

The Florida

# Board of Nursing

# October 2021 Meeting Minutes

**October 7-8, 2021**

Embassy Suites by Hilton Orlando-Lake Buena Vista South  
4955 Kyngs Heath Road  
Kissimmee



**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 October 7-8, 2021  
Kissimmee**

**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  
John Wilson, Deputy General 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  
Angela Falls, MPH, BSN, RN, Nursing Education Consultant  
Zoë McCook, Regulatory Specialist III

**Court Reporter (Full Board only):**

Magnolia Court Reporter – (407)-896-1813

## Thursday @ 8:30 AM

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### **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
- Non-Compliance with Section 464.008, FS, Licensure by Examination
- 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
- Non-Compliance with Section 464.019, FS, Approval of Nursing Education Programs
- Non-Compliance with Section 464.019(11), FS, Accreditation Requirement
- Petitions for Variance and Waiver
- Ratification Lists
- Items for Discussion
- Informational Items

## Thursday @ 1:30 PM

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### **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
- Nursing 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

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### **Full Board**

- CNA, LPN, RN, and APRN Discipline & General Business
- CNA Motion to Vacate
- LPN, RN, and APRN Motion to Vacate
- CNA 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

\*applicant is required to contact IPN within 30 days

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# Credentials “A” Committee

Thursday, October 7, 2021 at 8:30 AM

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## Call to Order

The meeting was called to order by the Committee Chair, Ms. McKeen at 8:32 a.m.

## Roll Call

### Board Members:

Deborah McKeen, BS, CD-LPN – Chair  
Maggie Hansen, MHSc, RN  
Fidelia Roster, MSN, RN, CCRN, CNRN  
Jody Rain, MBA-HM, BSN, RN, CEN  
Robert Macdonald, MS, Consumer

### Attorneys:

Deborah Loucks, Senior Assistant Attorney General

### Board Staff:

Joe Baker, Jr., Executive Director  
Melissa Passett, Program Operations Administrator  
Zoë McCook, Regulatory Specialist III

## A. Required Appearances

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### CNA

1. Evans, Kizzy K.; 4401/538094- Present. A motion was made by Hansen to approve with payment of prior costs and fines (\$869.11) within one year. Motion passed unanimously.
2. Jones, Jakayla J; 4401/814309- Present. A motion was made by McKeen to deny based on crimes related to the practice. Motion passed unanimously.

### LPN, RN, and APRN

3. Saylor, Starla Lynn; 1701/724170- Present. A motion was made by McKeen to approve with a \$100 fine and a CE in Documentation (2 hrs) prior to licensure. Motion passed with Rain in opposition.

## B. Pending Formal Denial

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### **CNA**

1. Tucker, Latifiha A; 4401/796327- Present. A motion was made by McKeen to approve with a CE in Anger Management (4 hrs) prior to licensure. Motion passed unanimously.

### **LPN, RN, and APRN**

2. Reid, Savannah Jasmine; 1702/208742- Present. A motion was made by Roster to approve with a V6B. Motion passed with McKeen in opposition.

3. Moran, Mary Catherine; 1702/211712- A motion was made to deny based on failure to appear. Motion passed unanimously.

## C. Applicants for Licensure

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### **CNA**

#### **Prior Board Action**

Exam

1. Randolph, Cherron N; 4401/419202- Present. A motion was made by Macdonald to approve. Motion passed unanimously.

Endorsement

None

#### **Juvenile Offense**

None

#### **Criminal History**

Exam

1. Gaffney, Stephany J; 4401/821767- A motion was made by McKeen to deny based on crimes related to the practice. Motion passed unanimously.

Endorsement

2. Curtis, Alysha; 4401/824382- A motion was made by McKeen to require an appearance. Motion passed unanimously.

#### **Discipline History**

Exam

1. Harrington, Olivia B; 4401/819420- A motion was made by Macdonald to approve with payment of prior costs (\$151.62) prior to licensure. Motion passed unanimously.

Endorsement

None

**Health History**

None

**False Answer on Application**

Exam

1. McDowell, Karla K; 4401/809916- A motion was made by McKeen to deny based on prior discipline. Motion passed unanimously.
2. Nicholson, Traci A; 4401/821660- A motion was made by McKeen to deny based on crimes related to the practice and misrepresentation. Motion passed unanimously.

Endorsement

None

**Open Case**

None

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

Exam

1. Smiley, Marqual; 1702/214660- Present. A motion was made by Macdonald to approve. Motion passed unanimously.
2. Johnson, Karishauna Patrice; 1701/697462- A motion was made by McKeen to approve. Motion passed unanimously.

Endorsement

3. Gannon, Tracyann; 1701/723196- A motion was made by McKeen to approve. Motion passed unanimously.
4. Leahy, Caitlin; 1701/725596- Present. A motion was made by McKeen to approve. Motion passed unanimously.
5. Shafquat, Dawn Marie; 1701/708816- Present. A motion was made by Hansen to approve. Motion passed unanimously.
6. Sim, Phyllis Ann; 1701/731360- Present. A motion was made by McKeen to approve with a P3 for two years with standard terms. Motion passed unanimously.
7. Abernathy, Danielle; 1701/714336- A motion was made by McKeen to approve. Motion passed unanimously.
8. Gaither, Ryan Michelle; 1701/725475- Present. A motion was made by McKeen to approve. Motion passed unanimously.

9. Hurre, Thomas Paul; 1701/726433- A motion was made by McKeen to deny based on prior discipline. Motion passed unanimously.

10. List, Stephanie Elaine; 1701/732165- A motion was made by Macdonald to deny based on prior discipline. Motion passed unanimously.

11. Wray, Roni S; 1702/215355- Present. A motion was made by Macdonald to approve. Motion passed unanimously.

12. Willison, Albert Paul; 1701/725396- A motion was made by McKeen to approve. Motion passed unanimously.

13. Fallin, Barbara; 1701/721960- A motion was made by McKeen to require an appearance. Motion passed unanimously.

APRN

14. Willison, Albert Paul; 1711/651618- A motion was made by McKeen to approve. Motion passed unanimously.

15. Fallin, Barbara; 1711/650876- A motion was made by McKeen to require an appearance. Motion passed unanimously.

**Prior Board Action**

Exam

None

Endorsement

1. Hinton, Richon; 1701/727801- A motion was made by Roster to approve. Motion passed unanimously.

2. Tucker, Amy Lynn; 1702/176961- Present. A motion was made by McKeen to approve with a remedial course. Motion passed unanimously.

