

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ROSE FENELON,)
)
 Petitioner,)
)
 vs.) Case No. 12-3553
)
 BOARD OF NURSING,)
)
 Respondent.)
 _____)

RECOMMENDED ORDER

On January 10, 2013, a final hearing was held in this case by video teleconference at sites in Orlando and Tallahassee, Florida, before Elizabeth W. McArthur, Administrative Law Judge, Division of Administrative Hearings (DOAH).

APPEARANCES

For Petitioner: Rose Fenelon, pro se
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For Respondent: Lee Ann Gustafson, Esquire
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STATEMENT OF THE ISSUE

Whether Petitioner's application for licensure as a practical nurse (PN) should be approved or denied.

PRELIMINARY STATEMENT

By Notice of Intent to Deny (Notice) issued on October 10, 2012, the Board of Nursing (Respondent or Board) informed Rose Fenelon (Petitioner) of its intent to deny her application for licensure by examination as a PN. As reasons for denial, the Notice referred to the following: fraudulent documentation submitted with a prior application for licensure by endorsement as a registered nurse (RN), by which Petitioner obtained an RN license that Petitioner later voluntarily relinquished; inconsistent statements in a prior application for licensure as a PN and in Petitioner's testimony before the Board regarding that application; and inconsistencies between the prior applications and statements made in the current application for licensure as a PN.

Petitioner requested an administrative hearing to contest the Notice. The Board referred the matter to DOAH to conduct the requested hearing.

An Order of Pre-Hearing Instructions required the parties to exchange their proposed exhibits and witness lists before the final hearing. Respondent filed its witness list and exhibit list and provided Petitioner with its proposed exhibits. Petitioner did not file a witness list and did not provide Respondent with any proposed exhibits.

At the final hearing, Petitioner testified on her own behalf. Petitioner did not ask to admit any documents in evidence. Respondent presented the testimony of William Spooner, the program operations administrator for the Board's licensure unit. Respondent's composite Exhibits 1 and 2 were admitted in evidence.

A transcript of the final hearing was ordered. The parties agreed that proposed recommended orders would be due within 20 days after the transcript was filed at DOAH. Due to a miscommunication with the court reporter, the one-volume Transcript was not filed until February 22, 2013. Respondent timely filed a proposed recommended order; Petitioner has not made any post-hearing filing. Respondent's proposed recommended order has been considered, as has the entire record, in the preparation of this Recommended Order.

FINDINGS OF FACT

1. At issue in this proceeding is the application for licensure by examination as a PN signed by Petitioner on August 6, 2012, and mailed to the Board for filing. This application will be referred to as the "August 2012 PN application."

2. The purpose of an application for PN licensure by examination is to demonstrate that the applicant has the educational and background qualifications to be eligible to take

the PN licensure examination. The Board uses the National Council Licensure Examination, commonly referred to as "NCLEX." The NCLEX is owned by the National Council of State Boards of Nursing, to which all state nursing boards, including Florida's, belong as members. There is an NCLEX for PN licensure (NCLEX-PN) and a separate NCLEX for RN licensure (NCLEX-RN).

3. The August 2012 PN application stated that Petitioner obtained her nursing education from Lincoln Technical Institute in Fern Park, Florida, where Petitioner completed an LPN program from which she graduated on September 24, 2011.

4. In the "examination history" section of the August 2012 PN application, Petitioner stated that she took the NCLEX-RN in Florida in November 2002 and passed.

5. However, according to Mr. Spooner's credible testimony, Petitioner could not have taken and passed the NCLEX-RN in Florida in November 2002, as represented. The Board has no record of Petitioner ever having been approved to take the NCLEX-RN in Florida, much less having taken and received a passing score.

6. As Mr. Spooner explained, in order for someone to take either the NCLEX-RN or the NCLEX-PN in Florida, that person must first submit an application to the Board for either RN or PN licensure by examination, and the application must be approved by the Board. If an application is approved, the Board then would

send an "authorization to test" to the approved applicant. The Board would also transmit the applicant's name to the exam vendor, Pearson VUE, on a list identifying the applicant as eligible to take either the NCLEX-RN or the NCLEX-PN. Following the examination, the results would be transmitted by the exam vendor directly to the Board.

