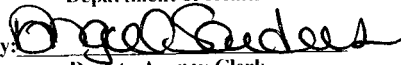


FILED DATE - **MAY 20 2014**

Department of Health

By: 
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

IN RE: THE PETITION
FOR DECLARATORY
STATEMENT OF
CAROLANN ROBLEY, ARNP

FINAL ORDER

THIS CAUSE came before the Board of Nursing (hereinafter Board) pursuant to §120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code, at a duly-noticed meeting in Ponte Vedra, Florida on April 3, 2014, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A) filed on behalf of CAROLANN ROBLEY, ARNP (hereinafter Petitioner). Having considered the petition, the arguments submitted by counsel for Petitioner, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. This petition was noticed by the Board in Vol. 40, No. 81, dated April 25, 2014 of the Florida Administrative Weekly.
2. Petitioner, CAROLANN ROBLEY, is an advanced registered nurse practitioner (ARNP) licensed to practice in the State of Florida, having license number ARNP 9230603.
3. Petitioner practices as an ARNP in the emergency room at Jackson Memorial Hospital.
4. Jacksonville Memorial Hospital previously permitted ARNPs to order narcotics for patient and adjust dosages based on written protocols with attending physicians.

5. Jacksonville Memorial Hospital recently changed its hospital protocols and no longer permits ARNPs to order narcotics for patients.

6. Petitioner inquires if ARNPs are permitted to order narcotics for hospital patients.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

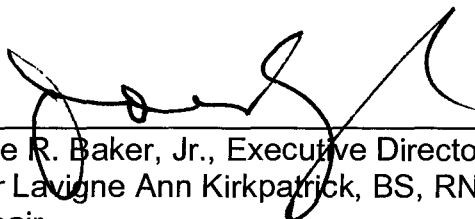
2. The petition filed in this cause is not in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

3. The petition seeks an opinion on the scope of practice of an entire category of licensees based on the employer's policies.

WHEREFORE, the Board dismisses the petition.

DONE AND ORDERED this 19th day of May
, 2014.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director
for Lavigne Ann Kirkpatrick, BS, RN
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 Final Order has been furnished by U.S. Mail to Petitioner CAROLANN ROBLEY, ARNP, 3713 NE 19th Street, Homestead FL 33033, and by interoffice mail to Donna Oxford, Paralegal Specialist, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050 this 20th day of May, 2014.

Brygel Sanders

Deputy Agency Clerk

1701 | 324033

Carolann Robley ARNP, MSN BC FNP
3713 NE 19th St.
Homestead Florida 33033
Lic# 9230603
786-376-3175
Fax 305-246-4406
Email: trivirus@yahoo.com

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Angel Sanders*
DATE **JAN 22 2014**

January 9, 2014

PETITION FOR DECLARATORY STATEMENT: Can ARNPs legally order narcotics for patients we treat in the institution with written protocols from our attending Doctors Greetings members of FBN:

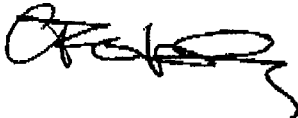
I work as a Nurse Practitioner in the emergency room at Jackson Memorial Hospital for the past 8 yrs. We have approximately 150 ARNPs practicing system wide in the ED, ICUs, and clinics and on the floors. My colleagues and I have been able to order narcotics for the patients we treat system wide and adjust the dosages because we have written protocols signed by our attending doctors giving us the authority to do this. This practice has been in effect for greater than 20 yrs. On November 2013 some of us were informed that we had to cease this practice while the others who were not informed continued to practice status quo until finally all were informed 01/2014 that we were no longer able to order narcotics for our patients and we needed to get a verbal/ or written order from our covering attending prior in order to manage their pain. We were informed by our new administration that since the passage of the new PA bill CS/CS/SB 398 on 04/05/2013 which did not include ARNPs we could no longer order narcotics for the patients we treat in the institution. This caused a tsunami of problems for the ARNPs system wide because managing pain is a major part of our practice, now patient care is

delayed because in the hospital the physician isn't always available depending on the areas we work.

The question we need an opinion on is: Can ARNPs legally order narcotics for patients we treat in the institution with written protocols from our attending. FYI we are only asking an opinion for the patients we treat in the hospital. We are fully aware that we can't prescribe narcotics and this is not our practice.

The ARNPS at Jackson Memorial Hospital would appreciate your opinion

Sincerely



Carolann Robley