gg), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$1,000 fine and one year probation	\$5,000 fine and suspension followed by probation
SECOND OFFENSE	\$5,000 fine and suspension followed by probation	Revocation

(ff) Providing information, including written documentation, indicating that a person has a disability or supporting a person's need for an

emotional support animal (under s. 760.27, F.S.) without personal knowledge of the person's disability or disability-related need for the specific emotional support animal. (Section 456.072(1)(pp), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and reprimand	\$500 fine and suspension
<u>SECOND OFFENSE</u>	\$1,000 fine and suspension	Revocation
<u>FOR TELEHEALTH REGISTRANTS FIRST OFFENSE</u>	Reprimand	Suspension with corrective action plan
<u>FOR TELEHEALTH REGISTRANTS SECOND OFFENSE</u>	Suspension with corrective action plan	Revocation

(gg) Intentionally implanting or inseminating a patient or causing a patient to be implanted with a human embryo or inseminating a patient without consent. (Section 456.072(1)(qq), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$500 fine, suspension or probation	Revocation
<u>SECOND OFFENSE</u>	\$1,000 fine, suspension	Revocation

(hh) Failure to comply with the parental consent requirements of s.1014.06, F.S.. (Section 456.072(1)(rr), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	Reprimand, \$250 fine, and continuing education	Suspension or probation
<u>SECOND OFFENSE</u>	\$500 fine; suspension or probation	Revocation

(ii) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any offense listed in s.456.074(5), FS or similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	Reprimand, suspension or probation	Revocation
<u>SECOND OFFENSE</u>	Suspension	Revocation

(jgg)Failing to display hyperlink on telehealth registrant's website. (Section 456.47(4)(c), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FOR TELEHEALTH REGISTRANTS FIRST OFFENSE</u>	Letter of concern	Suspension with corrective action plan
<u>FOR TELEHEALTH REGISTRANTS SECOND OFFENSE</u>	Reprimand	Revocation

(kkgg) Opening an office in Florida or providing in-person healthcare services to patients in Florida. (Section 456.47(4)(f), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FOR TELEHEALTH REGISTRANTS FIRST OFFENSE</u>	Suspension with corrective action plan	Revocation

FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Revocation	
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(llh) Failing to report disciplinary action by another jurisdiction including pending disciplinary action. (Section 456.47(4)(d), F.S.)

	MINIMUM	MAXIMUM
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Reprimand	Revocation
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Suspension with a corrective action plan	Revocation

(4) In licensure and disciplinary matters involving impairment, the applicant or licensee may be referred to IPN in addition to the imposition of the above-outlined disciplinary action.

(5)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing following a formal hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which may be considered for purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

1. The danger to the public.
2. Previous disciplinary action against the licensee in this or any other jurisdiction.
3. The length of time the licensee has practiced.
4. The actual damage, physical or otherwise, caused by the violation.
5. The deterrent effect of the penalty imposed.
6. Any efforts at rehabilitation.
7. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.
8. Cost of treatment.
9. Financial hardship.
10. Cost of disciplinary proceedings.

(6) In instances when a licensee or applicant is found guilty of any of the above offenses involving fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000.00 per count or offense.

Rulemaking Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 210-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, 7-5-06, 2-6-12, 11-19-12, 2-2-17, 2-11-19, 6-11-20.

5. Executive Order on Promoting Competition in the American Economy- informational

6. SmileDirect Opinion— July 20, 2021- informational

D. Prosecution Services Unit

1. August 2021 Prosecutor’s Report- Mr. Witters gave a brief prosecution report for the Board. A motion was made by McKeen to allow PSU to continue to prosecute cases a year and older. Motion passed unanimously.

