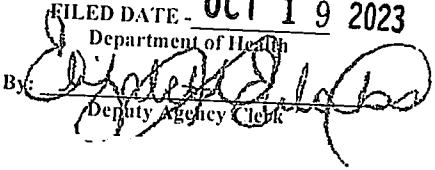


Final Order No. DOH-23-1313-DS-MQA  
FILED DATE - OCT 19 2023  
Department of Health  
By:   
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF NURSING

IN RE: PETITION FOR DECLARATORY STATEMENT OF:  
**DIANA LANGE, RN**

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**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 5, 2023, in Orlando, Florida, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A), filed by Diana Lange (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 August 7, 2023. Petitioner seeks the Board's opinion as to whether it is within the scope of Petitioner's practice as a registered nurse to administer Botox Cosmetic and Derma Fillers when the administration is a task delegated and performed under the direct supervision of a physician as described in the petition.

Having considered the Petition, relevant statutes and rules, 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. The Petition was duly filed and noticed in the Florida Administrative Register; Volume 49 Number 179 published on September 14, 2023.
2. The Petition is attached hereto and incorporated herein by reference.
3. Petitioner, Diana Lange, is a Registered Nurse licensed to practice nursing in the

State of Florida, having been issued license number RN 9620268.

4. Petitioner has observed attended over 300 private and group trainings sponsored by Galderma including hands-on injectable training.

5. Petitioner seeks clarification of whether it is in the scope of her practice to have task delegation of Botox Cosmetic (Botox) and Derma Fillers from the supervising physician to her, when the physician has examined the patient, written an order for the prescribed Botox or derma filler medication treatment with a description of the muscles to be injected and the number of units per injection site, with the task of administering the Botox delegated to Petitioner.

#### **CONCLUSIONS OF LAW**

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

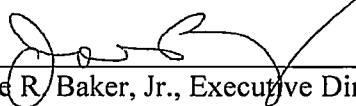
7. The petition filed in this matter is in substantial compliance with the provisions of Section 120.565, Florida Statutes and Rule 28-105, Florida Administrative Code.

8. Section 464.003(19), Florida Statutes, defines the “practice of professional nursing”, with subparagraph (b) of this definition stating that “the administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.”

9. 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 and that she can be delegated the task of administering Botox and derma fillers under the direction of a duly licensed physician, and in the manner set forth in the petition, that the answer to her request would be “yes”.

**DONE AND ORDERED** this 18<sup>th</sup> day of October, 2023.

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 **Diana Lange, RN, ZRoc Dermatology**, 2838 East Oakland Park Blvd., Suite 201, Fort Lauderdale, Florida 33306; and to: **Deborah B. Loucks**, Senior Assistant Attorney General, [deborah.loucks@myfloridalegal.com](mailto:deborah.loucks@myfloridalegal.com); **Cassandra Fullove**, Senior Legal Assistant, Office of the Attorney General, [Cassandra.fullove@myfloridalegal.com](mailto:Cassandra.fullove@myfloridalegal.com); and **Angela Southwell**, Paralegal Specialist, Office of the Attorney General, [angela.southwell@myfloridalegal.com](mailto:angela.southwell@myfloridalegal.com); on October 19, 2023.

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

Filing 8/7/2023 9:52:00 AM

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Elizabeth Eubanks*  
DATE: August 07, 2023

To: Department of Health Agency Clerks Office

4052 Bald Cypress Way

Tallahassee, FL 32399

Diana Lange

License Number 9620268

Dr. Matthew Zarraga

ZRoc Dermatology

2838 E Oakland Park Blvd

Suite 201

Fort Lauderdale, FL 33306

Petition for Declaration Statement before the Florida Board of Nursing

August 05, 2023

To Whom it may Concern,

I am a Registered Nurse at ZRoc Dermatology, which is a medical facility owned and operated by a Dermatologist, Dr. Matthew Zarraga, D.O. I have a very extensive aesthetic background and knowledge going over 8 years. I started in Aesthetics as a Galderma Account Manager covering a large territory educating Dermatologists, Plastic Surgeons, NPs, PAs, and RNs, on Derma fillers and Neurotoxins. I had to undergo intensive training by Galderma prior to entering my territory. I also partook in over 300 private and Group training provided by Galderma to my Providers. Those trainings were performed as hands-on injectable training by some of the top injectors in the country. (list of trainers could be provided upon request). I am very passionate about Aesthetics and left Galderma in Pursuit of Becoming a Medical Professional so I can Perform the Procedures myself. I Graduated from Nursing School and now pursuing my Family Nurse Practitioner Degree. After Nursing school, I attended multiple injectable trainings and Flew out of state to receive multiple handles of injectable training as well. I am scheduled to Attend Aesthetic Extender Symposium in August and multiple aesthetic Rotations with different Dermatologists and NPs in my area. Dr. Matthew Zarraga as a very established Dermatology practice and given my background and education would like to utilize my skills to perform Botox and Derma fillers procedures Under his supervision for his Patients.

I am requesting clarification for the task delegation of Botox and Derma Fillers from Dr. Matthew Zarraga to myself, Diana Lange, RN based on statute 120.565.

120.565 Declaratory statement by agencies.—

(1) Any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances.

(2) The petition seeking a declaratory statement shall state with particularity the petitioner's set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.

(3) The agency shall give notice of the filing of each petition in the next available issue of the Florida Administrative Register and transmit copies of each petition to the committee. The agency shall issue a declaratory statement or deny the petition within 90 days after the filing of the petition. The declaratory statement or denial of the petition shall be noticed in the next available issue of the Florida Administrative Register. Agency disposition of petitions shall be the final agency action. I am requesting clarification for the task delegation of Botox and Derma Fillers from Dr. Matthew Zarraga to myself, Diana Lange, RN. Dr. Matthew Zarraga would perform the exam for each patient, write an order for the prescribed Botox and Derma Fillers cosmetic Medication treatment with a description of the muscle, number of units per injection site, tissue layer, or any injection ordered by Dr. Matthew Zarraga, and then delegated the task of medication administration to me, Diana Lange, RN. Informed consent would be signed by the patient and co-signed by Dr. Matthew Zarraga. The written order would then be followed and performed under the direct supervision of Dr. Matthew Zarraga. This request is based on section 464.003(2)B. That addresses the scope of practice of RNs as follows; "The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments." The scope of practice of RNs includes the administration of medications (Botox Cosmetics and well as Derma Fillers) as prescribed by Dr. Matthew Zarraga authorized by the law in Florida to prescribe such medications and treatments. The Botox injection task was previously approved by the Board of Medicine and the Florida Department of Health, for a different RN within the Practice if the stated standards were met.

Please contact me with any questions in regard to this petition. Thank you for your consideration.

Sincerely,

Diana Lange, RN.

[dianalangepa@yahoo.com](mailto:dianalangepa@yahoo.com)

754-208-8730