

FILED DATE - MAY 22 2018
Department of Health

STATE OF FLORIDA
BOARD OF NURSING

By: Angela Saunders
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2016-14360
DOAH CASE NO.: 17-5488PL
LICENSE NO.: 140254

FRANCOISE GLORIA HECTOR UTEGA,

Respondent.

FILED
2018 MAY 25 AM 11:49
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, at the properly noticed meeting on April 4-6, 2018, 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 Kristen Summers, Assistant General Counsel. Respondent was not present.

Upon review of the Recommended Order, the Exceptions filed, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

EXCEPTIONS

The Board considered the Petitioner's Exceptions to the Recommended Order in the matter and makes the following rulings:

1. The Exception to Paragraph 24 is rejected.
2. The Exception to the recommended penalty 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 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:

Respondent's license is suspended until she enters into a mental health contract with IPN, and appears before the Board to demonstrate, through an evaluation by IPN, that she can practice as a nursing assistant with reasonable skill and safety to patients; imposing such additional conditions and/or probation at the time of reinstatement.

RULING ON MOTION TO ASSESS COSTS

The Board GRANTS Petitioner's Motion to Bifurcate and Retain Jurisdiction to Assess Costs.

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

DONE AND ORDERED this 18th day of May, 2018.

BOARD OF NURSING

Melinda Greenfield for
Joe R. Baker, Jr.
Executive Director for
Jody Bryant Newman, EdD, EdS,
Chair

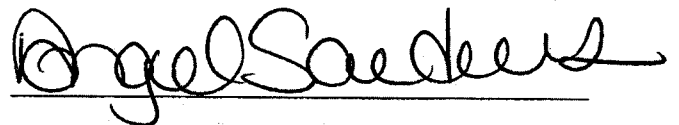
NOTICE OF RIGHT TO JUDICIAL REVIEW

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.

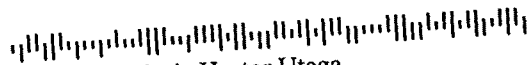
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to ^{certified} FRANCOISE GLORIA HECTOR UTEGA, 7007 Belroi Street, Orlando, FL 32818; to J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by e-mail to: Kristen Summers, Assistant General

Counsel, at Matthew.witters@flhealth.gov; and Diane L. Guillemette,
Assistant Attorney General, at
diane.guillemette@myfloridalegal.com, this 22nd day of
May, 2018.



Deputy Agency Clerk


Francoise Gloria Hector Utega
7007 Belroi St.
Orlando, FL 32818

Certified Article Number

9434 7266 9904 2304 0962 98

SENDER'S RECORD



FILED
2018 MAY 25 AM 11:50
DIVISION OF
ADMINISTRATIVE HEARINGS

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

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

DATE: May 11, 2018

RE: Delegation of Authority

During my absence on Monday, May 14, 2018, through Friday, May 25, 2018, the following managers are delegated authority for the board office:

5/14-15	Sherri Sutton-Johnson	Director, Nursing Education
5/16-21	Melissa Greenfield	Program Ops Administrator
5/22-25	Nicole Benson	Program Ops Administrator

Thank you.

JBjr/ms