7. In a section of the August 2012 PN application called "applicant background," Petitioner was asked a series of "yes-no" questions, asking whether she had "ever applied for" any of the following: RN licensure by examination in Florida; PN licensure by examination in Florida; RN licensure by endorsement in Florida; or PN licensure by endorsement in Florida. Petitioner did not answer either yes or no to any of these questions about prior applications in Florida.

8. The "applicant background" section also asked Petitioner whether she has ever been licensed in Florida as an RN or a PN. Petitioner indicated that she had been licensed in Florida as an RN. Petitioner was required to list all nursing licenses she has held; and for any licenses that were no longer active, Petitioner was instructed to "state why and when" the license became no longer active. Petitioner listed her Florida RN license and offered the following as to why and when that license became no longer active: "lack of accreditation of the school (07-2007)."

9. Evidence at hearing established that in the August 2012 PN application, Petitioner should have disclosed the following prior nursing applications filed in Florida: in May 2006, Petitioner applied for RN licensure by endorsement (May 2006 RN application); in October 2008, Petitioner applied for RN licensure by examination (October 2008 RN application); in January 2009, Petitioner applied for RN licensure by examination (January 2009 RN application); and in October 2011, Petitioner applied for PN licensure by examination (October 2011 PN application).

10. The May 2006 RN application resulted in the issuance of an RN license to Petitioner. This was the RN license that Petitioner listed on the August 2012 PN application. However, the RN license was not rendered inactive for the reason stated by Petitioner ("lack of accreditation of the school").

11. Instead, the May 2006 RN application contained false information, misrepresenting that Petitioner graduated in 2002 from an ADN (associate degree in nursing) program at Laramie County Community College in Wyoming; that Petitioner had taken and passed the RN licensure exam in Wyoming in November 2002; and that in December 2002, the Wyoming Board of Nursing issued an RN license to Petitioner. Submitted with the May 2006 RN application was a falsified license verification form completed by someone identified as the director of Wyoming's Board of

Nursing, verifying that Petitioner held an active RN license in Wyoming and providing the license number ostensibly corresponding to Petitioner's Wyoming RN license.

12. The May 2006 RN application contained accurate personal information about Petitioner, including her social security number, date of birth, and her mother's maiden name. Some of the personal information was wrong, such as Petitioner's birth place. Petitioner's Orlando, Florida, home address was a bit garbled-- the street number and name were correct, but "Parkway" was left off of the street name and was, instead, put into the space for the city (so that the city was identified as Parkway instead of Orlando). However, the zip code was correct, so despite the garbled address in the application form, the Board got the address straightened out and was able to correspond with Petitioner about the application during its processing.

13. Petitioner described the background leading up to the May 2006 RN application. Petitioner was born in Haiti. She said that she was a nurse in Haiti before moving to Florida. Petitioner offered no details regarding any formal education received or regulatory approvals to practice nursing held in Haiti. There was no evidence establishing when Petitioner moved to Florida, except that it was sometime before 2002. Once in Florida, she sought to take the steps needed to be allowed to practice nursing in Florida. Petitioner testified that based on

her "accreditation" from her country, she was allowed to take an "online program" of some kind offered by the International School of Nursing, which she described as based in Wyoming, with "school" branches in Hallandale, Florida, and Nigeria. According to Petitioner, she successfully completed the online program in 2002; she understood that the purpose of the program was to allow her to "sit for the exam here in Florida."

14. Petitioner testified that her online school took "them" (presumably Petitioner and other students) to Miami, Florida, to "the exam" in 2002. When asked what exam she took, Petitioner testified as follows: "When I go in the computer it says NCLEX, NCLEX exam."^{1/} Petitioner said that someone at the online school called her to tell her that she passed the exam, but she never saw the results. Petitioner said that she was told by the online school that she could not get a nursing license until she paid the school the rest of the money she owed for the online program. Petitioner testified that she paid off the debt between 2002 and 2006, at which point the school prepared the May 2006 RN application and filed it for Petitioner.

