

FILED DATE - NOV 01 2021  
Department of Health

STATE OF FLORIDA  
BOARD OF NURSING

By: *Christina M. Mills*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NUMBER: 2020-28879  
DOAH CASE NUMBER: 21-1435PL  
LICENSE NO.: RN 3349322

BENJAMIN DALLAS STOE, R.N.,

Respondent.

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FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on October 7, 2021, at a duly noticed public meeting in Kissimmee, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order filed in this matter. Petitioner was represented by Matthew Witters, Chief Legal Counsel. Respondent was present and not represented by counsel.

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.

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.

DIVISION OF  
ADMINISTRATIVE HEARINGS

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### 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.

5. Based on these holdings, the Board found that Respondent violated Section 464.018(1)(j), Florida Statutes, by being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

### PENALTY

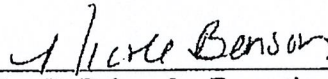
Upon a complete review of the record in this case, the Board voted to accept the Administrative Law Judge's recommendation that Respondent's license be suspended until such time as Respondent enters into a monitoring contract facilitated by the Intervention Project for Nurses (IPN) and complies with any and all terms and conditions imposed by IPN.

### MOTION TO ASSESS COSTS

The Board reviewed Petitioner's Motion to Assess Costs, grants the Motion, and imposes the costs associated with the investigation and prosecution of this case in the amount of **twenty-three thousand one dollars and eighteen cents (\$23,001.18)** to be paid within **23 years** of the filing date of this Final Order. Payment of the **costs** shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Bin C76, Tallahassee, FL 32399-3276, Attention: Nursing Compliance Officer. **Payment must be made by cashier's check or money order ONLY.** Personal checks will not be accepted.

DONE AND ORDERED this 28<sup>th</sup> day of October, 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 **Benjamin Dallas Stoe**, 805 Sunday Road, Chipley, Florida 32428 and by U.S. mail to **Yolonda Y. Green**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by email to: **Matthew Witters**, Chief Legal Counsel, Department of Health-PSU, [Matthew.Witters@flhealth.gov](mailto:Matthew.Witters@flhealth.gov); and **Deborah Loucks**, Senior Assistant Attorney General, [Deborah.Loucks@myfloridalegal.com](mailto:Deborah.Loucks@myfloridalegal.com); on November 1, 2021.

Benjamin Dallas Stoe  
805 Sunday Road  
Chipley, FL 32428

  
\_\_\_\_\_  
Deputy Agency Clerk

**Certified Article Number**

9414 7266 9904 2178 1383 44

**SENDER'S RECORD**



TO: Janet Hartman, Chief  
Bureau of HCPR

FROM: Joe Baker, Jr., Executive Director  
FBON

DATE: October 27, 2021

RE: Delegation of Authority

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The following manager is delegated authority for the Board office as noted:

10/28-29 Nicole Benson Program Ops Administrator

Thank you.

JBjr/ms