E. Executive Director

1. Ratification Lists- A motion was made by McKeen to approve. Motion passed unanimously.

A. CE Provider

1. Board Approved Providers List
2. Rule Provider Renewals List

B. Licensure Applicants

1. CNA
2. LPN
3. RN
4. APRN

Mr. Baker thanked Ms. Benson, Ms. Passett, and Dr. Sutton-Johnson for helping to manage the Board office while he is also continuing to serve as Acting Bureau Chief of Health Care Practitioner Regulation; Ms. Benson is the primary delegated authority. He is looking forward to participating with the NLC and NCSBN meetings in August. Dr. Sutton-Johnson will be a candidate for the NCSBN Board of Directors & he is running for re-election to the Compact's Executive Committee. Ms. McKeen will attend the Board Chair/Vice Chair meeting in Tallahassee in September. The office has one new supervisor, Ms. Beshay, and has a recommended candidate for the other vacancy. The department has secured three location for 2022 meetings (Jacksonville, Tampa, Orlando). He will also attend the FNP conference at the end of the month to co-present on laws and rules.

F. Financial Report

1. May 2021 Revenue Report
2. June 2021 Revenue Report

Ms. Hansen provided a brief overview of the financial reports.

The meeting recessed at 5:55 p.m.

Disciplinary Hearings & General Business

Friday, August 6, 2021 at 8:30 AM

Call to Order:

The meeting was reconvened by the Board Chair, Ms. McKeen at 8:30 a.m.

Roll Call

Board Members:

Deborah McKeen, BS, CD-LPN – Chair
Maggie Hansen, MHSc, RN
Christine Mueller, DNP, RN, PCCN-K
Jose D. Castillo III, PhD, MSNA, CRNA, APRN
Fidelia Roster, MSN, RN, CCRN, CNRN
Jody Rain, MBA-HM, BSN, RN, CEN
Robert Macdonald, MS, Consumer
Heather Baumwald, Consumer
Deborah Becker, DNP, RN, CNE

Absent:

Mary Elizabeth “Libby” Flippo, MSN, MBA, RN- unexcused
Jody Bryant Newman, EdD, EdS, Consumer- excused

Attorneys:

Deborah Loucks, Senior Assistant Attorney General
David Flynn, Senior Assistant Attorney General
Matthew Witters, Chief Legal Counsel

Board Staff:

Joe Baker, Jr., Executive Director
Melissa Passett, Program Operations Administrator
Nicole Benson, Program Operations Administrator
Sherri Sutton-Johnson, DrPH, MSN, RN, CCHW, Director of Nursing Education
Janet Doke, BSN, RN, Nursing Education Consultant

Court Reporter (Full Board only):

Phipps Reporting – (888) 811-3408

I. CNA, LPN, RN, and APRN Discipline & General Business

A. CNA Motion to Vacate

None

B. LPN, RN and APRN Motion to Vacate

None

C. LPN, RN, and APRN Informal Waivers

The board, as appropriate, accepted unanimously the following motions: 1). The Department asks that you accept the investigative report into evidence. 2). The Department asks that you find that the Respondent was properly served and waived the right to a formal hearing (either by failing to respond at all or timely). 3). The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

No Recused Member

1. Degale, Sheldon Ronnel LPN 5174755 Case #2019-49822 File #118248- A motion was made by McKeen to impose costs of \$1,116.67 and a V6B. Motion passed unanimously.
2. Gore, Christina Leah LPN 5219371 Case #2021-00033 File #172749- Present and sworn in. A motion was made by McKeen to impose costs of \$51.87 and a V5F. Motion passed unanimously.
3. Jackson, Lisa Michelle RN 9375240 Case #2020-36909 File #483716- A motion was made by McKeen to impose costs of \$567.66 and a V6A. Motion passed unanimously.
4. Saffioti, Melissa T. RN 2709552 Case #2020-03089 File #134330- A motion was made by McKeen to impose costs of \$1,534.53 and a V6A. Motion passed unanimously.
5. Cloyd, Robbie Louise RN 9431545 Case #2020-26489 File #554976- A motion was made by McKeen to impose costs of \$3,135.50 and a V6B. Motion passed unanimously.
6. Dortch, Lisa Carol Putnal RN 1420822 Case #2020-36601 File #35913- A motion was made by McKeen to impose costs of \$163.83 and a V6B. Motion passed unanimously.
7. Lowry, Jacqueta Nicole LPN 5161670 Case #2019-26584 File #107287- A motion was made by McKeen to impose a V8. Motion passed unanimously.
8. Green, Tanya C. RN 9233438 Case #2020-06608 File #327046- A motion was made by McKeen to impose costs of \$1,958.23 and a V6A. Motion passed unanimously.

