

Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

91 7108 2133 3938 0632 9882

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

July 9, 2010

Amanda S. Ross
11118 China Spring Road
Waco, Texas 76708

Dear Ms. Ross:

Please find enclosed a copy of your *Eligibility Agreed Order*, ratified July 9, 2010, regarding your Temporary License/Endorsement Application you filed with the Texas Board of Nursing.

The disposition will be forwarded to the National Council of State Boards of Nursing, Inc., and to the Healthcare Integrity and Protection Data Bank (HIPDB). The results of any disciplinary action are public information.

If you have any questions, please contact the Licensing Department at (512)305-6809.

Sincerely,

Katherine A. Thomas
Katherine A. Thomas, MN, RN
Executive Director

KAT/tw

R02/1299

Enclosures: Eligibility Agreed Order
Order dated June 5, 2009

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLU, ChFC Abilene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land
Blanca Rosa Garcia, PhD, RN Corpus Christi	Richard Gibbs, LVN Mesquite	Kathy Leader-Horn, LVN Granbury	Josefina Lujan, PhD, RN El Paso	Beverley Jean Nutall, LVN Bryan	Mary Jane Salgado, MEd Eagle Pass

Texas Board of Nursing
333 Guadalupe Street, Suite 3-460
Austin, Texas 78701

**Board Order Billing Form
(Monitoring)**

PLEASE SUBMIT THIS FORM WITH REMITTANCE OF FINE

Name _____
(please print) First Middle Last

Maiden Name

RN License Number

Social Security Number

I have enclosed a **cashier's check** or **US money order** payable to the Texas Board of Nursing
Examiners in the amount of \$ _____ (please initial)

DO NOT WRITE BELOW THIS LINE

Amount of Remittance

Audit Number

Date Received

Accepted by

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
AMANDA S ROSS,	§	
PETITIONER for Eligibility for Licensure	§	ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(e) and §213.30, and supporting documents filed by AMANDA S ROSS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(2),(8)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on June 16, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about December 8, 2009, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.

3. Petitioner received a Baccalaureate Degree in Nursing from Viterbro College, Lacrosse, Wisconsin, on May 1, 2001.
4. Petitioner completed the Endorsement Application and answered "No" to the question: *"For any criminal offense, including those pending appeal, have you:*
 - A. *been convicted of a misdemeanor?*
 - B. *been convicted of a felony?*
 - C. *pled nolo contendere, no contest, or guilty?*
 - D. *received deferred adjudication?*
 - E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - F. *been sentenced to serve jail or prison time? court-ordered confinement?*
 - G. *been granted pre-trial diversion?*
 - H. *been arrested or have any pending criminal charges?*
 - I. *been cited or charged with any violation of the law?*
 - J. *been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*

(You may only exclude Class C misdemeanor traffic violations.)
5. Petitioner failed to disclose the following criminal history, to wit:
 - A. On or about August 3, 2008, Petitioner was arrested by the Police Department, Ashland, Virginia, for PUBLIC SWEARING/INTOXICATION IN PUBLIC (a Class 4 misdemeanor offense). On or about August 27, 2008, Respondent was convicted of PUBLIC SWEARING/INTOXICATION (a misdemeanor offense) and ordered to pay a fine and court costs.
6. There is no evidence of any subsequent criminal conduct.
7. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
8. On June 5, 2009, Petitioner's license to practice practical nursing in the State of Florida was issued the sanction of a REPRIMAND by the Department of Health, Tallahassee, Florida. A copy of the Stipulation, Settlement and Order dated June 5, 2009, is attached and incorporated, by reference, as part of this Order.
9. After considering the action taken by the State of Florida, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally

accepted standards of nursing practice.

10. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"*
11. In response to Finding of Fact Number Ten (10), Petitioner states she was given for cause urine drug screen while on a travel nurse assignment in Miami, Florida. The test resulted positive, and was reported to the Florida Board of Nursing in the form of an administrative complaint against Petitioner's Florida nursing license. Petitioner states she immediately took action becoming involved with the Florida Intervention Project for Nurses (IPN). The final order from the Florida Board involved reprimanding Petitioner's Florida license and being monitored by Florida IPN, until being accepted into the TPAPN program in Texas.
12. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
13. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
14. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
15. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
16. The Executive Director considered evidence of Petitioner's substance abuse/chemical dependency, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
17. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
18. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
19. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

20. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about December 8, 2009, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(2), (8) & (10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual who has a history of substance abuse and/or chemical dependency after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.
9. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of any required fees, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license is encumbered by this Order, PETITIONER may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where PETITIONER wishes to work.

NOW, THEREFORE, IT IS FURTHER AGREED and ORDERED that PETITIONER SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) PETITIONER SHALL pay a monetary fine in the amount of two hundred fifty (\$250) dollars. PETITIONER SHALL pay this fine within forty-five days of licensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money

order. Partial payments will not be accepted.

(2) PETITIONER SHALL, within forty-five (45) days of licensure, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(4) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of PETITIONER'S license(s) and nurse compact licensure privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of my potential ineligibility for licensure through peer assistance.