3. Mervilus, Tamara; 1702/184502- A motion was made by McKeen to deny based on failure to comply with a previous board order. Motion passed unanimously.

APRN

None

**Criminal History**

Exam

1. Sanz, Jason Alfredo; 1701/724267- Present. A motion was made by Hansen to approve. Motion passed unanimously.



Endorsement

2. Davis, Janet Louis; 1701/723614- A motion was made by McKeen to approve. Motion passed unanimously.

3. Powe, Kierra Ladaesha; 1702/212607- Present. A motion was made by Hansen to approve. Motion passed unanimously.

APRN

None

**Health History**

Exam

None

Endorsement

1. Cragg, Jennifer Bernadette; 1701/725169- A motion was made by McKeen to approve with a V6A. Motion passed unanimously.

2. Singleton, Jamie Gimber; 1701/725811- Present. A motion was made by Hansen to approve. Motion passed unanimously.

APRN

None

**Multi-State Upgrade**

1. Brooks, Tonia Lashawn; 1702/69415- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

2. Dolce, Linda; 1702/111162- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

3. Jones, Tamika Yvette; 1702/148723- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

4. Laguerre, Fedeline; 1702/212956- A motion was made by McKeen to deny due to ineligibility, with the option to withdraw within 15 days. Motion passed unanimously.

5. Edmond, Precious Jeanine; 1702/170479- Present. Applicant withdrew the application.

**False Answer on Application**

Exam

None

Endorsement

1. Barnett, Melissa; 1701/722011- A motion was made by Roster to deny based on misrepresentation and crimes related to the practice. Motion passed unanimously.
2. Justo, Jessabeth Curayag; 1701/615685- A motion was made by McKeen to deny based on failure to comply with a prior board order. Motion passed unanimously.
3. Petry, Krystal Kaye; 1702/215374- A motion was made by McKeen to require an appearance. Motion passed unanimously.

APRN

None

**Other**

**Open Case**

None

**Staff Note**

None

D. Other Items for Discussion

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None

The meeting adjourned at 10:39 a.m.

# Education & Credentials “B” Committee

Thursday, October 7, 2021 at 8:30 AM

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## Call to Order:

The meeting was called into order at 8:39 AM

## Roll Call

### Board Members:

Jose D. Castillo III, PhD, MSNA, CRNA, APRN- Chair  
Christine Mueller, DNP, RN, PCCN-K  
Mary Elizabeth “Libby” Flippo, MSN, MBA, RN  
Deborah Becker, DNP, RN, CNE

### Absent:

Jody Bryant Newman, EdD, EdS, Consumer-Excused  
Heather Baumwald, Consumer- 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  
Angela Falls, MPH, BSN, RN, Nursing Education Consultant

## A. Required Appearances

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### CNA

None

### LPN, RN, and APRN

1. Anaraban, Emerencia Abo; 1701/718068-Present. A motion was made by Castillo to approve. Motion passed unanimously.

## B. Pending Formal Denial

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None

## C. Education Credentials

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### LPN, RN, and APRN Exam

1. Arias Gangas, Carla; 1701/650115- A motion was made by Castillo to require an appearance. Motion passed unanimously.
2. Bain, Reggia Daisy; 1701/722783- A motion was made by Castillo to approve. Motion passed unanimously.
3. Belhadine, Ihsane; 1701/628288-Present. A motion was made by Castillo to approve with a remedial course. Motion passed unanimously.
4. Bismanos, Maria Elysah Azarcon; 1701/72258- A motion was made by Mueller to approve. Motion passed unanimously.
5. Dawes, Charlene Elaine; 1702/210798- A motion was made by Mueller to approve. Motion passed unanimously.
6. Diaz, Doyka; 1702/208925 A motion was made by Mueller to deny based on not meeting education requirements. Motion passed with Castillo in opposition.
7. Eshete, Neway Kassahun; 1701/634343- A motion was made by Castillo to deny based on not meeting education requirements. Motion passed unanimously. A motion was made by Castillo to vacate the previous motion. Motion passed unanimously. A motion was made by Castillo to require an appearance. Motion passed unanimously.
8. Galloza Garcia, Gabriela Noemi; 1701/729361-**Pulled**
9. Hayden, Kristy; 1701/717413- A motion was made by Mueller to approve. Motion passed unanimously.
10. Jeffery, Maria Teresa; 1701/705101- A motion was made by Castillo to approve. Motion passed unanimously.

We recessed at 12:05 and resumed at 12:15

11. Orr, Juthathip; 1701/724496- A motion was made by Castillo to approve. Motion passed with McKeen opposed.
12. Rodriguez, Kaye Marie Agojo; 1701/718822- A motion was made by Castillo to approve. Motion passed unanimously.
13. Romulo, Indira Carla Baldovi; 1701/721789- A motion was made by Castillo to approve. Motion passed unanimously.

14. Winder, Melissa Camilla; 1701/556682- A motion was made by Castillo to approve. Motion passed unanimously.

15. Bourne, Romell Jamal Anderson; 1701/720833- A motion was made by Castillo to approve. Motion passed unanimously.

16. Simpson, Kemoy Tasheka; 1701/707873- A motion was made by Castillo to approve. Motion passed unanimously.

17. Toledo, Paula Chaves; 1701/720489- A motion was made by Castillo to approve. Motion passed unanimously.

18. Fagundes, Waleska Phaelante; 1701/731015- A motion was made by Castillo to approve. Motion passed unanimously.

19. Jallow, Ida; 1701/715375- A motion was made by Mueller to approve. Motion passed unanimously.

#### Endorsement

1. Webster, Ingrid Anetta; 1702/209895- A motion was made by Mueller to deny based on not meeting the education requirements. Motion passed unanimously.

