



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.  
*William C. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of §  
Registered Nurse License Number 808004 §  
issued to KAREN LEE ACKELSON §

### ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 808004, issued to KAREN LEE ACKELSON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

#### FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Edison Community College, Fort Myers, Florida, on April 1, 1978. Respondent was licensed to practice professional nursing in the State of Texas on September 9, 2011.
4. Respondent's nursing employment history is unknown.
5. On August 30, 2011, Respondent was issued an Agreed Eligibility Order by the Texas Board of Nursing. A copy of the August 30, 2011, Agreed Eligibility Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. Formal Charges were filed on October 28, 2013. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
7. Formal Charges were mailed to Respondent on October 30, 2013.
8. On March 3, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated February 22, 2014, is attached and incorporated herein by reference as part of this Order.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 808004, heretofore issued to KAREN LEE ACKELSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453©, Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 808004, heretofore issued to KAREN LEE ACKELSON, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing.


In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 3rd day of March, 2014.

TEXAS BOARD OF NURSING


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

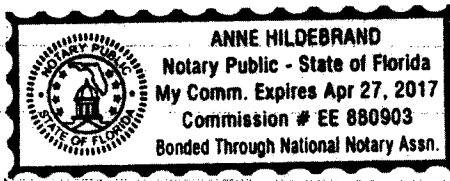
Karen L. Ackelson  
1805 N.E. 1st St  
Cape Coral, FL  
33909

To Whom It May Concern  
Dept of Health  
Board of Nursing

This is notification of surrendering  
my Texas Nursing License  
Number # 808004

Thank You

  
Karen Ackelson




RECEIVED MAR 3 5PM 2014

**FOR AN ACKNOWLEDGEMENT IN AN INDIVIDUAL CAPACITY:**

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22<sup>ND</sup> day of FEB, 2014,  
by (name of person acknowledging).

  
(Signature of Notary Public-State of Florida)  
(NOTARY SEAL) (Name of Notary Typed, Printed, or Stamped)

Personally Known \_\_\_\_\_ OR Produced Identification ☒ FL DR. LICENSE  
Type of Identification Produced

In the Matter of  
Permanent Registered Nurse  
License Number 808004  
Issued to KAREN LEE ACKELSON,  
Respondent

§ BEFORE THE TEXAS  
§  
§  
§  
§ BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KAREN LEE ACKELSON, is a Registered Nurse holding License Number 808004, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about September 10, 2012, Respondent failed to comply with the Eligibility Agreed Order issued to her on August 30, 2011, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number One (1) of the Eligibility Agreed Order which states, in pertinent part:

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the August 30, 2011, Eligibility Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Eligibility Agreed Order dated August 30, 2011.



28<sup>th</sup> day of October, 2013.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Eligibility Agreed Order dated August 30, 2011.

BEFORE THE TEXAS BOARD OF NURSING



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

\*\*\*\*\*

In the Matter of  
KAREN LEE ACKELSON,  
PETITIONER for Eligibility for Licensure

§  
§  
§

AGREED

ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo 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 KAREN LEE ACKELSON, 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)(3)(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 3, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about September 24, 2010, 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 an Associate Degree in Nursing from Edison Community College, Fort Myers, Florida, on April 1, 1978.

4. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"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 disclosed the following criminal history, to wit:
- A. On or about December 3, 2001, Petitioner entered a plea of Guilty to OBTAIN CONTROLLED SUBSTANCE BY FRAUD(a 3rd Degree felony offense committed on October 5, 2001), in the 12th Judicial Circuit Court of Lee County, Florida, under Cause No. 01003550CF. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of eighteen (18) months. Additionally, Petitioner was ordered to pay a fine and court costs. On or about August 19, 2002, Petitioner was granted early termination from probation.
6. In response to Finding of Fact Number Five (5), Petitioner states her then separated husband came to her and told her he did not have money to pay for his medicine and if she would pick them up, he would sign the divorce papers. She states she went to pick them up and was arrested and charged with obtaining a controlled substance by fraud. Petitioner states her ex-husband had a friend call in the prescription and then she called the alleged physician, who notified the authorities. She states since she could not prove it, she was charged with the offense and received deferred adjudication. Petitioner states she paid court costs, had eighteen (18) months of probation, and drug counseling. She states she was granted early release from probation on August 19, 2002.
7. There is no evidence of any subsequent criminal conduct.
8. 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?"*



9. On April 14, 2008, Petitioner was issued an order of Emergency Suspension by the Florida Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Order of Emergency Suspension of License is attached and incorporated by reference as part of this Order.
10. On June 12, 2008, Petitioner's license to practice professional nursing in the State of Florida was issued a Letter of Concern by the Florida Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Final Order is attached and incorporated by reference as part of this Order.
11. On August 18, 2008, Petitioner satisfied all terms and conditions as set forth in the Letter of Concern issued on June 12, 2008, by the Florida Board of Nursing.
12. After considering the action taken by the Florida Board of Nursing, 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.
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 past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
17. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
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 September 24, 2010, 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)(3)(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 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.
7. 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 the 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.