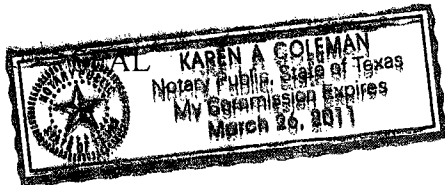
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive, representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 6 day of July, 2010.

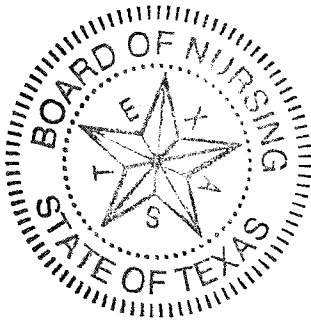
Amanda S Ross
AMANDA S ROSS, PETITIONER

Sworn to and subscribed before me this 7 day of July, 2010.




Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 6th day of July, 2010, by AMANDA S ROSS, PETITIONER for Eligibility for Licensure, and said Order is final.



Effective this 9th day of July, 2010.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

Final Order No. DOH-09-2016-S-MOA
FILED DATE - 9/22/09
Department of Health

By: Angela Barton
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2007-24611
License No.: RN 9186033

AMANDA SUE ROSS,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 5, 2009, in Tampa, Florida, for the purpose of considering a settlement agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the settlement agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the settlement agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. The costs are \$2,190.37. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the settlement agreement.

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

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BY: _____

RC

DONE AND ORDERED this 28 day of July, 2009.

BOARD OF NURSING



Rick Garcia, MS, RN, CCM
Executive Director for
Jessie Colin, RN, PhD,
Chair

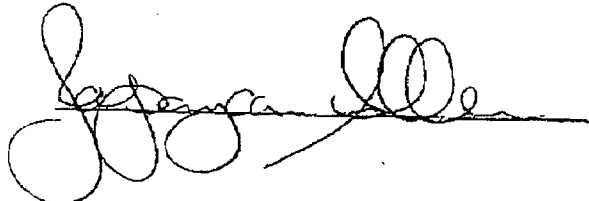
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to AMANDA SUE ROSS, 1725 N. Lake Brazos Parkway #207, Waco TX 86033 and Wilson Jerry Foster, Esquire, 1342 Timberlane Road, Suite 102A, Tallahassee FL 32312 and Jean D'Aprix, IPN, P.O. Box 49130, Jacksonville FL 32240; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Walter Widener, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 22 day of September, 2009.

7004 0750 0004 3692 7387

Postage	Qualified Fee	Return Receipt Fee (EKG-claimant Request)	Postnet Delivery Fee (Endorsement Required)	Total Postage & Fees
				\$

Sheet 1 of 1
Shorter than 10 1/2" x 5 1/2" or 10 1/2" x 7 1/2"
Qty: 1
PS Form 3800, June 2002



Deputy Agency Clerk

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BY: _____

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2007-24611

AMANDA SUE ROSS, R.N.,

Respondent.

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Agreement to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Agreement is issued by the Board and filed. In considering this Agreement, the Board may review all investigative materials regarding this case. If this Agreement is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is a **REGISTERED NURSE** in the State of Florida holding license number **RN 9186033**.
2. The Respondent is charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456 and/or 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.
3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint.

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STIPULATED LAW

1. Respondent admits that he/she is subject to the provisions of Chapters 456 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.
2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.
3. Respondent admits that the Agreement is a fair, appropriate and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. The Board of Nursing shall reprimand the license of the Respondent.
2. The Board of Nursing shall impose an administrative fine of Two Hundred Fifty Dollars (\$250.00) against the license of the Respondent. Respondent shall pay administrative costs in an amount not to exceed Three Thousand One Hundred Ten Dollars and Fifteen Cents (\$3,110.15). The fine and costs are to be paid by the Respondent to the Board of Nursing within Three Years of the filing of a Final Order accepting and incorporating this Agreement. However, if the Respondent is in the Intervention Project for Nurses (IPN), the payment is due prior to completion of IPN. If the Respondent's license is suspended by the terms of this Agreement, the payment is due prior to the application for reinstatement of the license. If the Respondent is placed on probation, the payment is due prior to the completion of the probationary period. The Respondent has the responsibility to document financial hardship prior to the due date of the payment. Payment must be by money order. Partial payments shall be accepted. Please send payments to the Department of Health, Division of MQA/Client Services Unit, P.O. Box 6320, Tallahassee, Florida 32314-6320.
3. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation

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relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Agreement.

4. The Respondent shall contact the **Intervention Project for Nurses (IPN)**, at **P.O. Box 49130, Jacksonville Beach, Florida 32240-9130, (904) 270-1620**, within sixty (60) days of the date of the final order adopting this Agreement. The Respondent shall enter into, and comply with all condition of the IPN advocacy contract or the Respondent will be in violation of the final order adopting this Agreement. Failure to enter into monitoring through IPN within the sixty (60) day period shall result in immediate suspension of the Respondent's license to practice nursing in the State of Florida, until such time as the Board determines that the Respondent is safe to return to the practice of nursing. The Respondent must update address with the Board.