15. Petitioner's testimony was not forthright about the May 2006 RN application. Petitioner claimed that she had no knowledge whatsoever about the contents of the May 2006 RN application, because the application was handled entirely by the online school. At first, Petitioner claimed that all she knew

was that the school submitted the application for her, and the next thing she knew, she received her license. She claimed that she did not question the license when it appeared, because she thought she qualified for the license. However, Petitioner ultimately admitted that she was involved in the application process, because the Board corresponded with her at her home address and Petitioner responded to the Board's requests. The Board wrote to Petitioner to confirm receipt of her RN "endorsement application," but noted that she had omitted the filing fee; the filing fee was then paid by Petitioner. The Board then wrote to Petitioner to confirm receipt of the filing fee payment, but noted that Petitioner needed to get fingerprinted and have the fingerprint cards submitted for a background check; Petitioner followed those instructions.

16. Petitioner admitted that she did not go to nursing school at a community college in Wyoming, did not take the NCLEX-RN in Wyoming, and never held an RN license in Wyoming.

17. Petitioner denied signing the May 2006 RN application and noted that the signature is not even her name. Indeed, with the benefit of that testimony, if one stares at the signature long enough, the cursive scrawl takes on the appearance of the name of the street where Petitioner lives. However, the scrawled signature is far from legible; the letters are not distinct. At a quick glance, one could just as reasonably discern something

approximating Petitioner's first initial and last name, instead of the name of Petitioner's street; those two alternatives are about the same length and end in the same letters ("on"). For someone expecting to see Petitioner's name and not studying the signature with the benefit of Petitioner's testimony, it is not so obvious that the signature is not Petitioner's name.

18. Petitioner did not directly accuse someone from the online school of taking it upon himself or herself to submit for Petitioner a fraudulent application for RN licensure by endorsement without Petitioner's knowledge or permission, but that was the implication of Petitioner's testimony claiming that she had no idea what was in the May 2006 RN application. Petitioner's testimony is difficult to credit, especially since Petitioner did not identify who would have done such a thing or what that person's motive could possibly have been. Moreover, Petitioner's claimed ignorance of the application is not borne out by the evidence. At the very least, Petitioner knew that an application for RN licensure by endorsement was filed in her name, because she received the Board's letters acknowledging receipt of her "endorsement application," and she actively participated in the processing of that application by responding to the Board's requests.

19. An application for licensure by endorsement means that the applicant has an active license in another state, which was

obtained after the applicant took and passed that state's licensure examination, either the NCLEX or the State Board test pool. Thus, Petitioner knew, or certainly should have known, that she was not eligible for RN licensure by endorsement because she did not hold an RN license in another state. See § 464.009, Fla. Stat. (2006)(addressing the requirements for RN or PN licensure by endorsement). As Petitioner acknowledged, applicants for nursing licenses in Florida are required to know the licensure laws and rules.

20. Despite not qualifying under Florida law for RN licensure by endorsement, Petitioner accepted the RN license issued by the Board on the basis of the falsified May 2006 RN application and practiced as an RN for several months.

21. In early 2007, the Board received a "fraud list" from the National Council of State Boards of Nursing, identifying names of possible fraudulent applicants. As a result, the Board investigated Petitioner's May 2006 RN application. Using the Wyoming online licensure-look-up tool, the Board searched for Petitioner and found no nursing license history, a fact later confirmed to the Board in an affidavit from a Wyoming Board of Nursing representative. Using the same tool, the Board searched the records by the license number identified in the license verification form filed with Petitioner's May 2006 RN application. The results of that search showed that the license

number did not correspond to an active RN license issued to Petitioner following successful examination in Wyoming. Instead, the license number corresponded to an RN license by endorsement that had been issued to a different person, not Petitioner, but that had expired in 2004. The Board's investigation also confirmed that the person identified as the director of Wyoming's Board of Nursing, who completed Petitioner's license verification form, was not the Wyoming Board of Nursing's director.

22. On June 22, 2007, the Department of Health (Department) issued an emergency suspension order (ESO), suspending Petitioner's RN license. The ESO contained a detailed recitation of the facts regarding the May 2006 RN application, including the fact that it was an application for RN licensure by endorsement, which required verification that Petitioner held an active RN license in another state and that to address this requirement, a license verification form attested to Petitioner's RN license in Wyoming. The ESO set forth the results of the Board's investigation, by which it determined that the May 2006 RN application contained material misrepresentations and was supported by a falsified license verification form. The ESO concluded that because Petitioner's RN license was procured by knowing misrepresentations, when the actual facts showed that Petitioner was not qualified for the license issued to her, it was necessary to immediately suspend Petitioner's license.