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form,

provided by the Board, to the Office of the Board to verify PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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### 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 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

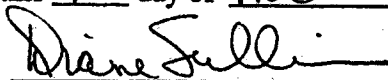
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 17 day of Aug, 2011.

  
KAREN LEE ACKELSON, PETITIONER

Sworn to and subscribed before me this 17 day of AUG, 2011.

SEAL



Notary Public in and for the State of FLORIDA

**DIANE SULLIVAN**  
Notary Public, State of Florida  
My Comm. Expires Feb. 20, 2014  
No. DD949977

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 17th day of August, 2011, by KAREN LEE ACKELSON, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 30th day of August, 2011.



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

STATE OF FLORIDA  
BOARD OF NURSING

Final Order No. DOH-08-1284-FOLMOA  
FILED DATE 6.16.08  
Department of Health  
By: *Racine Bln*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2008-05316

License No.: RN 1015702

KAREN LEE ACKELSON,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on June 5, 2008 in Tallahassee, Florida, for a hearing not involving disputed issues of material fact pursuant to Respondent's Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes.

Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Petitioner was represented by Megan Blanco, Assistant General Counsel, Florida Department of Health.

Respondent was present.

FINDINGS OF FACT

Therefore, the Board adopts as its finding of facts the facts set forth in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the

licensee has violated Section 456.072(1)(c) and (w), Florida Statutes. Count III of the Administrative Complaint is dismissed.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

This Final Order shall constitute a letter of concern.

The licensee must pay investigative costs of \$1,074.12 within 24 months of the date of the filing of this Final Order. Payment shall be made to the Board of Nursing and mailed to, DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer.

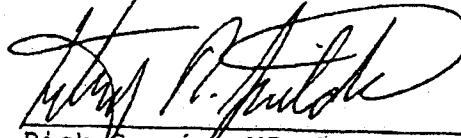
The licensee shall enroll in and successfully complete courses in LEGAL ASPECTS OF NURSING and NURSING ETHICS. This shall be in addition to other normally required continuing education courses. Verification of course content and course completion must be submitted to the Nursing Compliance Officer within six (6) months from the date of this Order. The Board will retain jurisdiction for the purpose of enforcing continuing education requirements.

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

DONE AND ORDERED this 12 day of June, 2008.



BOARD OF NURSING



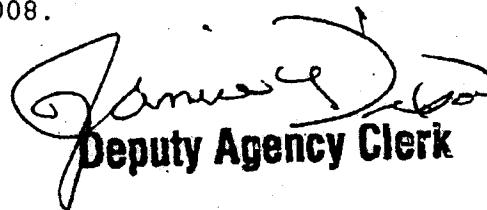
Rick Garcia, MS, RN, CCM  
Executive Director for  
Vicky Stone-Gale, ARNP, MSN, CHAIR

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **KAREN LEE ACKELSON**, 1805 NE 1<sup>st</sup> Street, Cape Coral FL 33909 and Jean D'Aprix, IPN P.O. Box 49130, Jacksonville Beach, Florida 32240-9130; by interoffice mail to **Lee Ann Gustafson**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **Megan Blanco**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 16<sup>th</sup> day of June, 2008.



Deputy Agency Clerk

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH**

**Petitioner,**

**vs.**

**Case No. 2008-05316**

**KAREN LEE ACKELSON, A.R.N.P.**

**Respondent.**

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health (hereinafter "Petitioner"), by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against the Respondent, Karen Lee Ackelson, A.R.N.P. (hereinafter "Respondent"), 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 an Advance Registered Nurse Practitioner (hereinafter "A.R.N.P.") within the State of Florida, having been issued license number 1015702.

41608

3. Respondent's current address of record is 1805 NE 1<sup>st</sup> Street, Cape Coral, Florida 33909.

4. On or about December 3, 2001, in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, in Case Number 01-3550CF, Respondent entered a plea of guilty to one count of Obtaining a Controlled Substance by Fraud, a third degree felony, in violation of Section 813.13(7)(a), Florida Statutes.

5. Respondent did not report the plea to the Board of Nursing within thirty (30) days of entering the plea.

#### COUNT I

6. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

7. Section 456.072(1)(c), Florida Statutes (2001), provides that entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession, constitutes grounds for disciplinary action.