5. Failure to comply with the directives of IPN shall result in immediate suspension of the Respondent's license to practice nursing in the State of Florida, until such time as the Board determines that the Respondent is safe to return to the practice of nursing. Upon a finding of probable cause by the probable cause panel that the Respondent has not complied with the directives of IPN, the Board of Nursing shall immediately suspend Respondent's license.

6. It is expressly understood that this Agreement is subject to the approval of the Board and Department and has no force and effect until an Order is entered adopting the Agreement.

7. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that

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presentation to, and consideration of, this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

8. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto. This Agreement relates solely to the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency for Health Care Administration's Medicaid Program Integrity Office.

9. The Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

10. Respondent waives all rights to appeal and further review of this Agreement and these proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

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SIGNED this 16th day of April, 2009.

Amanda Sue Ross

AMANDA SUE ROSS, R.N.

Before me personally appeared _____ whose identity is known to be by _____ (type of identification), and who under oath, acknowledges that his/her signature appears above. Sworn to and subscribed by Respondent before me this ____ day of _____, 200__.

Notary Public
My Commission Expires:

APPROVED this ____ day of _____, 200__.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

Counsel for Petitioner:
Anntionette K. Smith
Assistant General Counsel
FBN: 0615951
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, BIN #C-65
Tallahassee, Florida 32399-3265

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BY:

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2007-24611

AMANDA SUE ROSS, R.N.,

RESPONDENT.

1-17-08

ADMINISTRATIVE COMPLAINT

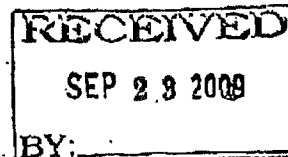
COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Amanda Sue Ross, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Complaint, Respondent was a registered nurse (R.N.) within the state of Florida, having been issued license number RN 9186033.

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3. Respondent's address of record is 9864 NW 2nd Court, Plantation, Florida 33324.
4. On or about July 17, 2007, Respondent submitted to an employer ordered drug screen.
5. The drug screen returned positive for cocaine and marijuana.
6. Cocaine is a schedule II controlled substance listed in Chapter 893, Florida Statutes. It has a high potential for abuse and has a currently accepted, but severely restricted, medical use in treatment in the United States. Abuse of cocaine may lead to severe physical and psychological dependence.
7. Marijuana contains cannabis, a schedule I controlled substance listed in Chapter 893, Florida Statutes. A substance in schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States.
8. Respondent did not have a prescription or legitimate medical reason for cocaine.
9. A notification letter was sent by the Department of Health to Respondent's address of record.



10. Respondent contacted the investigator and stated her current home address is 9723 North New River Canal Road, Unit #420, Plantation, Florida, 33324.

11. Respondent failed to update the Department of her address change.

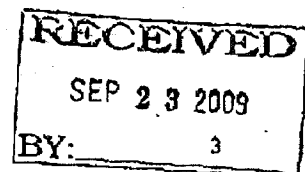
COUNT I

12. Petitioner realleges and incorporates paragraphs one (1) through eleven (11) as if fully set forth herein.

13. Section 464.018(1)(n), Florida Statutes (2007), provides that failing to meet minimal standards of acceptable and prevailing nursing practice constitutes grounds for disciplinary action by the Board of Nursing.

14. Rule 64B9-8.005(2)(k), Florida Administrative Code, states that failing to meet or departing from minimal standards of acceptable and prevailing nursing practice shall include testing positive for any drugs under Chapter 893, Florida Statutes, on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug.

15. Respondent tested positive for cocaine and marijuana on or about July 17, 2007, without a lawful prescription or legitimate medical reason for using the drug.



16. Cocaine and marijuana are controlled substances under Chapter 893, Florida Statutes.

17. Based on the foregoing, Respondent has violated Section 464.018(1)(n), Florida Statutes (2007), by failing to meet minimal standards of acceptable and prevailing nursing practice as defined by Rule 64B9-8.005(2)(k), Florida Administrative Code, by testing positive for cocaine and marijuana when Respondent did not have a lawful prescription or legitimate medical reason for using the drug.

COUNT II

18. Petitioner realleges and incorporates paragraphs one (1) through eleven (11) as if fully set forth herein.

19. Section 456.072(1)(cc), Florida Statutes (2007), provides that violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto constitutes grounds for disciplinary action by the Board of Nursing.

20. Section 456.035, Florida Statutes (2007), provides that each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of

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practice, as defined by rule of the board or the department if there is no board.

21. Respondent failed to notify the Board of Nursing of her address change.

22. Based on the foregoing, Respondent violated Section 456.072(1)(cc), Florida Statutes (2007), violating any provision of this chapter, by violating Section 456.035 Florida Statutes (2007), when she failed to notify the Board or DOH of his address change.

DOH v. Rose
2007-24611

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BY: _____

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's certificate, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 14th day of January, 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

Shenika L. Harris
Shenika L. Harris
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 763241
(850) 245-4640
(850) 245-4683 FAX

DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Rachel P*
DATE: 1-17-08

SLH

PCP: 1/14/08
PCP Members: *O. Horne*
M. Perry

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