

By: Theresa McKown
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

THE INSTITUTE OF ALLIED
HEALTH,

Petitioner,

vs.

DOAH Case Number: 2005-1504

DEPARTMENT OF HEALTH,
BOARD OF NURSING,

Respondent.

FILED
05 FEB 16 AM 11:18
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING ON December 14, 2005, pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 14, 2005, via teleconference, for the purpose of considering the RECOMMENDED ORDER filed by the Division of Administrative Hearings on November 21, 2005. A copy of the recommended Order is attached hereto and incorporated herein as Exhibit A.

Petitioner was represented by Mark J. Berkowitz, Esquire and Respondent was represented by Lee Ann Gustafson, Assistant Attorney General.

Upon review of the recommended order the argument of the parties, and after a review of the complete record in this case, the Board makes the following Findings and Conclusions:

RULINGS ON EXCEPTIONS

1. Exception A is rejected on the grounds that the record contains competent substantial evidence to support the findings of fact in paragraphs 3 and 4.

2. Exception B is rejected on the grounds that the record contains competent substantial evidence in paragraphs 6 and 7.

3. Exception C is rejected on the grounds that the record contains competent substantial evidence in paragraphs 1-14.

4. Exception D is rejected on the grounds that the record contains competent substantial evidence in paragraphs 6-14.

5. Exception E is rejected on the grounds that the record contains competent substantial evidence in paragraphs 6-14.

FINDINGS OF FACT

1. The findings of fact set forth in the recommended order are approved and adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 464, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

DISPOSITION

Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge is ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Petitioner's approval to operate a nurse education program is rescinded.

DONE AND ORDERED this 13 day of February, 2006.



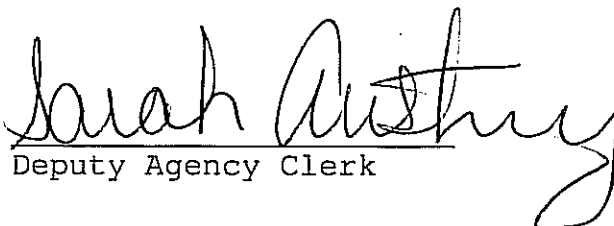
Dan Coble, RN, PhD, Executive Director
For Patricia Dittman, RN, Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE, SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing final order has been provided by U.S. Mail to Ms. Beverly Pryce, Institute of Allied Health, 2035 Harding Street, Suite 100, Hollywood, FL 33023; Mark J. Berkowitz, Mark J. Berkowitz, P.A., 524 South Andrews Avenue, Suite 200 N, Fort Lauderdale, Florida 33301; Samuel L. Ferguson, Executive Director, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400; The Honorable Robert S. Meale, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and by Interoffice mail to Kathryn E. Price, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin Number C-65, Tallahassee, Florida 32399-3265, and Lee Ann Gustafson, Assistant Attorney General, The Capitol, Plaza Level 01, Tallahassee, Florida 32399-1050, this 13th day of February 2006.


Deputy Agency Clerk