

FILED DATE **JUL 08 2014**

Department of Health

By Angel Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

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DIVISION OF
ADMINISTRATIVE
HEARINGS

DOH CASE NO.: 2012-01517

DOAH CASE NO.: 14-0004PL

LICENSE NO.: RN 3344322

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DARLINE SUE PEGUERO,

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 5, 2014, in Jacksonville, 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 Matthew G. Witters, Assistant General Counsel. Respondent was present *pro se*.

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 REQUEST FOR EXCEPTIONS TO RULING

Respondent filed a Request for Exceptions to Ruling. The pleading does not meet the requirements of Rule 28-106.217, Florida Administrative Code. The pleading does not identify the disputed findings of the Recommended Order, does not identify those findings by citation, does not set forth the legal basis for any exceptions

and does not cite to the record. The Request for Exceptions to Ruling is therefore denied.

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 DARLINE SUE PEGUERO is suspended until ^{7/6} ~~the~~ she undergoes an evaluation coordinated by the Intervention Project for Nurses (IPN), and complies with any and all terms and conditions imposed by IPN as a result of said evaluation. It is the duty of the licensee to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32240-9130, (904) 270-1620 within 30 days. If the licensee is not in need of monitoring or treatment and the IPN is not suitable, no further action will be required.

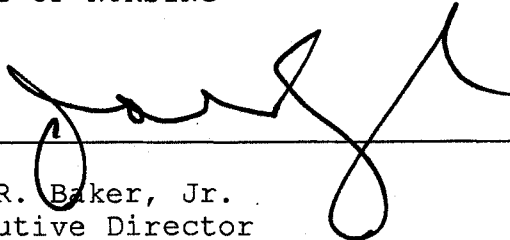
RULING ON MOTION TO ASSESS COSTS

The Board reserves jurisdiction to rule on Petitioner's Motion to Assess Costs.

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

DONE AND ORDERED this 7th day of July, 2014.

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 DARLINE SUE PEGUERO, 1720 Harrison Street #11G, Hollywood FL 33020; to Edward T. Bauer, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Matthew G. Witters, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 8th day of July, 2014.

Angel Sanders

Deputy Agency Clerk

Darline S. Peguero

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