

By: Sheresa McKown
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH Case No.: 2001-04377
DOAH Case No.: 05-2282BL
License No.: RN 2164512

FILED
09 JAN 26 PM 2:55
DIVISION OF
ADMINISTRATIVE
HEALTH SERVICES

PENNY T. STOCKFORD,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 1, 2005, in Ft. Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, in the above-styled cause. Petitioner was represented by Yolanda Green. Respondent was represented by, Esquire.

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.

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.

AGGRAVATING FACTORS

1. As aggravating factors, the Board makes the following findings from the record:

a. The patients put at risk by Respondent's actions were pediatric patients. See, Finding of Fact ¶3.

b. Respondent falsified her clinical notes. See, Finding of Fact ¶4.

c. The crime to which Respondent entered her plea involved Medicaid provider fraud. See, Finding of Faact ¶6.

d. Although Respondent pled *nolo contendere* to the charges in the criminal case, she did not appear at the hearing in this case to provide explanation for the falsification of records.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of 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 be rejected. Based upon the identified aggravating factors, it is hereby

ORDERED AND ADJUDGED that The license of PENNY T. STOCKFORD is permanently revoked. Within 30 days she shall return her license to the Board office, 4052 Bald Cypress Way, BINCO2 Tallahassee, FL 32399 or shall surrender the license to an investigator of the Agency for Health Care Administration. Her employer shall immediately be informed of the revocation in writing from her with a copy to be sent to the Board office.

RULING ON MOTION TO ASSESS COSTS

The Board considered the Petitioner's Motion to Assess Fees in this matter and according to its statutory mandate set forth in §456.072(4), Florida Statutes, costs in the amount of \$2,207.28 shall be submitted to the Board within 60 days from the date this Final Order is filed. Payment shall be made to the following address: DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 11 day of January, 2006.

BOARD OF NURSING



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 PENNY T. STOCKFORD, 2235 S. Shadow Bay Drive, Orlando FL 32825; to Susan B. Harrell, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Yolanda Green, and Pamela Page, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 13th day of January, 2006.



Deputy Agency Clerk