### D. Non-Compliance with Section 464.008, FS, Licensure by Examination

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#### **LPN, RN, and APRN**

1. Adams, Constance Elaine; 1701/727385-Present. A motion was made by Flipppo to approve. Motion passed unanimously.

2. Alexis, Wina; 1701/714968- A motion was made by Mueller to require an appearance. Motion passed unanimously.

3. Barnes, Brianna Jessica; 1701/729311-Present. A motion was made by Castillo to approve. Motion passed unanimously.

4. Beautilus, Jasseline; 1701/723310- A motion was made by Mueller to require an appearance. Motion passed unanimously.

5. Williams, Georgia Kimesha; 1701/721796-Present. A motion was made by Castillo to approve. Motion passed unanimously.

6. Belizaire, Josianise Charles; 1701/727125- A motion was made by Mueller to require an appearance. Motion passed unanimously.

7. Miller, Precious Saulsby; 1701/728386-Present. A motion was made by Castillo to approve. Motion passed unanimously.

Recessed at 10:04 and resumed at 10:14

## E. Exemption Applicants

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### **CNA**

None

### **LPN, RN, and APRN**

None

## F. Applicants for Licensure under 456.0635, FS

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### **CNA**

Exam

1. Davis, Natarsha L; 4401/799176- A motion was made by Flippo to deny based on 456.0635, FS. Motion passed unanimously.
2. Holloway, Eddie G; 4401/792876-Present. A motion was made by Mueller to allow applicant to withdraw the application. Motion passed unanimously.
3. Williams, Torkita B; 4401/732233- A motion was made by Flippo to deny based on 456.0635, FS. Motion passed unanimously.

Endorsement

None

### **LPN, RN, and APRN**

None

## G. CNA Applicants for Licensure under Section 435.04, FS

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Exam

1. Brown, Ebony; 4401/708662- A motion was made by Mueller to deny based on 435.04, FS. Motion passed unanimously.

2. Roe, Jasmine; 4401/823379-**Pulled**

Endorsement

None

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

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None

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

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### 1. **PN Approved or Accredited to Probation**

1. Suncoast Technical College, PN, US70112700, 1705/319-Present and represented by Scott Kennedy. A motion was made by Mueller to vacate the notice of non-compliance and to accept the remediation plan. Motion passed unanimously.

### 2. **Request for Reconsideration**

1. Concorde Career Institute, ADN, US70412000, 1704/365 Present and represented by Attorney Audrey Kaplan and Janneice Caldwell-Wright. A motion was made by Mueller to approve the updated language. Motion passed unanimously.

Accreditation Deadline Extension Request: A motion was made by Castillo to deny based on 464.019. Motion passed unanimously. A motion was made by Mueller to terminate the program based on failing to meet accreditation requirements. Motion passed unanimously.

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

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### **Accreditation Deadline Extension Requests**

1. Cambridge College of Healthcare & Technology, ADN, US70410900, 1704/307-Present and represented by Julie Orloff and Theresa Conte. A motion made by Mueller to approve the extension for accreditation. Motion passed unanimously.

## K. Petitions for Variance and Waiver

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Discussion Regarding Rule 64B9-15.006, FAC- Standardized Curriculum- A motion was made by Castillo to adopt the updated language in letters (A) removing “academic” and add (C) Clinical simulation shall also include pre-briefing and debriefing didactic education. to be presented to the full board for approval. Motion approved unanimously. A motion was made by Castillo 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 Castillo that a violation of this rule would not constitute a minor violation. Motion passed unanimously. A motion was made by Castillo to approve sunset on the new section of the rule. Motion passed unanimously. A motion was made by Castillo to not sunset the entire rule. Motion passed unanimously.

1. Northeast Florida State Hospital CNA Training, 4402/729; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum- Present and represented by John Gainey. A motion was made by Castillo to approve. Motion passed unanimously.
2. PNA Pinellas PM CNA (Premier Nursing Academy), 1586, 4402/672; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum-Present and represented by Matthew Killday. A motion was made by Mueller to approve. Motion passed unanimously.
3. PNA Pinellas Park AM CNA (Premier Nursing Academy), 1587, 4402/673; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum-Present and represented by Matthew Killday. A motion was made by Mueller to approve. Motion passed unanimously.
4. Premier Nursing Placement LLC. DBA Premier Nursing Academy CNAP, 1615, 4402/707; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum-Present and represented by Matthew Killday. A motion was made by Mueller to approve. Motion passed unanimously.
5. Premier Nursing Placement LLC. DBA Premier Nursing Academy - PM, 1622, 4402/723; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum-Present and represented by Matthew Killday. A motion was made by Mueller to approve. Motion passed unanimously.
6. St. Lucie West Centennial High School, 1214, 4402/309; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum-Present and represented by Kimberly Ciufu. A motion was made by Castillo to approve. Motion passed unanimously.
7. Port Saint Lucie High School, 1628, 4402/726; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum-Present and represented by Lori Applebee. A motion was made by Castillo to approve. Motion passed unanimously.
8. St. Lucie County School Board, 1464, 4402/492; References: 64B9-15.006(2), FAC, regarding Standardized Curriculum-Present and represented by Mary Elizabeth Musgrave Montgomery. A motion was made by Castillo to approve. Motion passed unanimously.



## L. Ratification Lists

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1. CNA Training Programs- A motion was made by Castillo to approve. Motion passed unanimously.
2. Nursing Education Programs - A motion was made by Castillo to approve. Motion passed unanimously.
3. Internationally Educated Ratification List- A motion was made by Castillo to approve. Motion passed unanimously.

## M. Items for Discussion

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1. Rule 64B9-2.022, FAC- Clinical Training- Dr. Becker stated that simulation guidelines should be developed to assist the programs. Dr. Becker will speak with NCSBN about this topic. It was decided that this should be placed on the next full board agenda for discussion.
2. Proposed Legislative Amendment to Section 464.019, FS- Approval of Nursing Education Programs- A motion was made by Mueller to approve the proposed language; "A copy of the plan for remediation shall be provided to the board before or at the time the plan is presented. The program director shall present the plan to the board at the board meeting following the placement of the program on probationary status. Failure to present the plan or provide a copy of the plan to the board shall result in the program being terminated." Motion passed unanimously.