23. Petitioner did not contest the ESO. Petitioner testified that she did not fight the ESO, because she had no money to hire a lawyer. However, Petitioner also admitted that she did not have grounds to fight it, because she did not, in fact, qualify for RN licensure by endorsement.

24. The Department issued an administrative complaint against Petitioner's RN license based on the same allegations as in the ESO. In lieu of further proceedings on the administrative complaint, Petitioner agreed to voluntarily relinquish her RN license, which the Board accepted by Final Order rendered December 24, 2007. As with the ESO, Petitioner attempted to explain her choice not to contest this action as a financial decision. However, Petitioner ultimately conceded that she could not have successfully fought to retain her RN license that she received by endorsement, because she was not qualified for licensure by endorsement.

25. Petitioner claimed to not understand until sometime recently, when the Board sent her a copy of the May 2006 RN application, that fraudulent information and documentation were submitted to enable her to obtain an RN license. Petitioner claimed to have been "shocked" when she saw the application. Petitioner's testimony in this regard was not credible. Petitioner may have failed to previously obtain a copy of the application that she knew was submitted in her name. However, at

least by mid-2007, Petitioner was informed, with great specificity set forth in the ESO and administrative complaint, of each aspect of false information and falsified documentation that the Board found in connection with her May 2006 RN application. Petitioner knew, from the ESO and administrative complaint, that her application for RN licensure by endorsement could only be approved if there was evidence that she had an active RN license in another state. Petitioner knew, from the ESO and administrative complaint, that her application was submitted with a falsified license verification form attesting to the RN license she supposedly held in Wyoming, when Petitioner knew she never had any such license.

26. Although Petitioner denied completing and signing the May 2006 RN application, she admitted that she completed, signed, and filed the other applications enumerated in Finding of Fact 9, above.

27. The October 2008 RN application was an application for licensure by examination by which Petitioner sought permission to take the NCLEX-RN.

28. To demonstrate that she qualified for the educational requirements for RN licensure by examination, Petitioner reported that she had graduated in 2002 from an ADN program at the International Nursing School in Hallandale, Florida. This was

the online school previously described as the International School of Nursing.

29. The October 2008 RN application stated that Petitioner took the RN licensure exam in Florida in November 2002 and passed. As previously noted, Mr. Spooner credibly testified that Petitioner could not have taken the NCLEX-RN in Florida without first applying for RN licensure by examination, obtaining Board approval, and receiving an authorization to test from the Board, which she did not do before November 2002 (or at any other time).

30. On October 31, 2008, the Board notified Petitioner that it was unable to approve her application for examination, because the school attended by Petitioner for the ADN program did not offer a Board-approved program of nursing education.

31. Petitioner's January 2009 RN application was another attempt to obtain Board approval to sit for the NCLEX-RN. This application identified a different nursing school attended for Petitioner's nursing education. According to the application, Petitioner completed the ADN program at Valencia Community College, in Orlando, Florida, graduating on July 1, 2008. However, contrary to the application's representation, Petitioner did not "graduate" from an ADN program; instead, Petitioner took an online continuing education course called "RN Refresher 1" and received a certificate of participation on July 1, 2008.

32. The January 2009 RN application also represented that Petitioner had taken and passed the RN licensure exam in Florida in May 2008. At hearing, Petitioner did not attempt to explain this reference, nor was there any other evidence to suggest that Petitioner took and passed the NCLEX-RN in Florida in May 2008 (or at any other time).

33. Once again, the Board notified Petitioner that her January 2009 RN application could not be approved, because Petitioner failed to demonstrate that she met the educational qualifications necessary for RN licensure by examination. The Board noted that Petitioner's continuing education participation certificate was not adequate to meet the educational requirements for RN licensure.

34. At hearing, Petitioner attempted to cast blame on staff persons at the Board who fielded her telephone calls asking how she could get relicensed following her relinquishment of the RN license. Petitioner testified that unnamed persons told her either that she needed to go back to school; or that she needed to go to an accredited school; or that all she needed to do was to take a refresher course. Petitioner's unsubstantiated testimony did not help establish that Petitioner's August 2012 PN application should be approved. In any event, the suggestion that Petitioner was told a refresher course was sufficient to meet educational requirements for RN licensure is rejected as

lacking credibility. Petitioner may have been told that she had to graduate from a Board-approved ADN program to apply for RN licensure, which would explain why Petitioner represented in her January 2009 RN application that she graduated from an ADN program. However, as Petitioner admitted, she was never told that she should misrepresent the facts on her applications.