9. Spikes, Bobbie Ann RN 9165050 Case #2020-24854 File #249613- A motion was made by McKeen to impose costs of \$791.92 and a V6B. Motion passed unanimously.

Recused Member: Maggie Hansen

10. Illes, Ernest John RN 9421305 Case #2021-02307 File #524520- A motion was made by McKeen to impose costs of \$97.65 and a V6A. Motion passed unanimously.

11. Sochalski-Lombardi, Nicole Melissa RN 9330512 Case #2020-33807 File #424786- A motion was made by McKeen to dismiss the case. Motion passed unanimously.

12. Gruen, Joseph B. RN 9211114 Case #2020-34103 File #294219- Present and sworn in. A motion was made by McKeen to impose costs of \$848.83 a V6A. Motion passed unanimously. A motion was made by McKeen to reconsider. A motion was made by McKeen to impose costs of \$848.83 and a V6A. Motion passed unanimously.

Recused Member: Heather Baumwald

13. Siebert, Michelle Marie LPN 5209511 Case #2020-03061 File #157519- A motion was made by McKeen to impose costs of \$2,143.80 and a V5F. Motion passed unanimously.

Recused Member: Jody Bryant Newman

14. Sparks, Traci Renee LPN 5235747 Case #2019-45581 File #195231- A motion was made by McKeen to impose costs of \$871.52 and a V6A. Motion passed unanimously.

15. Okonski, Stephanie L. LPN 5242992 Case #2021-01438 File #199890- A motion was made by McKeen to impose costs of \$538.38 and a V6A. Motion passed unanimously.

16. Loper, Bertha Crusaw LPN 303041 Case #2020-34766 File #79724- A motion was made by McKeen to impose a V8. Motion passed unanimously.

17. Ellis, Trinia B. RN 9465632 Case #2020-36751 File #595809- Present and sworn in. A motion was made by McKeen to impose a V6C. Motion passed with Mueller in opposition. A motion was made by McKeen to reconsider. Motion passed unanimously. A motion was made by Mueller to impose costs of \$3,488.37 and a V6A. Motion passed unanimously.

18. Krzic, Mary RN 9311604 Case #2020-32166 File #409758- Present and sworn in. A motion was made by McKeen to impose costs of \$4,783.33 and a V6A. Motion passed unanimously.

19. Bonilla, Hiram RN 9191601 Case #2021-01575 File #281668- Present and sworn in. A motion was made by McKeen to impose a V8. Motion passed unanimously.

D. Reinstatements and Compliance Issues

CNA

1. Rawls, Lola CNA 274420 Case #2015-19934 File #601560- Present and sworn in. A motion was made by Mueller to grant the reinstatement request. Motion passed unanimously.

LPN, RN, and APRN

2. Adebisi, Adenike RN 9429602 Case #2017-01693 File #507034- A motion was made by McKeen to deny the reinstatement request. Motion passed unanimously.

3. Garrison, Thadaeus Noel RN9351992 Case #2015-29324 File #454821- Present and sworn in. A motion was made by Mueller to grant the reinstatement request. Motion passed unanimously.

4. D'Agostino, John RN 3380892 Case #2017-06421 File #203691- Present and sworn in. A motion was made by McKeen to grant the reinstatement request after entry into a monitoring contract and determination of safety to practice. Motion passed unanimously.

5. Seese, Emily RN 9472784 Case #2018-09002 File #582680- Present and sworn in. A motion was made by Macdonald to grant the reinstatement with payment of costs within one year. Motion passed unanimously.