## N. Informational Items

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1. Accrediting Bureau of Health Education Schools (ABHES)- Final Commission Actions - July 2021
2. Accrediting Bureau of Health Education Schools (ABHES)- Final Commission Actions - August 26, 2021
3. Accrediting Bureau of Health Education Schools (ABHES)- Commission Action Notification - September 2, 2021
4. Accrediting Bureau of Health Education Schools (ABHES)-Final Revisions to the Accreditation Manual - Effective January 1, 2022
5. Accreditation Commission for Education in Nursing (ACEN)- Eligibility Decision- CIE School 2671- Techni-Pro Institute
6. Accreditation Commission for Education in Nursing (ACEN)- 2020 Report to Constituents
7. Accreditation Commission for Education in Nursing (ACEN)- Substantive Change Actions - August 2021
8. Chamberlain University College of Nursing-Jacksonville - Fall 2021 Update

9. Chamberlain University College of Nursing-Miramar - Fall 2021 Update
10. Jay College of Health Science- Closure Notification Letter
11. Azure College, Inc., ADN, US70701200- Teach Out Plan
12. Universidad Ana G Mendez (US70503200, US70503300 & US70503400) Teach Out Update
13. Miami Regional University, BSN, US70511900 - Revised Action Plan

The meeting adjourned at 12:54

# 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

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# Guidelines for Acceptable Disciplinary CE

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

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

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, October 7, 2021 at 1:30 PM

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## Call to Order:

The meeting was called to order by the Board Chair, Ms. McKeen at 1:59 p.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  
Mary Elizabeth “Libby” Flippo, MSN, MBA, RN  
Deborah Becker, DNP, RN, CNE

### Absent:

Heather Baumwald, Consumer- 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  
John Wilson, Deputy General 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  
Angela Falls, MPH, BSN, RN, Nursing Education Consultant  
Zoë McCook, Regulatory Specialist III

### Court Reporter (Full Board only):

Magnolia Court Reporter – (407)-896-1813

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

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Ms. Rain joined the meeting at 2:09 p.m.

### A. Reconsiderations

#### **CNA**

1. Galvin, Brittany; 4401/807252- Present and sworn in. A motion was made by Roster to vacate the prior Intent to Deny and approve the application. Motion passed unanimously.
2. Pemberton, Keri; 4401/808624- A motion was made by McKeen to vacate the prior Intent to Approve with Conditions and approve the request to withdraw. Motion passed unanimously.
3. Cantero, Nicole; 4401/812626- A motion was made by McKeen to deny the request. Motion passed unanimously.
4. Tyson, Dinnell Sinclair CNA 352590 Case #2020-11485- Present and sworn in. A motion was made by McKeen to deny the request. Motion passed unanimously.

#### **LPN, RN, and APRN**

5. Osborne, Angela Mae; 1701/712041- Present and sworn in. A motion was made by McKeen to vacate the prior Intent to Approve with Conditions and approve the application. Motion passed unanimously.
6. Shanghai, Sandrine Katia; 1701/706240- Present and sworn in. A motion was made by McKeen to deny the request. Motion passed unanimously.
7. Keller, Tanesa L; 1701/708203- Present and sworn in. A motion was made by McKeen to vacate the prior Intent to Deny and approve for Single State with a V6B. Motion passed unanimously.
8. Bellamy, Kalonya Tenisha LPN 5193584 Case #2019-12933- Present with attorney Rickey Strong and sworn in. A motion was made by Roster to deny the request. Motion passed unanimously.

#### **Education Programs**

None

## B. Licensure Informal Hearings

### **CNA**

None

### **LPN, RN, and APRN**

None

### **Education Programs**

#### **Motion to Deny Formal Request and Proceed to Informal**

1. Universal Career School, ADN, US70707100, 1704/311- Attorney Mark Murray present. A motion was made by McKeen to deny the request for formal hearing. Motion passed unanimously.
2. Med-Life Institute, PN, US70203800, 1705/137- **Pulled**

## C. Declaratory Statements

1. Sauber, Allyson APRN 9430583 File #1711/545671; References: Section 464.012(3), FS and 464.0123, FS, regarding whether it is in the scope of practice of an Advanced Practice Registered Nurse to perform laser liposuction with autologous fat transfers. A motion was made by McKeen to deny the petition due to insufficient information. Motion passed unanimously.
  - a. Motion to Intervene – Florida Medical Association, Inc., Florida Society of Plastic Surgeons, Inc., Florida Society of Dermatology and Dermatologic Surgery, Inc., and Florida Osteopathic Medical Association, Inc. Attorney Chris Nuland present. Motion withdrawn.
2. Schwitzer, Rosemarie APRN 9231936 File #1711/319873; Reference: Section 464.012, FS, regarding whether it is in the scope of practice of an Advanced Practice Registered Nurse to perform abdominal liposuction in an office practice setting without a supervising physician present. Present and sworn in. A motion was made by Castillo to dismiss the petition. Motion passed unanimously.
  - a. Motion to Intervene – Florida Medical Association, Inc., Florida Society of Plastic Surgeons, Inc., Florida Society of Dermatology and Dermatologic Surgery, Inc., and Florida Osteopathic Medical Association, Inc. Attorney Chris Nuland present. Motion withdrawn.

## D. Petitions for Waiver and Variance

1. Tejada, Patricia; 1702/213164; References: 64B9-3.002, FAC, regarding Qualifications for Examination- A motion was made by McKeen to grant the petition. Motion passed unanimously.



## E. Petitions for Hearing/ Modifications

None

## F. Recommended Orders

### No Recused Member

1. Stoe, Benjamin Dallas RN 3349322 Case #2020-28879 DOAH #21-1435PL- Present and sworn in. A motion was made by McKeen to accept the Findings of Fact as set forth in the Recommended Order. Motion passed unanimously. 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 impose a V6A. Motion passed unanimously. A motion was made by McKeen to impose costs of \$23,001.18. Motion passed unanimously.
2. Smith, Kishma Afia LPN 5177737 Case #2020-32880 DOAH #21-1638PL- Present and sworn in. A motion was made by McKeen to accept the Findings of Fact as set forth in the Recommended Order. Motion passed unanimously. 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 impose a V8. Motion passed unanimously. A motion was made by McKeen to impose costs of \$5,718.54. Motion passed unanimously.