35. After Petitioner's unsuccessful attempts to apply for RN licensure, Petitioner changed course and enrolled in a Board-approved PN program at Lincoln Technical Institute in Fern Park, Florida. She completed the program in September 2011, and then submitted the October 2011 PN application, seeking Board approval to sit for the NCLEX-PN.

36. In the October 2011 PN application, Petitioner answered "no" to the question asking whether she had ever applied for RN licensure by examination in Florida (despite two prior applications), but Petitioner answered "yes" to the question asking whether she ever applied for RN licensure by endorsement in Florida, acknowledging the May 2006 RN application. Petitioner identified the RN license she received in 2007, but in response to the query, "[i]f no longer licensed, state why and when," she falsely stated that the "license expired."

37. In the examination history section of the October 2011 PN application, Petitioner stated that she took and passed the NCLEX-RN exam in Wyoming, in February of either 2002 or 2006

(both years are written on top of each other; it appears that 2006 was written first, and then was changed to 2002, although it could be the other way around).

38. The October 2011 PN application was considered by the Board at a public meeting in February 2012. Petitioner appeared and testified, although she said that she was not given enough time to explain about the May 2006 RN application and the relinquishment of her RN license.

39. The Board issued a notice of intent to deny the October 2011 PN application based on misrepresentations in the application.^{2/} The Board referred to the fraudulent May 2006 RN application and relinquishment of Petitioner's RN license (contrary to the application's representation that Petitioner's RN license had expired). The Board also referred to the application's statement that Petitioner took and passed the NCLEX-RN in Wyoming in 2002, which was contrasted with Petitioner's testimony before the Board, when she "testified both that she did and did not take the NCLEX-RN in Wyoming."

40. Petitioner did not request a DOAH administrative hearing to dispute the facts in the Board's notice of intent to deny the October 2011 PN application. Instead, Petitioner took the option offered in the Board's notice for an informal hearing before the Board "[i]f you do not dispute any material fact[.]"

That hearing was held at a public meeting of the Board on June 7, 2012, but Petitioner did not appear.

41. By Final Order rendered June 20, 2012, the Board denied the October 2011 PN application. The Final Order summarized the reasons previously recited in the notice of intent to deny, including the fact that the May 2006 RN application was fraudulent and resulted in the relinquishment of Petitioner's RN license, and including Petitioner's testimony before the Board in February 2012 that she did not sit for the NCLEX-RN in Wyoming as represented in the October 2011 PN application. The Final Order concluded that Petitioner "is in violation of Section 456.072(1)(f) and (h) and 464.018(1)(a) by attempting to obtain or obtaining a nursing license by bribery, misrepresentation or deceit." As authorized by sections 464.018(2) and 456.072(2), Florida Statutes (2011), the Board denied Petitioner's application.

42. The August 2012 PN application repeated the same essential problems as the October 2011 PN application, which was denied by Final Order. Petitioner again misrepresented the reason why her Florida RN license was no longer active, although this time, instead of saying that the RN license had expired, Petitioner changed her response to "lack of accreditation of the school." Petitioner again misrepresented her NCLEX examination history, although this time, instead of saying that she took and

passed the RN licensure examination in Wyoming in February 2002 or 2006, Petitioner said that she took and passed the RN licensure examination in Florida in November 2002.

43. Petitioner was given the chance to explain the inconsistencies apparent from a side-by-side review of the applications she acknowledged having prepared and filed. Petitioner offered no explanation. The implication of the unexplained inconsistencies is that Petitioner intentionally gave false answers out of fear that the Board would deny her applications if the true answers were given and that Petitioner kept changing her false answers out of hope that a different (false) answer would lead the Board to approve the application.

CONCLUSIONS OF LAW

44. The Division of Administrative Hearings has jurisdiction over the parties and the subject matter of this proceeding. §§ 120.569 and 120.57(1), Fla. Stat. (2012).^{3/}

45. Petitioner is the applicant for PN licensure by examination, seeking Board approval to sit for the NCLEX-PN. As the applicant challenging the Board's notice of intent to deny her application, Petitioner bears the ultimate burden of proving that her application should be approved. Fla. Dep't of Transp. v. J.W.C. Co., Inc., 396 So. 2d 778 (Fla. 1st DCA 1981).