8. On or about December 3, 2001, in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, in Case Number

01-3550CF, Respondent entered a plea of guilty to one count of Obtaining a Department of Health v. Karen Ackelson, A.R.N.P.  
Case Number 2008-05316  
J:\PSU\Nursing\Shenika\AC's\Criminal Convictions and Failure to Update\Ackelson-ARNP-Controlled Substance & FTU Profile.doc

Controlled Substance by Fraud, a third degree felony, in violation of Section 813.13(7)(a), Florida Statutes.

9. Based on the foregoing, Respondent is in violation of Section 456.072(1)(c), Florida Statutes (2001), by entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

### COUNT II

10. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

11. Section 456.072(1)(w), Florida Statutes (2001), provides that failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to a crime in any jurisdiction, regardless of adjudication, constitutes grounds for disciplinary action by the Board of Nursing.

12. Respondent failed to timely report the plea of guilty in the above-referenced criminal case within thirty (30) days after her plea was entered.

13. Based on the foregoing, Respondent violated Section  
Department of Health v. Karen Ackelson, A.R.N.P.  
Case Number 2008-05316  
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Substance & FTU Profile.doc

456.072(1)(w), Florida Statutes (2001), by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

### COUNT III

14. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

15. Section 456.072(1)(v), Florida Statutes (2001), provides that ~~failing to comply with the requirements~~ for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application, constitutes grounds for disciplinary action by the Board of Nursing.

16. The Respondent failed to comply with the MPPQ profiling ~~requirements by failing to timely provide information~~ regarding her guilty plea to one count of Obtaining a Controlled Substance by Fraud.

~~17. Based on the foregoing,~~ Respondent violated Section 456.072(1)(v) Florida Statutes (2001), by failing to comply with the

Department of Health v. Karen Ackelson, A.R.N.P.  
Case Number 2008-05316

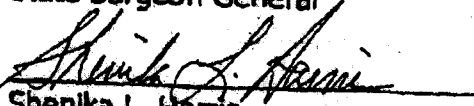
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requirements for profiling and credentialing by failing to report to the Board of Nursing that she had entered a plea of *nolo contendere* to a crime on July 30, 1997, and advising the board that she had no criminal offenses during her renewal period.

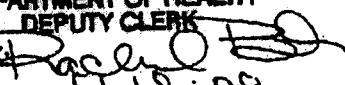
WHEREFORE, Petitioner respectfully requests that the Board of Nursing enter an Order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, Imposition of an administrative fine, issuance of a reprimand, placement of the Respondent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

SIGNED this 17<sup>th</sup> day of April, 2008.

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



Shenika L. Harris  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
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(850) 245-4640 Telephone  
(850) 245-4683 Facsimile

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK   
DATE 4.18.08

PCP:

PCP Members:

Department of Health v. Karen Ackelson, A.R.N.P.  
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TOTAL P. 10

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

Case No. 2008-05316

KAREN LEE ACKELSON, A.R.N.P.,

Respondent.

**WAIVER OF FINDING OF PROBABLE CAUSE  
AND WAIVER OF CONFIDENTIALITY**

1. A confidential Uniform Complaint Form was filed in the referenced case with the Department of Health on February 21, 2008. A copy of an Administrative Complaint, which will be filed, along with this waiver, with the office of the agency clerk of the Department of Health, is attached as Exhibit A.

2. Pursuant to Section 456.073(10), Florida Statutes, I, Karen Lee Ackelson, A.R.N.P., license number RN 1015702, have been advised of my right to a finding of probable cause and of the confidentiality provisions of Section 456.073(4) and (10), Florida Statutes. I understand that if I choose not to waive the privilege of confidentiality or the right to a determination of probable cause by the Probable Cause Panel or by the Department, the complaint and all information obtained pursuant to the department's investigation would be confidential until 10 days after probable cause has been found to exist by the Probable Cause Panel or by the Department. I also understand that if there is no finding by a Probable Cause Panel or the Department that probable cause exists, then in the absence of my waiver of probable cause and waiver

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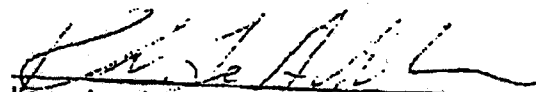
of confidentiality, the complaint and all information obtained pursuant to the investigation would remain confidential.