## G. CNA Settlement Agreements

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

1. Thalman, Tanya CNA 356739 Case #2020-11370 **(\$4,000.00)**

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

2. Hand, Michele A. CNA 312637 Case #2020-36073 **(\$1,477.66)**

### Recused Member: Heather Baumwald- A motion was made by McKeen to approve. Motion passed unanimously.

3. Morrison, Jeanette Dean CNA 101911 Case #2020-05260 **(\$830.06)**

## H. LPN, RN, and APRN Settlement Agreements

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

1. Day, Timothy RN 9380159 Case #2019-28115 **(\$2,231.06)**
2. Haslett, Merry Katherine RN 9334305 Case #2021-05319 **(\$485.08)**
3. Dearman, Amanda Kay RN 9551352 Case #2020-37737 **(\$1,780.35)**
4. Torres, Jose LPN 5232392 Case #2019-41962 **(\$679.30)**

5. Androvette, Patricia Ann LPN 5161289 Case #2019-33805 **(\$1,239.69)**
6. Chandler, Ryan Hamilton LPN 5215300 Case #2020-31090 **(\$4,753.31)**

**Recused Member: Jose D. Castillo III- A motion was made by McKeen to approve. Motion passed unanimously.**

7. Toriola, Claudia RN 9289308 Case #2020-36604 **(\$1,314.48)**

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

8. Torres, Dairo RN 9384781 Case #2021-00316 **(\$701.15)**

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

9. Westfall, Aria L. RN 9263096 Case #2019-10721
10. Westfall, Aria L. APRN 9263096 Case #2019-10723
11. Woik, Scott RN 9380221 Case #2019-47408 **(\$871.22)**
12. Boutwell, Alicia Deanna RN 9233495 Case #2021-01632 **(\$4,054.83)**

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

13. Stewart, Peaches Cooper RN 9464471 Case #2020-07091 **(\$4,200.00)**

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

14. Pennington, Valerie M. LPN 5214521 Case #2020-30335 **(\$1,820.88)**
15. Da Silva, Fatima A. RN 9385953 Case #2021-00501 **(\$1,415.03)**
16. Culhane, Craig Matthew LPN 5185897 Case #2020-04278 **(\$3,050.96)**

### **I. CNA Voluntary Relinquishments**

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

1. Beam, Sheryl L. CNA 316536 Case #2020-34666
2. Allan, Deslyn E. CNA 330856 Case #2021-04174
3. Hill, Debra A. CNA 384137 Case #2019-51715

**Recused Member: Jose D. Castillo III- A motion was made by McKeen to approve. Motion passed unanimously.**

4. Lopez, Odalis CNA 220878 Case #2019-33917

### **J. LPN, RN, and APRN Voluntary Relinquishments**

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

1. Kelly, John Michael RN 9358206 Case #2021-15533
2. Gibbs, Kolette RN 9241640 Case #2020-37989

3. Vanmecl, Elizabeth Jean Kusse RN 1578362 Case #2021-10150
4. Myers, Karen Adele RN 1523922 Case #2021-17563
5. Runyon, Sandra Lynn RN 9532836 Case #2021-15245

**Recused Member: Jose D. Castillo III**

6. Hertzling, Rita M. LPN 5219189 Case #2021-09295-**Pulled**

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

7. Edenfield, Lori Dawn RN 3139042 Case #2019-17140

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

8. Henry, Kendall Lyon RN 938540 Case #2020-39985

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

9. Bumpus, Amanda Lea LPN 5231921 Case #2021-02841

## 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. Louis, Wilda St. CNA 342933 Case #2020-35421- A motion was made by McKeen to impose costs of \$842.03, a reprimand, and a P3 for one year with standard terms and direct supervision. Motion passed unanimously.

**Recused Member: Heather Baumwald**

2. Rodriguez, Kassandra L. CNA 346095 Case #2019-19065- **Pulled**

**Recused Member: Deborah McKeen and Jose D. Castillo III**

3. Holman, Brianna CNA 253419 Case #2020-29485- A motion was made by Roster to impose a V8. Motion passed unanimously.

The meeting recessed from 4:32 – 4:47 p.m.  
Ms. Flippo left the meeting at 4:45 p.m.

## 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. Johnson, Denise M. RN 9360150 Case #2020-38350- **Pulled**

2. Nord, Morgan R. RN 9383879 Case #2021-04282- Present and sworn in. A motion was made by McKeen to impose costs of \$731.43, a reprimand and continued compliance with IPN. Motion passed unanimously.

3. Bibbs, Lamon Jamar LPN 5216625 Case #2020-39164- A motion was made by McKeen to impose a V8. Motion passed unanimously.

### **Recused Member: Maggie Hansen**

4. Mercedes, Elsie Janice RN 9294591 Case #2020-39716- A motion was made by McKeen to impose costs of \$1,158.57 ,a P3 for two years with standard terms, and CEs in Ethics, Documentation (8 hrs), Legal Aspects (8 hrs) within one year. Motion passed unanimously.

5. Edenfield, Lori Dawn RN 3139042 Case #2019-17134- A motion was made by McKeen to impose a V8. Motion passed unanimously.

### **Recused Member: Deborah McKeen**

6. Myers, Kathryn D. RN 9341355 Case #2021-08779- A motion was made by Hansen to impose costs of \$299.06 and a V6B. Motion passed unanimously.

### **No Recused Member**

7. Weaver, Rebecca D. RN 9407128 Case #2019-16817- A motion was made by McKeen to impose costs of \$578.17 and a V6B. Motion passed unanimously.

8. Bodziak, Victoria Lyne LPN 5238359 Case #2020-29193- Present with attorney Suzanne Hurley. A motion was made by McKeen to impose costs of \$3,586.33 and a V3 for one year. Motion passed unanimously.

Ms. Rain left the meeting at 4:00 p.m.

## M. 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. Timpano, Carol A. RN 9418496 Case #2019-48728- A motion was made by McKeen to impose a V8. Motion passed unanimously.

2. Stack, Kelly Lucinda RN 9373442 Case #2020-13177- A motion was made by McKeen to impose a V8. Motion passed unanimously.

3. Wilson, Jennifer Mertz RN 9287440 Case #2021-01240- A motion was made by McKeen to impose costs of \$4483.98 and a V6A. Motion passed unanimously.

4. Knight, John Andrew RN 9462465 Case #2020-24876- A motion was made by McKeen to impose costs of \$3,514.79 and a V6B. Motion passed unanimously.