46. The standard of proof that Petitioner must meet is by a preponderance of the evidence. § 120.57(1)(j). The

preponderance of the evidence standard requires proof by "the greater weight of the evidence" or evidence that "more likely than not" tends to prove a certain proposition. Gross v. Lyons, 763 So. 2d 276, 280 n.1 (Fla. 2000).

47. Respondent initially denied Petitioner's application based on violations of sections 464.018(1)(a) and 456.072(1)(f) and (h), Florida Statutes. These statutes provide that attempting to procure a license by knowing misrepresentations, fraudulent misrepresentations, or deceit constitutes grounds to deny the license.

48. To the extent Respondent seeks to deny Petitioner's application on these grounds, Respondent bears the burden of presenting evidence of these violations of regulatory statutes that implicate Petitioner's fitness for licensure. See Dep't of Banking & Fin., Div. of Sec. and Inv. Prot. v. Osborne Stern and Co., 670 So. 2d 932, 934-935 (Fla. 1996).

49. Respondent proved that Petitioner's August 2012 PN application contained misrepresentations that were knowingly made by Petitioner in an attempt to obtain approval of her licensure application.

50. In the August 2012 PN application, Petitioner knowingly misrepresented the reason why her Florida RN license was no longer active. Petitioner did not voluntarily relinquish her RN license because her online school was not accredited; Petitioner

voluntarily relinquished her RN license because she was not qualified for the license. The RN license was procured with a fraudulent application for licensure by endorsement, supported by a fabricated license verification form ostensibly completed by an official from Wyoming attesting to Petitioner's RN license in Wyoming obtained by examination in that state. Even if Petitioner did not personally prepare the May 2006 RN application and license verification form, Petitioner knew when she completed the August 2012 PN application that her RN license was fraudulently obtained and that she was not qualified for the RN license she had accepted, because all of these facts were laid out in detail in the 2007 ESO and administrative complaint.

51. Petitioner's patterned history of changing the answers given for her educational, examination, application, licensure, and disciplinary history from application to application further supports the conclusion that Petitioner's misrepresentations cannot be explained away as innocent oversights or misunderstandings. If, for example, Petitioner truly believed that the reason her RN license was no longer active was because of an accreditation problem with the online school, then Petitioner would not have stated in another application that her RN license was no longer active because it had expired.

52. Although Petitioner may not have personally filled out the May 2006 RN application, the evidence was sufficient to prove

that, more likely than not, Petitioner was complicit in the submission of that application. Petitioner admittedly participated in the processing of that application with the Board, accepted the benefit (RN license) procured by the fraudulent submission, and accepted the consequences detailed in the ESO and administrative complaint by relinquishing the fraudulently-procured license. Thereafter, Petitioner avoided disclosing her licensure history, choosing instead to misrepresent the reason why her license was inactivated. At hearing, Petitioner offered no proof to substantiate her implication that someone at the online school perpetrated this fraud without her knowledge or involvement.

53. Respondent proved that Petitioner attempted to procure a license by knowing misrepresentations in the August 2012 PN application. Petitioner failed to prove that her application should be approved.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that Respondent, Board of Nursing, enter a final order denying Petitioner, Rose Fenelon's, application for practical nurse licensure by examination.

DONE AND ENTERED this 25th day of March, 2013, in
Tallahassee, Leon County, Florida.



ELIZABETH W. MCARTHUR
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Filed with the Clerk of the
Division of Administrative Hearings
this 25th day of March, 2013.

ENDNOTES

^{1/} Petitioner's testimony that she believes that she took an NCLEX exam in Florida in 2002, before ever applying to the Board for licensure by examination, was neither credible nor substantiated by documentation or corroborating witnesses (such as the others she claimed were taken with her to Miami for the test). As Mr. Spooner explained, it would not have been possible for Petitioner to take either the NCLEX-RN or the NCLEX-PN before applying to the Board for licensure by examination, receiving Board approval of the application, and receiving an "authorization to test" from the Board.

^{2/} Petitioner was represented by counsel in connection with the October 2011 PN application. The Board's notice of intent to deny the October 2011 PN application was served on Petitioner in care of her attorney.

^{3/} All statutory references are to the 2012 version of the Florida Statutes, unless otherwise indicated.

FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.