

FILED DATE **MAR 28 2019**
Department of Health

By *Angel Saucedo*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOAH CASE NO.: 18-2269PL
DOH CASE NO.: 2017-22543
LICENSE NO.: APRN 9283016

CYNTHIA L. DENBOW, A.P.R.N.

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Nursing (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on February 7, 2019, in Howey-in-the-Hills, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exception to the Recommended Order, and Petitioner's Responses to Exception to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Matthew J. Witters, Assistant General Counsel. Respondent was present with her counsel of record, Suzanne Suarez Hurley, Attorney at Law.

By Notice filed on January 27, 2019, Respondent withdrew her exception to the Recommended Order. The Board voted to accept the withdrawal of the exception. Because the exception was withdrawn, the Board did not consider Respondent's Motion to Strike Petitioner's Response to Respondent's Exceptions to Recommended Order.

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DIVISION OF
ADMINISTRATIVE HEARINGS

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

RULING ON EXCEPTION

The Board accepted Respondent's withdrawal of her exception to the Recommended Order.

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 in the record to support the findings of fact.

CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 464, Florida Statutes.
4. 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 ACCEPTS the recommendation of the Administrative Law Judge to dismiss the Administrative Complaint.

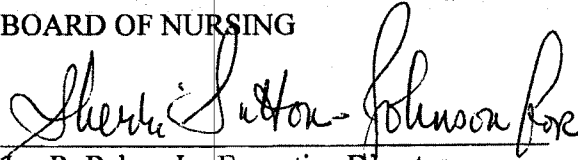
WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

The Administrative Complaint filed in this matter is dismissed.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 28th day of March, 2019.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director
for Kathryn L. Whitson, MSN, RN, Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

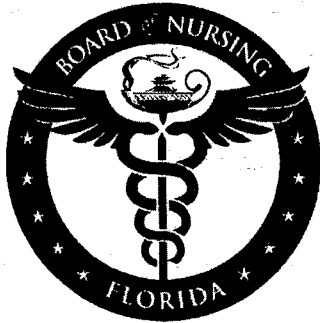
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK 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 THE FILING DATE OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Cynthia Denbow**, 307 Osceola Court, Niceville, Florida 32578 and US mail to her counsel of record, **Suzanne Hurley**, P.O. Box 172474, Tampa, Florida 33672; by U.S. mail to E. Gary Early, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by electronic mail to: **Matthew Witters**, Assistant General Counsel, Department of Health, Matthew.Witters@flhealth.gov; and **Deborah B. Loucks**, Senior Assistant Attorney General, Office of the Attorney General, deborah.loucks@myfloridalegal.com, on March 28, 2019.



Deputy Agency Clerk



TO: Mark Whitten, Chief
Bureau of HCPR

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

DATE: March 27, 2019

RE: Delegation of Authority

Sherri Sutton-Johnson (Nursing Education Director) is delegated authority for the board office on Thursday, March 28, 2019.

Thank you.

JBjr/ms