5. Novil, Dievdonne Idesse RN 9198715 Case #2020-34472- A motion was made by McKeen to impose costs of \$204.86 and a V3 until proof of TX license being reinstated. Motion passed unanimously.

6. Matson, John Stanley RN 2780552 Case #2020-21774- A motion was made by McKeen to impose costs of \$691.65 and a V6A. Motion passed unanimously.

7. Mauricio, Candace G. Huntsman RN 1566512 Case #2020-34289- A motion was made by McKeen to impose costs of \$659.44 and a V6C for one year with standard terms and direct supervision. Motion passed unanimously.

8. Faulstich, Kimberly L. RN 9422819 Case #2019-08577- A motion was made by McKeen to impose costs of \$234.96, a reprimand and CEs in Legal Aspects (2 hrs) and Ethics (8 hrs) within one year. Motion passed unanimously.

9. North, Crystal Lynn RN 9401512 Case #2021-03431- Present and sworn in. A motion was made by McKeen to impose costs of \$1,907.62 and a V6A. Motion passed unanimously.

10. North, Crystal Lynn RN 9401512 Case #2021-04702- Present and sworn in. A motion was made by McKeen to impose costs of \$1,030.45 and a V6A. Motion passed unanimously.

11. Kintner, Ricky RN 9467953 Case #2020-20368- A motion was made by McKeen to impose costs of \$2,965.48 and a V6A. Motion passed unanimously.

12. Clement, Jessica Leigh RN 9436454 Case #2020-34521- A motion was made by McKeen to impose costs of \$1,205.70 and a V6B. Motion passed unanimously.

13. Coleman, Jessica RN 9514785 Case #2020-12911- A motion was made by McKeen to impose costs of \$2,417.60 and a V6B. Motion passed unanimously.

14. Pilawski, Meagan Lynn RN 9384930 Case #2019-03590- A motion was made by McKeen to impose costs of \$1,935.62 and a V6A. Motion passed unanimously.

15. Banno, Grace RN 9482161 Case #2021-03537- A motion was made by McKeen to impose costs of \$141.83 and a V6A. Motion passed unanimously.

16. Olsazanowski, Kimberly Ann LPN 5151739 Case #2021-00924- A motion was made by McKeen to impose a V8. Motion passed unanimously.

17. Garrett, Allison Kaye RN 9310050 Case #2020-30739- A motion was made by McKeen to impose costs of \$774.83 and a V6B. Motion passed unanimously.

18. Ricciardo, Heather Rose RN 9399704 Case #2018-12364- A motion was made by McKeen to impose a V8. Motion passed unanimously.

**Recused Member: Maggie Hansen**

19. Cason, Regina LPN 5170426 Case #2020-38781-**Pulled**

20. Oliveira, Arianna Virginia RN 9235484 Case #2020-23464- Present and sworn in. A motion was made by McKeen to impose a V8. Motion passed with Castillo in opposition.

21. Beckner, Angela Joy RN 9358150 Case #2020-37740- A motion was made by McKeen to impose costs of \$167.79 and a V6A. Motion passed unanimously.

22. Post, Jonathan Bruce RN 9422372 Case #2020-35612- A motion was made by McKeen to impose costs of \$368.72 and a V6B. Motion passed unanimously.

**Recused Member: Deborah McKeen**

23. Shelton, Cassandra RN 9502677 Case #2020-24790-**Continued**

**No Recused Member**

24. Faircloth, Jennifer Mary RN 9486757 Case #2020-29437- A motion was made by McKeen to impose costs of \$3,714.17 and a V6A. Motion passed unanimously.

25. Dortch, Lisa Carol Putnal RN 1420822 Case #2020-21944- A motion was made by McKeen to impose costs of \$630.93 and a V3 for two years. Motion passed unanimously.

26. Renick, Audrey Ann LPN 5223584 Case #2020-05865- A motion was made by McKeen to impose costs of \$61.09, a reprimand and a CE in Legal Aspects (8 hrs) within one year. Motion passed unanimously.

27. Dowdell, Danielle Latrese LPN 5210943 Case #2019-40763- A motion was made by McKeen to impose a V8. Motion passed unanimously.

28. Winkler, Jessica Ann RN 9530057 Case #2021-01999- A motion was made by McKeen to impose costs of \$41.88 and a V6A. Motion passed unanimously.

29. Summers, Dori Lichter RN 1748692 Case #2020-35987- A motion was made by McKeen to impose costs of \$7,441.32 and a V6A. Motion passed unanimously.

30. Mathieu, Daniel R. RN 9234691 Case #2020-39883-**Continued**

31. Fry, Amber LPN 5225319 Case #2019-20546- A motion was made by McKeen to impose costs of \$119.99, a reprimand, a \$150 fine and a CE in Legal Aspects (8 hrs) within one year. Motion passed unanimously.

## II. Other

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### A. Practice Issues

None

### B. Advanced Practice Issues

None

### C. Special Education Issues

None

### D. Legislative Issues

1. APRN Compact- A motion was made by McKeen to be in favor of APRN Compact legislation if filed. Motion passed unanimously.

Mr. Baker gave the Board Members a brief overview of currently proposed legislation.

The meeting recessed at 5:39 p.m.

# Disciplinary Hearings & General Business

Friday, October 8, 2021 at 8:30 AM

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## Call to Order:

The meeting was reconvened by the Board Chair, Ms. McKeen at 8:32 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  
Mary Elizabeth “Libby” Flippo, MSN, MBA, RN  
Deborah Becker, DNP, RN, CNE

### Absent:

Heather Baumwald, Consumer- 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  
John Wilson, Deputy General 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  
Angela Falls, MPH, BSN, RN, Nursing Education Consultant  
Zoë McCook, Regulatory Specialist III

### Court Reporter (Full Board only):

Magnolia Court Reporter – (407)-896-1813



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

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### A. CNA Motion to Vacate

None

### B. LPN, RN and APRN Motion to Vacate

None

### C. CNA Informal Waivers

#### **No Recused Member**

1. Brown, Shakira CNA 291772 Case #2020-06197- **Pulled**
2. Slezak, Andrea CNA 266361 Case #2020-08859- A motion was made by McKeen to impose a V8. Motion passed unanimously.
3. Chiles, Jade CNA 334270 Case #2020-12418- Present and sworn in. A motion was made by Hansen to impose costs of \$173.56 and a V6B. Motion passed unanimously.
4. Prater, Brittany F. CNA 373799 Case #2020-28180- A motion was made by McKeen to impose a V8. Motion passed unanimously.
5. Jenkins, Tae Jahwon CNA 360874 Case #2018-27406- A motion was made by McKeen to impose costs of \$916.41, a reprimand, a \$100 fine and a CE in Ethics (8 hrs) within one year. Motion passed unanimously.
6. Cunningham, Tashell S. CNA 178399 Case #2020-32591- **Pulled**  
  
**Recused Member: Maggie Hansen**
7. Morten, BrionShae CNA 379462 Case #2020-05464- A motion was made by McKeen to impose a V8. Motion passed unanimously.
8. Thompson, Brianna A. CNA 381370 Case #2020-27953- A motion was made by McKeen to impose a V8. Motion passed unanimously.  
  
