CHAPTER 64B9-6
INACTIVE STATUS AND REACTIVATION OF INACTIVE LICENSE

64B9-6.001 Delinquent Status; Obtaining Inactive Status

(1) A license to practice nursing which is not renewed at the end of the biennium prescribed by the Department shall automatically revert to delinquent status. To renew the license, the licensee must demonstrate completion of all continuing education required by Chapter 64B9-5, F.A.C., and must pay the delinquency fee prescribed in Rule 64B9-7.001, F.A.C.

(2) A licensee may apply to the Department to place his license on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an application fee for inactive status in the amount specified in Rule 64B9-7.001, F.A.C. Applications for inactive status will be considered by the Department only during the biennium license renewal period.

(3) Pursuant to Section 464.016(1)(a), F.S., it is unlawful to practice nursing with an inactive or delinquent license.

Rulemaking Authority 456.036, 464.006, 464.014 FS. Law Implemented 456.036, 464.014 FS. History–New 2-5-87, Formerly 21O-14.003, 61F7-6.001, Amended 1-1-96, Formerly 59S-6.001, Amended 3-14-00.

64B9-6.002 Biennial Renewal of Inactive Status

(1) An inactive license must be renewed biennially during the biennium renewal period for active licenses prescribed by the Department. Sixty (60) days prior to the end of the biennium, the Department shall mail a notice of renewal of inactive status to each inactive licensee.

(2) In order to renew an inactive license, the licensee shall remit a fee for renewal of inactive status in the amount specified in Rule 64B9-7.001, F.A.C.


64B9-6.003 Reactivation of Inactive License

(1) An inactive license may be reactivated upon application to the Department and demonstration of compliance with the following conditions:
   (a) A statement by the licensee of any convictions or findings of guilt, regardless of adjudication, within the period the licensee was inactive.
   (b) A statement by the licensee of any disciplinary action taken by the licensing authority of a state, territory, or country against his or her license to practice nursing in that state, territory, or country during the period the licensee’s Florida nursing license was inactive.
   (c) Proof by the licensee of completion of all continuing education required by Chapter 64B9-5, F.A.C., for all biennial licensure periods for which the individual was inactive.
   (d) Payment of the reactivation fees prescribed in Rule 64B9-7.001, F.A.C., and renewal fees if applicable.
   (2) The Department shall not reactivate a license unless the inactive licensee has paid an inactive application fee, and a reactivation fee.
   (3) If a license has been inactive for more than two consecutive biennial licensure cycles, and the licensee has not been practicing nursing in any jurisdiction for the two years immediately preceding the application for reactivation, the applicant for reactivation will be required to complete a nursing remedial course as described in Rule 64B9-3.0025, F.A.C., with clinical component appropriate to the licensure level of the licensee. The remedial course must be given at a Board-approved program, and must include at least 80 hours of didactic education and 96 hours of clinical experience in medical/surgical nursing and any specialty area of practice of the licensee.
64B9-6.004 Retired Licensure Status.

(1) A licensee wishing to change to retired licensure status during the renewal period must pay the retired license fee. If the change to retired licensure status is outside the renewal period, the change of status fee shall also be paid.

(2) If the licensee holds a Florida retired license eligible for reactivation, the licensee may return the license to active status upon submission of a complete application to the Department, payment of the appropriate fees and compliance with the provisions of Section 456.036(12), F.S.

(3) Any licensee applying for an active status license who has been on retired licensure status for 5 years or more, or if licensed elsewhere and has not been actively practicing nursing during the past 5 years, shall as a condition of licensure demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by obtaining a passing score on the licensure examination appropriate to the licensure level of the licensee, and

(a) For registered nurses or licensed practical nurses, completing a nursing refresher course with clinical component appropriate to the licensure level of the licensee. The refresher course must be given at a Board-approved program, and must include at least 60 hours of classroom instruction and 96 hours of clinical experience in medical/surgical nursing and any specialty area of practice of the licensee;

(b) For certified nursing assistants, completing a Board-approved training program.