II. Board Reports

G. Approval of Minutes (Previous Meeting, Current Committee Recommendations)

1. June 2021 Meeting Minutes- A motion was made by McKeen to approve. Motion passed unanimously.

2. Current Committee Minutes- A motion was made by McKeen to approve. Motion passed unanimously.

III. Adjournment

The meeting adjourned at 10:03 a.m.

The Florida

Board of Nursing

Long Range Policy Planning Meeting Minutes

August 6, 2021

**To convene no sooner than 15 minutes after the conclusion of the Full
Board Meeting**

Bahia Mar Fort Lauderdale Beach
801 Seabreeze Boulevard
Fort Lauderdale



Deborah McKeen, CD-LPN, BS
Chair

Jody Bryant Newman, EdD, EdS, Consumer
Vice Chair

Joe Baker, Jr.
Executive Director

Call to Order:

The meeting was called to order by the Board Chair, Ms. McKeen at 10:27 a.m.

Roll Call

Board Members:

Deborah McKeen, BS, CD-LPN – Chair
Maggie Hansen, MHSc, RN
Christine Mueller, DNP, RN, PCCN-K
Jose D. Castillo III, PhD, MSNA, CRNA, APRN
Fidelia Roster, MSN, RN, CCRN, CNRN
Jody Rain, MBA-HM, BSN, RN, CEN
Robert Macdonald, MS, Consumer
Heather Baumwald, Consumer
Deborah Becker, DNP, RN, CNE

Absent:

Mary Elizabeth “Libby” Flipppo, MSN, MBA, RN- unexcused
Jody Bryant Newman, EdD, EdS, Consumer- excused

Attorneys:

Deborah Loucks, Senior Assistant Attorney General
David Flynn, Senior Assistant Attorney General
Matthew Witters, Chief Legal Counsel

Board Staff:

Joe Baker, Jr., Executive Director
Melissa Passett, Program Operations Administrator
Nicole Benson, Program Operations Administrator
Sherri Sutton-Johnson, DrPH, MSN, RN, CCHW, Director of Nursing Education
Janet Doke, BSN, RN, Nursing Education Consultant

A. Review/Discuss NCSBN 2021 Environmental Scan

Dr. Sutton-Johnson provided an overview of the scan and observations related to the 2021 Environmental Scan.

B. Rules for Review

1. Board of Nursing Rules

- a. Rule 64B9-1, FAC- Organization
- b. Rule 64B9-2, FAC- Nursing Programs
- c. Rule 64B9-3, FAC- Requirements for Licensure
 - i. Consideration of Assigning a Numeric Grade for the PNEQ Option- Currently, by rule, the requirement is a C- or higher upon course completion- no action taken
- d. Rule 64B9-4, FAC- Administrative Policies Pertaining to Certification of Advanced Practice Registered Nurses
- e. Rule 64B9-5, FAC- Continuing Education Requirements
- f. Rule 64B9-6, FAC- Inactive Status and Reactivation of Inactive License
- g. Rule 64B9-7, FAC- Fees
- h. Rule 64B9-8, FAC- Hearings, Proceedings, Conferences, Discipline
- i. Rule 64B9-11, FAC- Maintenance of Medical Records
- j. Rule 64B9-12, FAC- Administration of Intravenous Therapy by Licensed Practical Nurses
- k. Rule 64B9-13, FAC- Home Hemodialysis Treatments
- l. Rule 64B9-14, FAC- Delegation to Unlicensed Assistive Personnel
- m. Rule 64B9-15, FAC- Certified Nursing Assistants
 - i. Amending CNA Rules – delete “intentional”- the Board instructed Mr. Flynn to review and place on the Annual Regulatory Plan.
 - ii. Clinical Simulation for Nursing Assistant Training Programs- A motion was made by McKeen to open the rule for development. Motion passed unanimously. Dr. Becker volunteered to work with Mr. Flynn and Board Staff to draft proposed language to bring back before the Board for approval.
- n. Rule 64B9-16, FAC- LPN Supervision in Nursing Home Facilities