**Recused Member: Deborah McKeen**
9. Jackson, Shaunteka B. CNA 373021 Case #2020-15927- A motion was made by Hansen to impose a V8. Motion passed unanimously.
10. Stanley, Glenda CNA 343306 Case #2020-14733- A motion was made by Hansen to impose a V8. Motion passed unanimously.
11. Johnson, Ashley Lynn CNA 236312 Case #2021-10369- A motion was made by Hansen to impose costs of \$149.32 and a V5F. Motion passed unanimously.

**Recused Member: Heather Baumwald**

12. Paul, Monica R. CNA 276922 Case #2017-23770- A motion was made by McKeen to impose a V8. Motion passed unanimously.

**No Recused Member**

13. Jones, Irene CNA 347338 Case #2020-30941- A motion was made by McKeen to impose costs of \$66.55, a reprimand, a \$100 fine, and a CE in Legal Aspects (2 hrs) within one year. Motion passed unanimously. A motion was made by Macdonald to reconsider. Motion passed unanimously. A motion was made by Macdonald to impose costs of \$66.55, a reprimand and a CE in Legal Aspects (2 hrs) within one year. Motion passed with McKeen in opposition.

14. Brown, Kenneth O. JR CNA 307644 Case #2020-09943- A motion was made by McKeen to impose a V8. Motion passed unanimously.

15. Hall, Kiya M. CNA 346707 Case #2020-27522- A motion was made by McKeen to impose costs of \$50.00, a reprimand, a \$100 fine and a CE in Anger Management (8 hrs) within one year. Motion passed unanimously.

16. Dawes, Rebecca CNA 307330 Case #2020-23543- A motion was made by McKeen to impose a V8. Motion passed unanimously.

**D. Reinstatements and Compliance Issues**

**CNA**

None

**LPN, RN, and APRN**

1. Levins, Jodi Lynn RN/APRN 9258228 Case #2017-21659, 2018-24382, 2017-21655- Present and sworn in. A motion was made by McKeen to deny the request. Motion passed unanimously.

2. Barker, Rachael Elizabeth LPN 5205525 Case #2013-06742, 2014-12965, 2017-08079, 2017-16264, 2018-16677- Present and sworn in. A motion was made by McKeen to deny the request. Motion passed unanimously.

3. Beland, Elizabeth Boyer RN 1804502 Case #2005-68542- Present and sworn in. A motion was made by McKeen to approve with a V6B and remedial course within six months. Motion passed unanimously.

The following agenda items may be considered on either Thursday or Friday:

## II. Intervention Project for Nurses

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1. State Reports
  - A. July 2021
  - B. August 2021
2. IPN Agenda
3. October 2021 Meeting Report

Dr. Myrtle Greene provided a brief update on the monthly reports for July and August 2021. She also informed the board of changes IPN has made to continue to hold trainings and conferences.

## III. Board Reports

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### **A. Board Chair**

1. Florida Prescription Drug Monitoring Program (PDMP) Monthly Report- informational
2. Florida Nurse Workforce Projections: 2019-2035- informational

### **B. Board Members**

Dr. Castillo encouraged the other members to submit articles for the Florida Nursing Quarterly.

### **C. Board Counsel**

1. Rules Report- informational
  - A. August 2021
  - B. September 2021
2. Litigation Update- nothing to report at this time
3. Annual Regulatory Plan- informational
4. Proposed Language for 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.)

1. Attempting to procure or procuring initial license by bribery or knowing misrepresentations.

	MINIMUM	MAXIMUM
FIRST OFFENSE	<del>Denial. \$500 fine and probation</del>	\$10,000 fine and <del>denial</del> revocation
<del>SECOND OFFENSE</del>	<del>\$5,000 fine, suspension or probation</del>	<del>\$10,000 fine and revocation</del>
FOR TELEHEALTH REGISTRANTS	Denial of license	Revocation

2. Attempting to renew or renewing license by bribery or knowing misrepresentations.

	MINIMUM	MAXIMUM
FIRST OFFENSE	<del>Revocation. \$500 fine and probation</del>	\$10,000 fine and revocation
<del>SECOND OFFENSE</del>	<del>\$5,000 fine, suspension or probation</del>	<del>\$10,000 fine and revocation</del>

FOR TELEHEALTH REGISTRANTS	Denial of license	Revocation

3. Procuring or renewing license by error of the department or board.

	MINIMUM	MAXIMUM
FIRST OFFENSE	<del>Revocation, \$500 fine and probation</del>	\$10,000 fine and Revocation
SECOND OFFENSE	<del>\$5,000 fine, suspension or probation</del>	\$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), (ii), (ii),~~ F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand	\$250 fine, continuing education, probation
SECOND OFFENSE	<del>\$500 fine, suspension or probation</del>	\$1,000 fine, revocation
FOR TELEHEALTH REGISTRANTS	Denial of license	Revocation

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 statutes. (section 464.018(1)(d), 464.018(1)(e), or 456.072(1)(ii) or (ii), F.S.)

a. Section 464.018(1)(d), F.S.

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

b. Section 464.018(1)(e), F.S.