Rulemaking Authority 456.036(10), (15) FS. Law Implemented 456.036(2), (4)(b), (10), (12), (15) FS. History–New 9-4-06.
CHAPTER 64B9-7
FEES

64B9-7.001 Fees
64B9-7.002 Duplicate License Fee

64B9-7.001 Fees.
The following fees are prescribed by the Board.

(1) For application to sit for the examination as provided in Section 464.008, F.S.:
(a) For registered nurse and licensed practical nurse fifty dollars ($50.00).
(b) Applicants for the NCLEX-CAT examination must pay the fee for sitting for the examination directly to the examination vendor.

(2) For application for licensure without examination by endorsement as provided in Section 464.009, F.S.:
For registered nurse and licensed practical nurse fifty dollars ($50.00).

(3) Initial license as a registered nurse or a licensed practical nurse fifty dollars ($50.00).

(4) For application for ARNP certification as provided in Section 464.012, F.S., one hundred dollars ($100.00).

(5) For application for CNS certification as provided in Section 464.0115, F.S., seventy five dollars ($75.00).

(6) For ARNP registration as a dispensing practitioner pursuant to Section 465.0276, F.S., one hundred dollars ($100.00).

(7) For renewal of RN or LPN license as provided in Section 464.013, F.S., seventy dollars ($70.00).

(8) For renewal of a dual RN/ARNP license certificate, one hundred twenty dollars ($120.00).

(9) For renewal of a dual RN/CNS license certificate, one hundred forty-five dollars ($145.00).

(10) For renewal of an RN/CNS/ARNP license certificate, one hundred ninety-five dollars ($195.00).

(11) Pursuant to Section 1009.66(6), F.S., the Department shall collect a five dollar ($5.00) fee upon initial licensure or renewal of all LPNs, RNs, and dual RN/ARNP licenses for the Student Loan Trust Fund.

(12) For application to change from active to inactive status as provided in Section 464.014, F.S.:
(a) For registered nurse fifty five dollars ($55.00).
(b) For licensed practical nurse fifty five dollars ($55.00).
(c) For dual RN/ARNP or RN/CNS license certificate seventy five dollars ($75.00).

(13) For renewal of an inactive license as provided in Section 464.014, F.S.:
(a) For registered nurse fifty five dollars ($55.00).
(b) For licensed practical nurse fifty five dollars ($55.00).
(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars ($75.00).
(d) For renewal of an RN/CNS/ARNP license certificate, one hundred thirty dollars ($130.00).

(14) For reactivation or change of status of an inactive or delinquent license, as provided in Sections 456.036(8) and 464.014, F.S.:
(a) For registered nurse fifty-five dollars ($55.00).
(b) For licensed practical nurse fifty-five dollars ($55.00).
(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars ($75.00).
(d) For an RN/CNS/ARNP license certificate, ninety-five dollars ($95.00).

(15) A delinquent status licensee shall pay a delinquency fee of fifty-five dollars ($55.00) when the licensee applies for inactive status or for reactivation.

(16) The inactive status biennial renewal fee shall be fifty-five dollars ($55.00).

(17) The continuing education provider application and renewal fees shall each be two hundred fifty dollars ($250.00).

(18) The application fee for approval of a nursing program shall be one thousand dollars ($1,000.00).

(19) The initial retired status license fee shall be fifty dollars ($50.00).

64B9-7.002 Duplicate License Fee.

(1) If a licensee wishes to request the Board provide a duplicate license for replacement of a lost or destroyed license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of $25.00.

(2) If a licensee who was licensed prior to July 1, 1998, wishes to request the Board provide a wall certificate pursuant to Section 456.013(2), F.S., the Board will provide the wall certificate if the request is in writing and accompanied by a payment of $25.00.

64B9-8.001 The Probable Cause Panel

(1) The determination as to whether probable cause exists shall be made by a majority vote of a probable cause panel of the Board.

