

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH

Petitioner,

vs.

RACHELLE CHIARO VASLOWSKI, R.N.,

Respondent.

Final Order No. DOH-03-0068- FOF-MQA
FILED DATE - 1/10/03
Department of Health
By: Vicki R. Kenon
Deputy Agency Clerk

SFD closed
DOAH Case No. 00-1931
Case No. 98-04930
License No. RN 2913542

FINAL ORDER

THIS MATTER came before the Board of Nursing (hereinafter "the Board") for final action pursuant to Section 120.57(1)(I), Florida Statutes, at a duly-noticed public meeting held on June 14, 2001, in Fort Myers, Florida, for the purpose of considering the Recommended Order issued by the Administrative Law Judge in the above-styled case. The Petitioner was represented by Reginald Dixon. The Respondent did not make an appearance at the Board meeting.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, any exceptions filed by the parties, and the arguments of each party, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The Administrative Law Judge's findings of fact are hereby approved, adopted, and incorporated herein.
2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the provisions of Sections 120.569 and 120.57(1) and Chapter 480, Florida Statutes.

2. The Administrative Law Judge's conclusions of law are hereby approved, adopted and incorporated herein.

3. There is competent substantial evidence to support the Board's findings and conclusions.

PENALTY

IT IS THEREFORE ORDERED AND ADJUDGED:

The penalty recommended by the Administrative Law Judge is approved and the terms are as follows:

1. The license of RACHELLE CHIARO VASLOWSKI is suspended; however, the suspension shall be stayed upon her entry into the Intervention Project for Nurses (IPN) and compliance with any and all terms and conditions imposed by IPN. The suspension shall remain stayed as long as the licensee participates in the IPN. It is the duty of the licensee to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32249-9130, (904) 270-1620 within six months. The licensee shall comply with all conditions of the IPN Advocacy Contract or she will be in violation of the Board Order. Violation of the IPN Advocacy Contract shall result in the immediate lifting of the stay of suspension. The Board delegates the authority to suspend to the Director of the IPN and the Chairman of the Board. Reinstatement will require compliance with all terms and conditions set forth in any previous Board Order, and her appearance before the Board to demonstrate her present ability to engage in the safe practice of nursing, which shall include a demonstration of two years documented continuous sobriety.

2. Upon reinstatement, the license of RACHELLE CHIARO VASLOWSKI is placed on probation for 5 years, subject to the following conditions:

The licensee shall not violate chapters 455 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing.

The licensee must report any change in address or telephone number, employment, employer's address or telephone number, or any arrests or violations of probation or whatever impediment which may be on the license from another jurisdiction, in writing by certified mail within 5 working days to the Nursing Compliance Officer at the Department of Health, Client Services Unit, HMQAMS, BIN C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251.

Whether employed as a nurse or not, the licensee shall submit written reports to the Nursing Compliance Officer at the Board of Nursing office, which contain the licensee's name, license number, and current address; the name, address, and phone number of each current employer; and a statement by the licensee describing her employment. This report shall be submitted to the Nursing Compliance Officer every three (3) months in a manner as directed by the Nursing Compliance Officer.

All current and future settings in which the licensee practices nursing shall be promptly informed of the licensee's probationary status. Within five days of the receipt of this Order, the licensee shall furnish a copy to her nursing supervisor or supervisors, if there are multiple employers. The supervisors must acknowledge this probation to the Board Nursing Compliance Officer in writing on employer letterhead within ten days. Should the licensee change employers, she must supply a copy of this Order to her new nursing supervisor within five days. The new employer shall acknowledge probation in writing on employer letterhead to the Board

Nursing Compliance Officer within ten days. The licensee shall be responsible for assuring reports from nursing supervisors will be furnished to the Board Nursing Compliance Officer every three (3) months. That report shall describe the licensee's work assignment, work load, level of performance, and any problems. Any report indicating an unprofessional level of performance shall be a violation of probation.

Should the licensee desire to return to school to attend a nursing program, the licensee shall provide a copy of this Order to the Program Director prior to beginning class. The Program Director must inform the Board in writing on school letterhead, acknowledging receipt of a copy of the Order. If the school is willing to comply with the licensee's conditions of probation during clinical experiences, that should be specified. Otherwise the probation shall be tolled. Any requests for modification or accommodation by the school or the licensee shall be considered on an individual basis by the Board.

If the licensee leaves Florida for thirty (30) days or more or ceases to practice nursing in the state, this probation shall be tolled until the licensee returns to active practice of nursing in Florida. Then the probationary period will resume. Unless this Order states otherwise, any fines imposed or continuing education required must be paid or completed within the time specified and are not tolled by this provision. Employer reports are not required during the time probation is tolled. Working in nursing without notification to the Board is a violation of this Order.

The licensee's failure to comply with the terms of this Probation Order without the prior written consent of the Board shall be a violation of this Probation. The probation shall not be terminated until the licensee has complied with all terms of probation. The licensee shall pay all costs necessary to comply with the terms of this Order. Such costs include, but are not limited

to, the cost of preparation of investigative and probationary reports detailing the compliance with this probation; the cost of obtaining, and analyses of, any blood or urine specimens submitted pursuant to this Order; and administrative costs directly associated with the licensee's probation.

The terms of this Order are effective as of the date this Order is filed with the clerk for the Department of Health. The Board office will send the licensee information regarding probationary terms; however, failure of the licensee to receive such information DOES NOT EXCUSE COMPLIANCE with the terms of this Order.

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

DONE AND ORDERED this 18 day of December, 2002.

BOARD OF NURSING



Dan Coble, Executive Director

NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED

Pursuant to Section 120.569, Florida Statutes, any substantially affected person is hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the clerk of the Department of Health and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within 30 days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to RACHELLE CHIARO VASLOWSKI, R.N., 240 Brookline Avenue, Daytona Beach, Florida 32118, and Administrative Law Judge Stephen F. Dean, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee FL 32399-1550 and and by inter-office mail to Edward A. Tellechea, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; Amy Pietrodangelo, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265; and Pamela Page, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265, on this 10th day of January, 200³2.

Marie Boyette