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand; \$250 fine, continuing education	\$500 fine, probation
SECOND OFFENSE	\$1,000 fine, suspension or probation	Revocation
FOR TELEHEALTH REGISTRANTS	Denial of license	Revocation

3. Section 456.072(ii) and (ll), F.S.

	MINIMUM	MAXIMUM
FIRST OFFENSE	Revocation	Revocation
FOR TELEHEALTH REGISTRANTS	Denial of license	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	\$140,000 fine and probation suspension
SECOND OFFENSE	\$5,000-500 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
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Suspension with corrective action plan	Revocation

(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)(3), (6), (7), (8), (11), (12), (13), and (14), (16), and (17), F.A.C. and (2), F.A.C.

	MINIMUM	MAXIMUM

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

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

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

3. Subsection 64B9-8.005(4),(9), (10), F.A.C.

	MINIMUM	MAXIMUM
FIRST OFFENSE	Revocation	
FOR TELEHEALTH REGISTRANTS	Revocation	

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

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

(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	<del>\$250</del> fine, suspension and IPN evaluation	<del>\$250</del> 500 fine, suspension and IPN evaluation, 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.)

1. Violating a rule of the board or the department or failing to perform any statutory or legal obligation placed on a licensee

FIRST OFFENSE	Letter of Concern, \$100 fine and continuing education	\$250 fine and probation
SECOND OFFENSE	Reprimand, \$500 fine and suspension	\$750 fine and revocation
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Letter of Concern	Reprimand
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	Reprimand to suspension with corrective action plan	Revocation

2. Violating a lawful order of the board or department or failing to comply with a lawfully issued subpoena of the department.

	MINIMUM	MAXIMUM
FIRST OFFENSE	<del>\$250 fine and suspension until compliance with subpoena rule</del> or terms of prior order	<del>\$250</del> 500 fine and suspension until compliant with subpoena rule or terms of prior order, <del>or revocation</del>
SECOND OFFENSE	\$500 fine and suspension until compliant with subpoena 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
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FIRST OFFENSE	Reprimand	<del>\$250 fine and probation</del> <u>Revocation</u>
SECOND OFFENSE	<del>\$500 fine and Suspension or probation</del>	<u>Revocation</u>
FOR TELEHEALTH REGISTRANTS	Reprimand	<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	<del>\$500 fine, probation</del> <u>Revocation</u>
SECOND OFFENSE	<del>Reprimand, \$750 500 fine, suspension or probation</del>	<u>Revocation</u>
FOR TELEHEALTH REGISTRANTS	Reprimand	<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.)

1. Making misleading or deceptive representations.

	MINIMUM	MAXIMUM
FIRST OFFENSE	<u>Reprimand and \$250 fine</u>	<del>\$500 fine, continuing education, and probation</del>
SECOND OFFENSE	<u>\$700 fine and suspension</u>	<u>Revocation</u>
FOR TELEHEALTH REGISTRANTS	Reprimand	<u>Suspension with corrective action plan</u>
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	<u>Suspension with corrective action plan</u>	<u>Revocation</u>

2. Making fraudulent representations or employing a trick or scheme.

FIRST OFFENSE	<u>Revocation</u>	<u>\$10,000 fine and revocation</u>
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	<u>Letter of Concern</u>	<u>Reprimand</u>
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE	<u>Reprimand to 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

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

(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 <del>probation</del> suspension
SECOND OFFENSE	<del>\$750</del> \$500 fine and suspension <del>or probation</del>	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	Reprimand, \$250 fine and continuing education	\$500 fine and probation <del>or suspension, or revocation</del>
SECOND OFFENSE	<del>\$750</del> \$500 fine and <del>probation or</del> 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	Reprimand, \$250 fine and probation	\$500 fine and suspension <del>Revocation</del>
SECOND OFFENSE	<del>\$750</del> \$500 fine and suspension <del>or probation</del>	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 <del>probation suspension</del>
SECOND OFFENSE	<del>\$750</del> \$500 fine and suspension <del>or and probation</del>	Revocation
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Reprimand	Suspension with corrective action plan
FOR TELEHEALTH REGISTRANTS 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 TELEHEALTH REGISTRANTS FIRST OFFENSE	Letter of concern	Reprimand
FOR TELEHEALTH REGISTRANTS 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 TELEHEALTH REGISTRANTS FIRST OFFENSE	Letter of concern	Reprimand
FOR TELEHEALTH REGISTRANTS 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; <del>and suspension and IPN evaluation</del>	\$500 fine and suspension, or revocation
SECOND OFFENSE	<u>Revocation</u>	<u>Revocation</u>
FOR TELEHEALTH REGISTRANTS	<u>Suspension with corrective action plan</u>	<u>Revocation</u>

(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 TELEHEALTH REGISTRANTS	<u>Not applicable</u>	

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

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

(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 fine 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	<del>Revocation-\$500 fine and Reprimand</del>	<del>Revocation</del>
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.)

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

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

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

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250 fine, and continuing education	Suspension or probation
SECOND OFFENSE	\$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.)

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

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

	MINIMUM	MAXIMUM
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE	Letter of concern	Suspension with corrective action plan

FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> <u>SECOND OFFENSE</u>	<u>Reprimand</u>	<u>Revocation</u>
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(~~kk~~) 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>
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> <u>FIRST OFFENSE</u>	<u>Suspension with corrective action plan</u>	<u>Revocation</u>
FOR <u>TELEHEALTH</u> <u>REGISTRANTS</u> <u>SECOND OFFENSE</u>	<u>Revocation</u>	

(~~ll~~) Failing to report disciplinary action by another jurisdiction including pending disciplinary action. (Section 456.47(4)(d), F.S.)

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

(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 21O-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.*

#### **D. Prosecution Services Unit**

1. October 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

#### 2. Team Updates

Mr. Baker advised the Board members that he had been re-elected as a Member-at-Large on the Nurse Licensure Compact's Executive Committee and also appointed to the NCSBN Leadership Succession Committee. He thanked his direct reports and staff for all of their hard work; nursing application processing numbers are at their lowest in many years. His assignment as Interim Bureau Chief ended today, as Janet Hartman was announced as the new HCPR Bureau Chief. Governor DeSantis has appointed Dr. Joseph Ladapo as the new State Surgeon General. He reminded the Board members that officer elections will take place at the December meeting in Tampa.

#### **F. Financial Report**

1. July 2021 Revenue Report
2. August 2021 Revenue Report

Ms. Hansen let the board members know that more detailed reports will be available for review at the December meeting.

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

1. August 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.

## IV. Adjournment

The meeting adjourned at 10:08 a.m.