

STATE OF FLORIDA
BOARD OF NURSING

FILED DATE JAN 04 2016
Department of Health

By: Angela Sanders
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2014-06796
DOAH CASE NO.: 15-1868PL
LICENSE NO.: 274735

DESHON A. DAVIS,

Respondent.

FILED
2015 JAN 5 AM 10:37
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 4, 2015, in Championsgate, 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 Judson Searcy, Assistant General Counsel. Respondent was present and represented by Jamison Jessup, Qualified Representative.

Upon review of the Recommended Order; Petitioner's Exception; Respondent's Opposition to Petitioner's Exception To 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.

EXCEPTION

Petitioner's exception to finding of law is accepted.

Paragraph 42 is of the Recommended Order is 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, with the exception of paragraph 42, 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:

1. The licensee must pay an administrative fine of \$125.00 within 12 months of the date this Final Order is filed. Payment shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Bin C02 Tallahassee, Florida 32399-3252, Attention: Nursing Compliance Officer. Payment must be made by cashier's check or money order ONLY. Personal checks will not be accepted.

2. The licensee shall enroll in and successfully complete an 8 hour course in critical thinking, an 8 hour course in ethics, and an 8 hour course in patient rights. This shall be in addition to other normally required continuing education courses. Verification of course content and course completion must be submitted to the Nursing Compliance Officer within twelve months from the date of this Order. The Board will retain jurisdiction for the purpose of enforcing continuing education requirements.

3. The license of Deshon Davis is placed on probation for one year, subject to the following conditions:

The licensee shall not violate chapters 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing.

The licensee must work in a setting under direct supervision and only on a regularly assigned unit. Direct supervision requires another nurse to be working on the same unit as the licensee and readily available to provide assistance and intervention. The licensee cannot be employed by a nurse registry, temporary nurse employment agency or home health agency. Multiple employers are prohibited. The licensee cannot be self-employed as a nurse.

The licensee must report any change in address or telephone number, employment, employer's address or telephone number, or any arrests [or violations of probation or whatever impediment which may be on the license from another jurisdiction], in writing within 10 working days to the Nursing Compliance Officer at the Department of Health, HMQAMS, BIN # C76, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251.

Whether employed as a nurse or not, the licensee shall submit written reports to the Nursing Compliance Officer which shall contain the licensee's name, license number, and current address; the name, address, and phone number of each current employer; and a statement by the licensee describing [her/his] employment. This report shall be submitted to the Nursing

Compliance Officer every three (3) months in a manner as directed by the Nursing Compliance Officer.

All current and future settings in which the licensee practices nursing shall be promptly informed of the licensee's probationary status. Within five days of the receipt of this Order, the licensee shall furnish a copy to his nursing supervisor or supervisors, if there are multiple employers. The supervisors must acknowledge this probation to the Nursing Compliance Officer in writing on employer letterhead within ten days. Should the licensee change employers, he must supply a copy of this Order to his new nursing supervisor within five days. The new employer shall acknowledge probation in writing on employer letterhead to the Nursing Compliance Officer within ten days. The licensee shall be responsible for assuring that reports from nursing supervisors will be furnished to the Nursing Compliance Officer every three (3) months. That report shall describe the licensee's work assignment, work load, level of performance, and any problems. Any report indicating an unprofessional level of performance shall be a violation of probation.

If the licensee leaves the practice of nursing in the state this probation shall be tolled until the licensee returns to the active practice of nursing. Then the probationary period will resume. Unless this Order states otherwise, any fines imposed or continuing education required must be paid or completed within the time specified and are not tolled by this provision. Employer reports are not required during the time probation is tolled. Working in nursing without notification to the Board is a violation of this Order.

RULING ON MOTION TO ASSESS COSTS

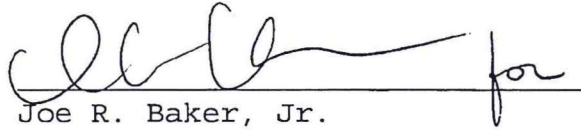
The Board requires the Respondent to pay the costs of investigation and prosecution in this case, but reserves jurisdiction for determination of the total amount.

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

DONE AND ORDERED this 28 day of December,

2015.

BOARD OF NURSING



Joe R. Baker, Jr.
Executive Director for
Jody Bryant Newman, EdD, EdS,
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 DESHON A. DAVIS, c/o Jamison Jessup, Qualified Representative, 557 Noremac Avenue, Deltona FL 32738; to William F. Quattlebaum, Administrative Law Judge, Division of Administrative Hearings,

The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida
32399-3060; and by e-mail to: Judson Searcy, Assistant General
Counsel, at judson.searcy@flhealth.gov; and Diane L. Guillemette,
Assistant Attorney General, at
diane.guillemette@myfloridalegal.com, this 4th day of
January, 2018.

Engel Soudes

Deputy Agency Clerk



TO: Adrienne Rodgers, Chief
Bureau of Health Care Practitioner Regulation

FROM: Joe Baker, Jr., Executive Director
Florida Board of Nursing

DATE: December 18, 2015

RE: Delegation of Authority

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During my absence on Monday, December 21, 2015, through Thursday, December 31, 2015, the following managers are delegated authority for the board office:

12/21-23	William Spooner	Program Administrator
12/28-31	Tihara Rozier	Program Administrator

Thank you.

JBjr/ms