(2) The Board establishes two probable cause panels of three persons each to be appointed by the Chair of the Board. The Chair may appoint an additional probable cause panel if necessary based on the volume of cases represented to the panels.

(3) If a case needs to be reconsidered by the probable cause panel for any reason, the case must be taken to the panel which initially considered it.

(4) The panel shall recommend penalties for inclusion in any settlement agreements between the Department and the licensee, based on the material submitted by the Department, the Board’s past treatment of similar cases, and the Board’s disciplinary guidelines. Terms shall be subject to approval or rejection by the full Board.


64B9-8.003 Citations.

(1) “Citation” means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Agency may issue a citation to the subject within six months after the filing of the complaint which is basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) The Board designates the first instance of the following as citation violations, which shall result in a penalty of $100.00:

(a) False, deceptive or misleading advertising in violation of Section 464.018(1)(g), F.S., provided no criminal prosecution resulted and no practice issue was involved.

(b) Improper use of a nursing title under Section 464.015, F.S., provided no practice issue was involved or no criminal prosecution resulted.

(c) Unprofessional conduct as defined in subsection 64B9-8.005(15), F.A.C., using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

(4) The Board designates the second instance of the following as citation violations, which shall result in a penalty of $100.00:

(a) Issuance of a worthless bank check to the Department or to the Board in violation of Section 464.018(1)(a), F.S., provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

(b) Failure to report address change in violation of Rule 64B9-1.013, F.A.C., provided the licensee was not ordered to do so in a Board disciplinary order.

(c) Failure to pay a Board ordered administrative fine by the time ordered, provided payment had been made by the time the citation issues.

(d) Failure to complete a Board ordered continuing education course by the time ordered, provided the course had been
completed by the time the citation issues.

(e) Failure when requested to document full compliance with the continuing education requirements, provided that all
continuing education courses had been timely completed.

(f) Failure to submit updates of required information in practitioner profile within 15 days after the final activity that renders
such information a fact, as required by Section 456.042, F.S.

(5) The Board designates the following a citation violation, which shall result in a penalty of $250.00: Second-time failure to
complete continuing education hours within the biennium. In addition to the fine, the licensee will be required to complete the
number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.

(6) The Board designates the first instance of the following a citation violation, which shall result in a penalty of $1,500:
Providing to another individual a confidential password, access code, keys, or other entry mechanisms, which results in a violation
of, or threatens, the integrity of a medication administration system or an information technology system. In addition to the fine, the
licensee will be required to complete a 2-hour continuing education course in legal aspects of nursing within 60 days of the issuance
of the citation.

Rulemaking Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History–New 1-1-92, Amended 7-6-92, Formerly 21O-10.015,
Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00, 2-22-04, 7-5-06, 12-11-06, 3-23-08, 12-3-12.

64B9-8.0045 Minor Violations.

For the purposes of Section 456.073(3), F.S., the Board deems the following violations to be minor:

(1) False, deceptive or misleading advertising in violation of Section 464.018(1)(g), F.S., provided no criminal prosecution
resulted;

(2) Issuance of a worthless bank check to the Agency or to the Board in violation of Section 464.018(1)(a), F.S., provided the
licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine;

(3) Failure to report address change in violation of Rule 64B9-1.013, F.A.C., provided the licensee was not ordered to do so in a
Board disciplinary order;

(4) Improper use of a nursing title under Section 464.015, F.S., provided no practice issue was involved or no criminal
prosecution resulted.

Rulemaking Authority 120.695, 456.073(3), 464.006 FS. Law Implemented 120.695, 456.073(3) FS. History–New 11-16-95, Formerly 59S-8.0045.

64B9-8.005 Unprofessional Conduct.

