

FILED DATE - JUL 06 2021
Department of Health

By: Ann M. Maus
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2020-21551
DOAH CASE NO.: 20-5438PL
LICENSE NO.: RN 9473971

STEPHANIE MCCAULEY, 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 June 25, 2021, via a duly noticed telephone conference meeting, for the purpose of considering the Administrative Law Judge's Amended Recommended Order, Respondent's Exceptions to the Amended Recommended Order, and Petitioner's Responses to Respondent's Exceptions to the Amended Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Ann Prescott, Assistant General Counsel. Respondent was present.

Respondent filed Motion to Dismiss the Amended Recommended Order. The Board considered the Motion and voted to DENY the Motion to Dismiss.

Upon review of the Amended 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.

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RULING ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions to the Amended Recommended Order and ruled as follows:

1. The Board found that the written exceptions did not comply with the legal requirements for exceptions. Specifically, Respondent filed two sets of exceptions, one to the Recommended Order initially entered by the Administrative Law Judge and a second set of exceptions to the Amended Recommended Order. Respondent failed to serve Petitioner with a copy of the second set of exceptions; however, Petitioner obtained a copy of the exceptions and filed a response which was considered in this proceeding.

2. Rule 28-106.217, Florida Administrative Code states that exceptions to a Recommended Order shall identify the disputed portion of the recommended order by page number and paragraph, identify the legal basis for the exception, and include any appropriate and specific citations to the record. Respondent failed to identify the legal basis for her exceptions and failed to cite to the record in support of her exceptions.

Despite the exceptions being legally deficient, the Board reviewed and considered them, making the following findings:

3. The Board denied Respondent's first exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

4. The Board denied Respondent's second exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

5. The Board denied Respondent's third exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

6. The Board denied Respondent's fourth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

7. The Board denied Respondent's fifth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

8. The Board denied Respondent's sixth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

9. The Board denied Respondent's seventh exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

10. The Board denied Respondent's eighth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

11. The Board denied Respondent's ninth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

12. The Board denied Respondent's tenth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

13. The Board denied Respondent's eleventh exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

14. The Board denied Respondent's twelfth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

15. The Board denied Respondent's thirteenth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

16. The Board denied Respondent's fourteenth exception for the reasons set forth in the Petitioner's written response to the Respondent's exceptions and as summarized on the record.

FINDINGS OF FACT

17. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

18. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

19. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 464, Florida Statutes.

20. The conclusions of law set forth in the Amended 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 is **ACCEPTED**. Therefore, Respondent's license shall be suspended until she undergoes an evaluation coordinated by the Intervention Project for Nurses (IPN) and complies with any and all recommendations.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of **nine thousand four hundred seventy-six dollars and ninety-eight cents (\$9,476.98)**. Said costs are to be paid within **ten (10) years** from the date this Final Order is filed.

DONE AND ORDERED this 2nd day of July, 2021.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director
for Deborah McKeen, CD-LPN, BS, Chair

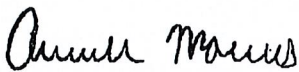
NOTICE OF RIGHT TO JUDICIAL REVIEW

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 certified and U.S. Mail to **Stephanie McCauley**, 457 Lobelia Road, St. Augustine, Florida 32086; by US mail to: **James H. Peterson, III**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by email to: **IPN**, info@ipnfl.org; **Matthew Witters**, Chief Legal Counsel, Department of Health-PSU, Matthew.Witters@flhealth.gov; **Ann Prescott**, Assistant General Counsel, Department of Health, Ann.Prescott@flhealth.gov; and **Deborah Loucks**, Senior Assistant Attorney General, Deborah.Loucks@myfloridalegal.com; on July 6, 2021.

Stephanie McCauley
457 Lobelia Road
St. Augustine, FL 32086



Deputy Agency Clerk

Certified Article Number

9414 7266 9904 2178 1331 58

SENDER'S RECORD