

STATE OF FLORIDA
BOARD OF NURSING

Ingo Sanders
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

FILED

Petitioner,

2012 JUL 3 AM 11 20

vs.

DIVISION OF DOH CASE NO.: 2010-21143
ADMINISTRATIVE 2010-19423
HEARINGS DOAH CASE NO.: 11-6177PL
LICENSE NO.: PN 1342121
RN 9285922

DEBORA JEAN ELWELL,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 7, 2012, in Tampa, 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 William Miller, Assistant General Counsel. Respondent was present.

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.

RULING ON RESPONDENT'S EXCEPTIONS

Respondent submitted a letter dated March 10, 2012 to the Administrative Law Judge responding to the Recommended Order. The letter was not titled exceptions and did not contain references to the Record as required by Rule 28-106.217, Florida

Administrative Code. Nevertheless, the Board reviewed the letter to determine if Respondent had asserted the absence of competent substantial evidence concerning any of the Findings of Fact in the Recommended Order. Having found that Respondent did not assert a proper objection, the "exceptions" filed by Respondent were rejected.

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 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.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

The license of Respondent, DEBORA JEAN EWELL is revoked.

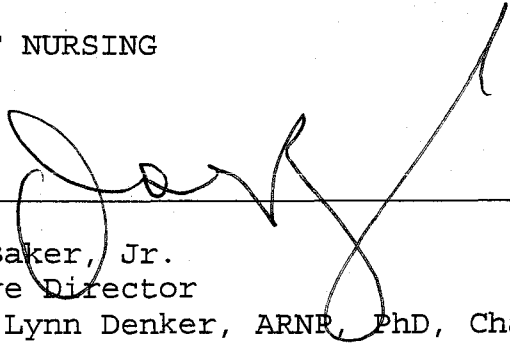
RULING ON MOTION TO ASSESS COSTS

The Board did not assess costs in this case.

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

DONE AND ORDERED this 29th day of June,
2012.

BOARD OF NURSING



Joe R. Baker, Jr.
Executive Director
for Ann-Lynn Denker, ARNP, PhD, 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 DEBORA JEAN ELWELL, 928 Winnie Lane, Lakeland FL 33813; to Susan B. Kirkland, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway,

Tallahassee, Florida 32399-3060; and by interoffice delivery to William Miller, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 2nd day of July, 2012.

Angie Sanders

Deputy Agency Clerk

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