

8-27-01

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Final Order No. DOH-01-2150-~~FOR~~MOA  
FILED DATE - 12/17/01  
Department of Health

STATE OF FLORIDA  
BOARD OF NURSING

By: W. R. Kenon  
Deputy Agency Clerk

MTM

DEPARTMENT OF HEALTH

Petitioner,

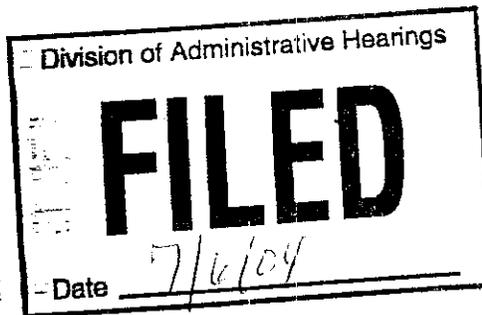
WFQ-C105  
DOAH Case No. 01-1282PL  
License No. RN 2551692

vs.

AT

BEVERLY COOPER,

Respondent.



FINAL ORDER

THIS MATTER came before the Board of Nursing (hereinafter "the Board") for final action pursuant to Section 120.57(1)(l), Florida Statutes, at a duly-noticed public meeting held on October 11, 2001, in Pensacola, Florida, 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 D. Dixon, Esq. The Respondent was not present before the Division of Administrative Hearings (hereinafter "DOAH"), nor was she represented by legal counsel.

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 484, 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:**

1. The licensee must pay an administrative fine of \$1,000.00 prior to termination of reinstatement. The licensee has the responsibility to document financial hardships prior to the due date of the fine payment.
2. The license of BEVERLY COOPER is suspended until she personally appears before the Board and can demonstrate her present ability to engage in the safe practice of nursing. That demonstration shall include at least an in-depth psychological evaluation coordinated through the Intervention Project for Nurses, with an MMPI or other appropriate testing from a psychiatrist, psychologist or other licensed mental health counselor experienced in the treatment of. She shall supply a copy of this order to the evaluator. The evaluation must contain evidence that the evaluator knows of the reason for referral. The evaluator must specifically advise this Board that the licensee is presently able to engage in the safe practice of nursing or recommend the conditions under which safe practice could be obtained. She must also submit prior to her appearance before the Board proof of continued treatment and counseling if recommended in the psychological evaluation and a reentry plan. The Board reserves the right to impose reasonable conditions

of reinstatement at the time she appears before the Board to demonstrate the present ability to engage in the safe practice of nursing.

Within 30 days, the licensee shall return her license to the board office, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207 or shall surrender the license to an Investigator of the Agency for Health Care administration. Her employer shall immediately be informed of the suspension in writing from her with a copy to be sent to the Board office.

3. Upon reinstatement from suspension, the license of BEVERLY COOPER is placed on probation for one (1) year, 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 Probation Supervisor at the Board of Nursing Office, 904/858-6940, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207.

Whether employed as a nurse or not, the licensee shall submit written reports to the Probation Supervisor 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 Probation Supervisor every three (3) months in a manner as directed by the Probation Supervisor.

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 Probation Supervisor 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 Probation Supervisor within ten days. The licensee shall be responsible for assuring reports from nursing supervisors will be furnished to the Board Probation Supervisor 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 licensee must work in a setting under direct supervision and only on a regularly assigned unit. Direct supervision requires another nurse to be working on the same unit as the licensee and readily available to provide assistance and intervention. She cannot be employed by a nurse registry, temporary nurse employment agency or home health agency. Multiple employers are prohibited. The licensee cannot be self-employed as a nurse.

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.

The penalty recommended by the Administrative Law Judge is approved.

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

DONE AND ORDERED this 20th day of November, 2001.

BOARD OF NURSING



RUTH R. STIEHL, Ph.D., R.N.  
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 Beverly Cooper, 2801 Belle Chase Circle, Tampa, Florida 33634, and William F. Quattlebaum, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee FL 32399-3060 and by inter-office mail to Reginald Dixon, Staff Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403 and Lisa Pease, Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Mailstop 39, Tallahassee, FL 32308, this 17 day of December, 2001.

