

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,)

Petitioner,)

VS.)

JUDITH LEE DVORAK,)

Respondent.)

CASE NO: 8041267

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint against Judith Lee Dvorak, hereinafter referred to as "Respondent," and alleges:

1. Petitioner seeks to suspend, revoke, or take other disciplinary action against Respondent as licensee and against her license to practice nursing under the laws of the State of Florida.
2. Respondent is a licensed registered nurse having been issued license numbers RN 1257882 and ARNP 125788M.
3. Respondent's last known address is Holiday Lane, Route 2, Box 1977N, Odessa, Florida 33556.
4. On or about April 17, 1983, Respondent was in possession of and sold approximately fourteen (14) grams of Marijuana, a controlled substance.
5. On or about April 21, 1983, Respondent was in possession of and sold approximately fourteen (14) grams of Marijuana, a controlled substance.
6. Based upon the foregoing, Respondent is in violation of Section 464.018(1)(c), Florida Statutes (1981), by engaging in the possession, sale, or distribution of controlled substances as set forth in Chapter 463, or any other than legitimate purposes.

SIGNED THIS 9th day of December, 1983.

Fred Roche
FRED ROCHE, Secretary

Administrative Complaint
Judith Lee Svorek
Case No: 0001267

COUNSEL FOR PETITIONER:

Julia P. Forrester
Staff Attorney
Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 488-0062

PL 82/8
11/17/83

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0041267

JUDITH LEE DVORAK, RN

Respondent.

STIPULATION

Judith Lee Dvorak, Registered Nurse, hereinafter referred to as Respondent, and the Department of Professional Regulation, hereinafter referred to as Department, hereby stipulate and agree to the following joint stipulation and a Final Order of the Board of Nursing, hereinafter referred to as Board, incorporates this stipulation and agreement in the above-styled cause.

STIPULATED FACTS

1. For all times pertinent herein, Respondent was a licensed registered nurse and advanced registered nurse practitioner in the State of Florida having been issued license numbers 125788-2 and 125788-M.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 464, Florida Statutes, and the rules enacted pursuant thereto. 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 allegations of fact contained in the Administrative Complaint attached hereto as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in her capacity as a licensed registered nurse and advanced registered nurse practitioner, admits that in such capacity she is subject to the provisions of Chapters 464 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the foregoing Stipulated Facts constitute violations of Chapter 464, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455 and 464, Florida Statutes, or the rules promulgated pursuant thereto or any other state or federal law.

2. The Board shall impose an administrative fine of \$500.00 against Respondent which fine shall be paid by the Respondent to the Executive Director of the Board within sixty (60) days of the filing of the Board's Final Order in this cause.

3. Respondent agrees to enroll and successfully complete a course in legal aspects of nursing in addition to other normally required continuing education courses. Verification of successful completion and documentation of course content satisfactory to the Board shall be submitted to the probation supervisor within six (6) months of the filing of the Board's Final Order in this cause.

4. Respondent shall be present at the time of the Board's consideration of this stipulation and shall under oath answer questions posed by Board members, counsel for the Board and counsel for Petitioner, which relate to this stipulation, the allegations in the Administrative Complaint and any other matters relating to the appropriate disposition of this cause.

5. Respondent's license to practice nursing in the State of Florida shall be suspended until such time as she submits a satisfactory in-depth psychological evaluation prepared by a qualified psychiatrist, psychologist, or other qualified mental health or drug rehabilitation counselor which shall include the specific recommendation that Respondent is currently able to practice nursing with reasonable skill and safety to patients.

