

FILED DATE DEC 18 2013

Department of Health

By Grace Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2012-10117

DOAH CASE NO.: 13-049591

RENEA J. CHAFE,

Respondent.

2013 DEC 19 PM 12:48
FILED
DIVISION OF ADMINISTRATIVE HEARINGS

FINAL ORDER AWARDING INVESTIGATIVE COSTS

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 5, 2013, in Deerfield Beach, Florida, for the purpose of considering Petitioner's Motion to Assess Costs. Petitioner was represented by Jodi Ann Johnson, Assistant General Counsel. Respondent was present.

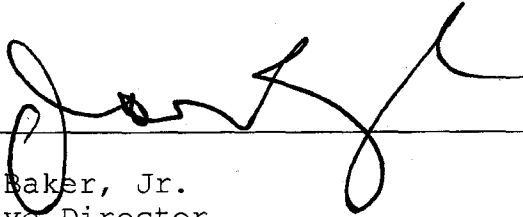
The Board reviewed the Petitioner's Motion to Assess Costs and supporting affidavits and imposes the costs associated with this case in the amount of \$7,536.01. Said costs are to be paid within 96 months from the date this Final Order is filed. Payment shall be made to the Board of Nursing and mailed to, 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 17th day of Dec.

2013.

BOARD OF NURSING



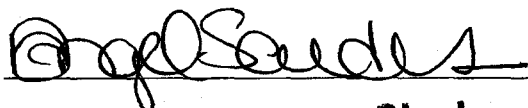
Joe R. Baker, Jr.
Executive Director
for Lavigne Ann Kirkpatrick, BS, RN Chair

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 RENE A J. CHAFE at 665 SE 20th Ave A1A, Deerfield Beach, Florida 33441; to, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Jodi Ann Johnson, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 18th day of December, 2013.



Deputy Agency Clerk

DEPARTMENT OF HEALTH
BOARD OF NURSING

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2012-10117

RENEA JUSTINE CHAFE, R.N.,

Respondent.

**MOTION TO ASSESS COSTS IN ACCORDANCE
WITH SECTION 456.072(4)**

COMES NOW the Department of Health, by and through undersigned counsel, and moves the Board of Nursing for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes. As grounds therefore, the Petitioner states the following:

1. At the August 1, 2013, regularly scheduled Board meeting, the Board of Nursing voted to impose discipline in the above-styled disciplinary action. At the Board meeting, the Department's request for the assessment of costs related to the

investigation and prosecution of the case against Respondent were bifurcated and held for future consideration by the Board.

2. Section 456.072(4), Florida Statutes, states as follows:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant to this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is not board, shall assess costs related to the investigation and prosecution of the case. Such costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. . . .

3. As evidenced in the attached affidavit (Exhibit A, Exhibit 1, Exhibit 2), the investigation and prosecution of this case has resulted in costs in the total amount of following itemized statement of costs:

- a. Total costs for Complaints \$121.00
- b. Total costs for Investigations, \$1,682.37
- c. Total costs for Legal, \$5,732.64
- d. Total costs for Compliance \$0.00

4. The attached affidavit from the Department attorney assigned to this case (Exhibit B) attests that the time and costs incurred in prosecuting this case are reasonable and justifiable.

5. The attached affidavit from an outside attorney (Exhibit C) attests that the Department's costs for attorney time in this case are reasonable and justifiable.

6. Should Respondent file written objections to the assessments of costs, within ten (10) days of the date of this motion, specifying the grounds for objections and the specific elements of the costs to which objections are made, Petitioner requests that the Board determine the amount of costs to be assessed based upon its

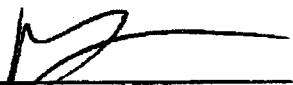
consideration of the affidavits attached as Exhibits A (with Exhibits 1 and Exhibit 2), B, and C and any timely-filed written objections.

7. Petitioner requests that the Board grant this motion and assess costs in the amount of \$8,154.47 as reasonable and justifiable and supported by competent substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2012).

WHEREFORE, the Department of Health requests that the Board of Nursing enter a Final Order assessing costs against Respondent in this matter in the amount of \$8,154.47.

DATED this 25 day of October, 2013.

Respectfully submitted,


Matthew G. Witters
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0091570
(850) 245-4444 Phone
(850) 245-4683 FAX
Matthew.Witters@flhealth.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been provided by U.S. Mail this ___ day of October 25, 2013, to: Renea Justine Chafe, at 665 S.E. 20th Avenue, A1A, Deerfield Beach, Florida 33441.



Matthew G. Witters