Unprofessional conduct shall include:

(1) Inaccurate recording;

(2) Misappropriating drugs, supplies or equipment;

(3) Leaving a nursing assignment without advising licensed nursing personnel;

(4) Stealing from a patient;

(5) Violating the integrity of a medication administration system or an information technology system;

(6) Falsifying or altering of patient records or nursing progress records, employment applications or time records;

(7) Violating the confidentiality of information or knowledge concerning a patient;

(8) Discriminating on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it
relates to human rights and dignity of the individuals;

(9) Engaging in fraud, misrepresentation, or deceit in taking the licensing examination;

(10) Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of practicing
nursing;

(11) Providing false or incorrect information to the employer regarding the status of the license;

(12) Practicing beyond the scope of the licensee’s license, educational preparation or nursing experience;

(13) Using force against a patient, striking a patient, or throwing objects at a patient;

(14) Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

Rulemaking Authority 464.006, 464.018(1)(h) FS. Law Implemented 464.018(1)(h) FS. History–New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-
83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly
**64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.**

(1) The legislature created the Board to assure protection of the public from nurses who do not meet minimum requirements for safe practice or who pose a danger to the public. The suspensions, restrictions of practice, and conditions of probation used by the Board in discharging its duties under Sections 464.018 and 456.072, F.S., shall include, but are not limited to, the following:

(a) Suspension until appearance before the Board or for a definite time period and demonstration of ability to practice safely.

(b) Suspension until appearance before the Board, or for a definite time period, and submission of mental or physical examinations from professionals specializing in the diagnosis or treatment of the suspected condition, completion of counseling, completion of continuing education, and ability to practice safely.

(c) Suspension until fees and fines paid or until proof of continuing education completion submitted.

(d) Suspension until evaluation by and treatment in the Intervention Project for Nurses.

(e) Suspension stayed so long as the licensee complies with probationary conditions.

(f) Probation with the minimum conditions of not violating laws, rules, or orders related to the ability to practice nursing safely, keeping the Board advised of the nurse’s address and employment, and supplying both timely and satisfactory probation and employer/supervisor reports, or the requirement that work must be under direct supervision on a regularly assigned basis.

(g) Probation with specified continuing education courses in addition to the minimum conditions. In those cases involving unprofessional conduct or substandard practice, including recordkeeping, the Board finds continuing education directed to the practice deficiency to be the preferred punishment.

(h) Personal appearances before the Board to monitor compliance with the Board’s order.

(i) Administrative fine and payment of costs associated with probation or professional treatment.

(2) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners and applicants for licensure guilty of violating Chapters 464 and 456, F.S. The purpose of the disciplinary guidelines is to give notice to licensees and applicants of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 464 and 456, F.S.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or board. (Section 456.072(1)(h) or 464.018(1)(a), F.S.)

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<th>MINIMUM</th>
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<tr>
<td>FIRST OFFENSE</td>
<td>$500 fine and probation</td>
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(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory or country. (Section 456.072(1)(f) or 464.018(1)(b), F.S.)

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<tr>
<td>FIRST OFFENSE</td>
<td>Letter of concern</td>
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<th>MINIMUM</th>
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<tr>
<td>SECOND OFFENSE</td>
<td>Same penalty as imposed by other jurisdiction</td>
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(c) Criminal Violations:

1. Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing. (Sections 456.072(1)(c), 464.018(1)(c), F.S., misdemeanors in violation of Section 464.018(1)(d)3., or (d)7., or 464.018(1)(e), F.S., for crimes set forth in Sections 435.04(2)(a) through (t), (v) through (dd) or (ff), F.S.)

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<tr>
<td>FIRST OFFENSE</td>
<td>Reprimand</td>
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<td>SECOND OFFENSE</td>
<td>$500 fine and probation</td>
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2. Being found guilty, regardless of adjudication, of a violation of Chapter 776, 784, 812, 827, 415 or 39, F.S. (Section 464.018(1)(d)1., (d)2., (d)5., (d)6., (d)7., or (d)8., or a misdemeanor violation of Chapter 409 or 817, F.S.)