6. Upon the Board's acceptance of the above described in-depth psychological evaluation as satisfactory, Respondent's license to practice nursing in the State of Florida shall be placed on probation for a period of two (2) years commencing on the date of the filing of the Final Order adopting this stipulation. The terms of probation are as follows:

i. For the duration of the probationary period, Respondent will report immediately within ten (10) working days verbally (by telephone or letter) to her probation supervisor assigned by the Department, and by certified registered mail to the Department of Professional Regulation, attention Board of Nursing Office, 111 Coastline Drive, East, Suite 504, Jacksonville, Florida 32202, by license number and licensed name, any change in Respondent's employment, any change of address, and any arrests.

ii. Respondent shall be responsible for causing reports to be furnished by her employer to the Board or the probation supervisor, relative to Respondent's performance, such as current work assignment, level of performance, and any problems, while employed as a nurse. A report shall be submitted every three (3) months during probation as scheduled by the probation supervisor. If Respondent is not employed as a nurse, Respondent shall report immediately within ten (10) working days verbally (by telephone or letter) to her probation supervisor assigned by the Department, and by certified registered mail to the Department of Professional Regulation, attention Board of Nursing Office, 111 Coastline Drive, East, Suite 504, Jacksonville, Florida 32202, by license number and license name. If Respondent resumes employment as a nurse, notification to the Board and probation supervisor shall be made within the same time frame and in the same manner.

iii. Respondent agrees to submit to random blood and/or urine tests, and shall cause results of analysis to be furnished to the Board if collected by an agent other than an authorized representative of the Department. At such time as the blood and/or urine sample is collected, it shall be the responsibility of Respondent to provide pertinent information regarding current usage of prescribed or over-the-counter medication consumed. Respondent shall provide pertinent information regarding current usage of prescribed or over-the-counter medication consumed. Respondent shall provide documentation of valid prescriptions for any medication or controlled substance consumed for legitimate purposes.

iv. Respondent shall not consume, inject or otherwise self-administer with any controlled substance or prescription drug which has not been prescribed by a duly licensed practitioner.

v. Respondent shall obtain or continue to obtain counseling with a psychiatrist, psychologist, or other recognized mental health care drug counselor or rehabilitation program and shall cause progress reports to be furnished to the Board or probation supervisor every three (3) months during treatment as scheduled by the probation supervisor.

iv. Respondent understands that during this period of probation, investigative reports may be compiled concerning her compliance with the terms and conditions of this stipulation and Final Order of the Board and the rules and statutes regulating the practice of nursing. Respondent hereby waives confidentiality with regard to these reports as to the Board only, thus permitting the Board to review the investigative reports notwithstanding any statutory or rules provisions to the contrary.

7. It is expressly understood that this stipulation is subject to approval of the Board and Department and has no force and effect until an Order is based upon it by the Board.

8. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this case. 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 stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation 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.

9. Respondent and the Department fully understand that this joint stipulation 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 and incorporated by reference as Exhibit A.

10. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

SIGNED this 14th day of February, 1984.

Judith Lee Dvorak RN
Judith Lee Dvorak, Registered Nurse

Sworn to and subscribed
before me this 14th
day of February, 1984.

Peter A. Kelly
NOTARY PUBLIC

Peter A. Kelly
(Attorney for Respondent)

My Commission Expires:

Notary Public, State of Florida, Commission Expires Jan. 13, 1986

APPROVED this 27th day of February, 1984.

Fred Roche
FRED ROCHE, SECRETARY
DEPARTMENT OF PROFESSIONAL
REGULATION

JPF/rva
01/17/84

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 41267

JUDITH LEE DVORAK,

Respondent.

ORDER

Respondent Judith Lee Dvorak holds Florida license No. 1257882 as a registered nurse. Petitioner has filed an Administrative Complaint seeking suspension, revocation, or other action against the license.

Petitioner and Respondent have stipulated to a disposition of this case and the stipulation was presented to the Board at a meeting held on April 6, 1984, in Tampa, Florida. The Board concurs that this stipulation is an appropriate settlement of the cause; the Stipulation is attached to and made a part of this Order. It is therefore ORDERED that Respondent is placed on PROBATION for two years, she must complete a course, and she must pay a fine of \$500.00 within sixty days, as provided in the Stipulation.

DONE and ORDERED in Jacksonville Florida this 17th day of April, 1984.

Sandra S. Bauman, R.N.S.
Sandra S. Bauman, Chairman
Florida Board of Nursing

cc: Judith Lee Dvorak
Route 3, Box 1977N
Odessa, Florida 33556

Peter A. Proby, Esquire
202 Oak Trail Way
Port Richey, Florida 33563

FILED

APR 17 1984

FLORIDA STATE
BOARD OF NURSING