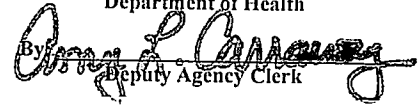


By  Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

IN RE: PETITION FOR DECLARATORY STATEMENT OF:
MARY LYNN TEETER GUARINO, A.P.R.N.

FINAL ORDER

THIS MATTER came before the Board of Nursing (Board) pursuant to Section 120.565, Florida Statutes and Rule 28-105, Florida Administrative Code, at a duly-noticed public meeting held on October 6, 2022, in Tampa, Florida, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A), filed by Mary Lynn Teeter Guarino, A.P.R.N. (Petitioner). Petitioner was present. The Board was represented by Deborah Bartholow Loucks, Senior Assistant Attorney General.

The Petition was filed with the Department of Health on July 11, 2022. Petitioner seeks the Board's opinion as to whether it is within the scope of Petitioner's practice as an advanced practice registered nurse, with her training and experience, to provide pain and symptom management for primary care patients in the hospital setting, telehealth setting and/or community setting.

Having considered the Petition, relevant statutes and rules, arguments submitted by Petitioner and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The Petition was duly filed and noticed in the Florida Administrative Register; Volume 48 Number 134 published on July 12, 2022.
2. The Petition is attached hereto and incorporated herein by reference.

3. Petitioner, Mary Lynn Teeter Guarino, is an Advanced Practice Registered Nurse, registered to practice autonomously and licensed to practice nursing in the State of Florida, having been issued license number APRN/RN 2909122.

4. Petitioner has been providing pain and symptom management for 21 years in the hospital and community setting for palliative care/chronic disease patients and for 3 years in the hospital setting for substance use disorder patients.

5. Petitioner seeks clarification of whether it is in the scope of her practice as an autonomous advanced practice registered nurse, with her training and experience, to provide pain and symptom management for primary care patients in the hospital setting, telehealth setting and/or community setting.

6. Petitioner has received the necessary education and training and holds DEA and XDEA numbers.

CONCLUSIONS OF LAW

7. The Board has jurisdiction over this matter pursuant to section 120.565, and Chapter 464, Florida Statutes.

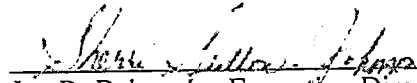
8. The petition filed in this matter is in substantial compliance with the provisions of Section 120.565, Florida Statutes and Rule 28-105, Florida Administrative Code.

9. Section 464.0123(3), Florida Statutes, lists the practice requirements for an autonomous APRN and provides that an autonomous APRN may perform the general functions of an APRN under section 464.012(3), Florida Statutes, relative to primary care. Section 464.012(3), Florida Statutes, allows an APRN to prescribe, dispense, administer, or order any drug; however, no controlled substances may be prescribed or dispensed unless the APRN has additional specialized education and training.

10. The Board found that under the specific facts of the petition, it is within the scope of Petitioner's specific and particular education, training, and experience to provide palliative service in telehealth and community settings. Petitioner withdrew her questions relative to providing services to substance use disorder patients.

DONE AND ORDERED this 28th day of October, 2022.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director
for Jose D. Castillo, III, PhD, MSNA, CRNA, APRN, 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 Florida Appellate District where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. mail to **Mary Lynn Guarino**, 2834 11th Avenue North, St. Petersburg, Florida 33713 and via electronic mail to: **Deborah B. Loucks**, Senior Assistant Attorney General, deborah.loucks@myfloridalegal.com, **Cassandra Fullove**, Senior Legal Specialist, Office of the Attorney General, Cassandra.fullove@myfloridalegal.com; and **Angela Southwell**, Paralegal Specialist, Office of the Attorney General, angela.southwell@myfloridalegal.com, on 31, October, 2022.



Deputy Agency Clerk

Mission :
To protect, promote & improve the health
of all people in Florida through integrated
state, county & community efforts



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision : To be the Healthiest State in the Nation

INTEROFFICE MEMORANDUM

DATE: October 21, 2022

TO: Janet Hartman, Chief
Bureau of Health Care Practitioner Regulation

FROM: Joe Baker, Jr., Executive Director
Board of Nursing

SUBJECT: Delegation of Authority

The following managers are delegated authority for the Board office on Monday, October 10, 2022, through Friday, October 28, 2022:

10/10-13	Nicole Benson	Program Ops Administrator
10/14-20	Melissa Passet	Program Ops Administrator
10/21	Kathy Herron	Regulatory Supervisor
10/24-28	Sherri Sutton-Johnson	Director, Nursing Education

Thank you.

JBjr/ms

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Elizabeth Eubanks

DATE: July 11, 2022

Petition for Declaratory Statement Before the Board of Nursing

Petitioner: Mary Lynn Guarino APRN - License # 2909122
 2834 - 11th Ave N.
 St Petersburg, FL 33713
 Cell phone: 727-276-6809
 Email: mlguarino22@gmail.com

Florida Statutes: Section 64B9-4.017 and 464.0123
 Standards for the Prescribing of Controlled Substances for the Treatment of Acute Pain, and
 Autonomous Practice by an Advanced Practice Registered Nurse

Petitioner is requesting the board's opinion as to whether it is within the scope of practice of an autonomous nurse practitioner in primary care who is board certified in Hospice and Palliative nursing and certified in substance use disorder with use of methadone and buprenorphine, to provide pain and symptom management for primary care patients, chronic disease/palliative care patients and substance use disorder patients in the hospital setting, telehealth setting, and/or community setting.

Petitioner has been providing pain and symptom management for 21 years in the hospital and community setting for palliative care/chronic disease patients and has provided pain and symptom management for substance use disorder patients in the hospital setting x 3 years. This has been under physician supervision. Now certified in substance use disorder, petitioner is verifying if she can provide addiction medicine management using methadone and buprenorphine as well as pain and symptom management to patients in the hospital setting independent of physician supervision if understanding of autonomous practice and prescribing of controlled substances statutes is accurate.

Petitioner is also verifying scope of practice with regard to pain and symptom management via telehealth and in the community setting.

Petitioner has DEA and XDEA numbers.

Thank you for your clarification,

Mary Lynn Guarino APRN, ACHPN

M Guarino APRN

7/6/22

RECEIVED

JUL 06 2022

FLORIDA BOARD OF NURSING