C. Items for Discussion

1. **Consideration of Scheduling Monthly Committee Meetings-** the Board decided by consensus to begin holding monthly committee meetings by 2022, if not sooner.
2. ***Tri-Council for Nursing Report- Transforming Together: Implications and Opportunities from the COVID-19 Pandemic for Nursing Education, Practice and Regulation-*** informational
3. **Update/Review of Board Member Reference Materials-** informational
 - a. Disqualifying Offenses
 - b. Summary of Discipline
 - c. Credentials Summary of Conditions- the Board agreed by consensus to add a 30-

- day timeframe for applicants to contact IPN.
- d. Guidelines for Acceptable Disciplinary CE
- e. Summary of Disciplinary Guidelines
- f. Documents regarding Variances and Waivers
- g. Aggravating or Mitigating Circumstances for Nursing and CNA Discipline
- h. Recommended Order Standard Exceptions
- i. Form 8A – Memorandum of Voting Conflict for State Officers

4. History Matrix Review

- a. Conviction Record Guidelines for Applicants
- b. Guidelines for Applicants with Disciplinary Action- A motion was made by McKeen to accept the proposed revisions. Motion passed unanimously.
- c. Health History Guidelines for Applicants- A motion was made by McKeen to accept the proposed revisions. Motion passed unanimously.

5. Discussion regarding What Type of Documentation Would Be Considered

Acceptable for the Purposes of/When to Offer an Amendment to a History Question- A motion was made by McKeen to accept the proposed revisions. Motion passed unanimously.

6. Consideration of Additional APRN Disciplinary CEs for Probable Cause Panel

Determinations- Vicky Stone-Gale, DNP, APRN, FNP-BC, FAAP present for discussion.

7. Review of Prometric Testing Statistics- informational

8. Review of PearsonVue Testing Statistics- informational

9. Update/Review of Nurse Licensure Compact- Mr. Baker gave a brief overview of the Compact and current states.

10. Update/Review of Autonomous APRN Registration- informational

11. Update on Florida Center for Nursing- Willa Fuller, executive director of the Florida Nurses Association, provided the following written update:

Since we received news that the Florida Center for Nursing would receive funding, we have been working with the state on the Budget and that has been submitted and is under review. The budget is based on the statutory requirements and we look forward to final approval. The University of South Florida College of Nursing has agreed to partner with us on the data collection, and analysis and reporting aspects of the center and we will be meeting soon to finalize those plans. Mary Lou Brunell as agreed to serve as a consultant in the re-launching of the Center. We hope to reactivate the existing website so that archive reports are available. We will also be looking to assemble a new Board of Directors and will be sending out a call for applicants very soon. These will also be determined based on the statutory requirement which are as follows:

Recommended by **President of the Senate** (4)

- FONE (RN)
- FHA (Hospital Industry)
- 2 others

Recommended by the **Speaker of the House** (4)

- Florida Nurses Association (RN)
- Long-Term Care
- 2 others

Recommended by **the Governor**

- Two Registered Nurses
- Two others

Recommended by **Board of Governors** (1)

- Dean of a College of Nursing

Recommended by **State DOE**

- 3 Nurse Educators*

*One must be director of a nursing program from the Florida College System.

We will be looking to hire an Executive Director and an Executive Assistant once the board is in place.

Interested parties may contact Willa Fuller at WFuller@floridanurse.org to obtain more information regarding the process.

D. 2021 Legislation Implementation

Mr. Baker advised the board is current with its required implementation of bills from the 2021 session.

E. 2022 Proposed Legislation

Dr. Mueller volunteered to work with Mr. Flynn to draft legislation to amend s. 464.019 to impose a penalty on program directors who do not appear with required remediation plans. Motion passed unanimously.

F. General Discussion

Ms. Roster inquired about procedures for media requests, and dissemination of materials shared with board members.

G. Adjournment

The meeting adjourned at 1:19 p.m.