3. I, Karen Lee Ackelson, A.R.N.P., being fully advised of the consequences of so doing, hereby admit probable cause exists for a violation of Sections 456.072(1)(c), Florida Statutes (2001), 456.071(1)(w), Florida Statutes (2001), and 456.072(1)(v), Florida Statutes (2001); waive the statutory privilege of confidentiality; and waive the right to a determination of probable cause by the Probable Cause Panel, or the Department when appropriate, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action in order to expedite consideration and resolution of this action by the Florida Board of Nursing in a public meeting.

By signing this waiver, I understand that the complaint and all information obtained pursuant to the investigation by the Department, as well as the Administrative Complaint, will immediately become a public record that is immediately accessible to the public. Section 456.073(10) Florida Statutes.

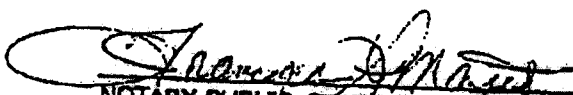
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I AFFIRM THAT I HAVE READ AND UNDERSTOOD THE FOREGOING AND  
CONSENT TO ALL TERMS HEREIN.

  
Karen Lee Ackelson, A.R.N.P

STATE OF FLORIDA  
COUNTY OF Lee

Sworn to and subscribed before me this 17th day of April, 2008, by  
Karen L Ackelson who is personally known to me or who had produced  
FL DRIVER LICENSE (type of identification) as identification.

  
NOTARY PUBLIC, STATE OF FLORIDA

(Print, Type of Stamp Commissioned Name of Notary Public)

KA  
Initials

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

Final Order No. DOH-08-0688-ES-MOA  
FILED DATE - 4 14 08  
Department of Health  
By: *Racquel Bl...*  
Deputy Agency Clerk

In Re: The Emergency Suspension of License of  
Karen Lee Ackelson, A.R.N.P.  
License No. ARNP 1015702  
Case Number 2008-05316

**ORDER OF EMERGENCY SUSPENSION OF LICENSE**

Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, ORDERS the emergency suspension of the license of Karen Lee Ackelson, A.R.N.P., (Ms. Ackelson), to practice as a nurse in the State of Florida. Ms. Ackelson holds license number ARNP 1015702. Her address of record is 1805 NE 1<sup>st</sup> Street, Cape Coral, Florida 33909. The following Findings of Fact and Conclusions of Law support the emergency suspension of Ms. Ackelson's license to practice as a nurse.

**FINDINGS OF FACT**

1. The Department of Health (Department) is the state agency charged with regulating the practice of nursing pursuant to Chapters 20, 456, and 464, Florida Statutes. Section 456.074(1), Florida Statutes, authorizes the State Surgeon General to summarily suspend Ms. Ackelson's license to practice as a nurse.
2. At all times material to this order, Ms. Ackelson was licensed to practice as an advanced registered nurse practitioner in the State of Florida pursuant to Chapter 464, Florida Statutes.
3. On or about December 3, 2001, in the Circuit Court for the Twentieth Judicial Circuit in and for Lee County, Florida, in case number 01-3550CF, Ms. Ackelson

entered a plea of guilty to one count of Obtaining a Controlled Substance by Fraud, a third degree felony, in violation of Section 893.13(7)(a), Florida Statutes.

4. Section 456.074(1), Florida Statutes (2007), provides that the Department *shall* issue an emergency order suspending the license of any person licensed under Chapter 464, Florida Statutes, who pleads guilty to a felony under Chapter 893, Florida Statutes.

#### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction pursuant to Sections 20.43, and 456.074(1), Florida Statutes.

2. The Department must suspend Ms. Ackelson's license to practice as a nurse in accordance with Section 456.074(1), Florida Statutes.

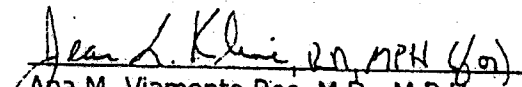
3. The Department has the authority to suspend Ms. Ackelson's license to practice pursuant to Section 456.074(1), Florida Statutes, and this summary procedure is fair under the circumstances to adequately protect the public.

In accordance with Section 456.074(1), Florida Statutes, it is ORDERED THAT:

1. The license of Karen Lee Ackelson, A.R.N.P., license number 1015702, is immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Ms. Ackelson to practice as an advanced registered nurse practitioner will be promptly instituted and acted upon in compliance with Section 120.569, Florida Statutes.

DONE and ORDERED this 14 day of April, 2008.

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

PREPARED BY:

Shenika L. Harris

Assistant General Counsel

DOH Prosecution Services Unit

4052 Bald Cypress Way, Bin C-65

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In Re: Emergency Suspension of License of  
Karen Lee Ackelson, A.R.N.P.  
License No. ARNP 1015702  
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### NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, this Order shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within 30 days of the date this Order is filed.