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<td>FIRST OFFENSE</td>
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<td>Offense</td>
<td>Minimum Fine or Penalty</td>
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<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>Reprimand, $250 fine and probation</td>
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<tr>
<td><strong>SECOND OFFENSE</strong></td>
<td>Reprimand, $500 fine and probation</td>
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3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a felony violation of Chapter 409, 817 or 893, F.S., or of any crime related to health care fraud. (Section 456.072(1)(l), 464.018(1)(d)3. or 464.018(1)(e), F.S., for crimes set forth in Section 435.04(2)(u) or (ee), F.S.)

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<tr>
<th>Offense</th>
<th>Minimum Fine or Penalty</th>
<th>Maximum Fine or Penalty</th>
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<tbody>
<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>10,000 fine and probation</td>
<td>$10,000 fine and revocation</td>
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4. Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure. (Section 464.018(1)(d)4., F.S.)

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<th>Offense</th>
<th>Minimum Fine or Penalty</th>
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<tbody>
<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>$250 fine and probation</td>
<td>Revocation</td>
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(d) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so; Intentionally submitting a claim, statement or bill that has been upcoded as defined in Section 627.736, F.S., for a PIP claim or for services that were not rendered. (Section 456.072(1)(l), (ee) or (ff) or 464.018(1)(f), F.S.)

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<th>Offense</th>
<th>Minimum Fine or Penalty</th>
<th>Maximum Fine or Penalty</th>
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<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>$250 fine, continuing education or probation</td>
<td>$500 fine and suspension</td>
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(e) False, misleading or deceptive advertising. (Section 464.018(1)(g), F.S.)

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<th>Offense</th>
<th>Minimum Fine or Penalty</th>
<th>Maximum Fine or Penalty</th>
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<tbody>
<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>$100 fine</td>
<td>$250 fine and probation</td>
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(f) Unprofessional conduct as defined by Rule 64B9-8.005, F.A.C. (Section 464.018(1)(h), F.S.).

1. Subsections 64B9-8.005(1), (2), (5) and (12), F.A.C.

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<tr>
<th>Offense</th>
<th>Minimum Fine or Penalty</th>
<th>Maximum Fine or Penalty</th>
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<tbody>
<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>Reprimand, $250 fine, and continuing education</td>
<td>$500 fine and suspension with IPN evaluation or probation</td>
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<tr>
<td><strong>SECOND OFFENSE</strong></td>
<td>$500 fine, suspension and IPN evaluation</td>
<td>Revocation</td>
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2. Subsections 64B9-8.005(6), (9), (10) and (11), F.A.C.

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<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>Reprimand, $500 fine and continuing education</td>
<td>Revocation</td>
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3. Subsections 64B9-8.005(3), (7), (8) and (13), F.A.C.

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<tbody>
<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>Reprimand, $250 fine, and continuing education</td>
<td>$500 fine and probation</td>
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<tr>
<td><strong>SECOND OFFENSE</strong></td>
<td>$750 fine and probation</td>
<td>Revocation</td>
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4. Subsections 64B9-8.005(4) and (14), F.A.C.

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<th>Minimum Fine or Penalty</th>
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<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>Revocation</td>
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5. Subsection 64B9-8.005(15), F.A.C.

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<th>Offense</th>
<th>Minimum Fine or Penalty</th>
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<tr>
<td><strong>FIRST OFFENSE</strong></td>
<td>$5,000 fine</td>
<td>Revocation</td>
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(g) Engaging or attempting to engage in the possession, sale or distribution of controlled substances as set forth in Chapter 893, F.S. for illegitimate purposes; being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition; testing
positive for any drug, as defined in Section 112.0455, F.S., on any confirmed pre-employment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug; or being terminated from a treatment program for impaired practitioners for failure to comply without good cause with the terms of the monitoring or treatment contract, or not successfully completing a drug or alcohol treatment program. (Section 456.072(1)(z), (aa), or (hh), or 464.018(1)(i) or (j), F.S.

**MINIMUM** | **MAXIMUM**
---|---
**FIRST OFFENSE** |  
$250 fine, suspension and IPN evaluation | $500 fine, suspension  
**SECOND OFFENSE** |  
$500 fine, suspension and IPN evaluation | Revocation

(h) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant. (Section 456.072(1)(i) or 464.018(1)(k), F.S.)

**MINIMUM** | **MAXIMUM**
---|---
**FIRST OFFENSE** |  
$100 fine and continuing education | $250 fine and probation  
**SECOND OFFENSE** |  
$250 fine and probation | $500 fine, continuing education and suspension

(i) Knowingly violating any provision of Chapter 456 or 464, F.S., a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department; or failing to perform any statutory or legal obligation placed on a licensee. (Section 456.072(1)(b), (k) or (q) or 464.018(1)(l) or (o), F.S.)

**MINIMUM** | **MAXIMUM**
---|---
**FIRST OFFENSE** |  
$250 fine and compliance with rule or terms of prior order | $500 fine and suspension until compliant with rule or terms of prior order  
**SECOND OFFENSE** |  
$500 fine and suspension until compliant with rule or terms of prior order | Revocation

(j) Failing to report to the department any licensee under Chapter 458, F.S., or under Chapter 459, F.S., who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under Chapter 395, F.S., or a health maintenance organization certificated under Part I of Chapter 641, F.S., in which the nurse also provides services. (Section 464.018(1)(m), F.S.)

**MINIMUM** | **MAXIMUM**
---|---
**FIRST OFFENSE** |  
Reprimand, $250 fine, and continuing education | Revocation  

(k) Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience, or practicing; or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (Section 456.072(1)(o) or 464.018(1)(n), F.S.)

**MINIMUM** | **MAXIMUM**
---|---
**FIRST OFFENSE** |  
Reprimand | Revocation  

(l) Making misleading, deceptive or fraudulent representations in or related to the practice of the licensee’s profession or making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(a) or (m), F.S.)

**MINIMUM** | **MAXIMUM**
(m) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted under Section 501.122(2), F.S., governing the registration of the devices. (Section 456.072(1)(d), F.S.)

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<tbody>
<tr>
<td>FIRST OFFENSE</td>
<td>Reprimand and $250 fine</td>
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<td>SECOND OFFENSE</td>
<td>$500 fine and suspension</td>
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(n) Failing to comply with the educational course requirements. (Section 456.072(1)(e) or (s), F.S. or Rule 64B9-5.002, F.A.C.)

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<tr>
<td>FIRST OFFENSE</td>
<td>Reprimand and $250 fine</td>
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<td>SECOND OFFENSE</td>
<td>$250 fine and probation</td>
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(o) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)

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<td>SECOND OFFENSE</td>
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(p) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board. (Section 456.072(1)(j), F.S.)

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<tr>
<td>FIRST OFFENSE</td>
<td>$250 fine and continuing education</td>
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<td>SECOND OFFENSE</td>
<td>$500 fine and probation</td>
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(q) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party. (Section 456.072(1)(n), F.S.)

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<td>FIRST OFFENSE</td>
<td>$250 fine and probation</td>
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(r) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(p), F.S.)

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(s) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)

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(t) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. (Section 456.072(1)(t), F.S.)

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<tr>
<td>FIRST OFFENSE</td>
<td>Letter of concern</td>
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<td>SECOND OFFENSE</td>
<td>Reprimand and $500 fine</td>
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(u) Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)

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<tr>
<td>MINIMUM</td>
<td>$100 fine and continuing education</td>
<td>$500 fine and probation</td>
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<td>MAXIMUM</td>
<td>$250 fine and probation</td>
<td>$500 fine and suspension</td>
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(v) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)

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<tr>
<td>MINIMUM</td>
<td>$250 fine, suspension and IPN evaluation</td>
<td>$500 fine, suspension and IPN evaluation, or revocation</td>
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<tr>
<td>MAXIMUM</td>
<td>$500 fine, suspension and IPN evaluation</td>
<td>$750 fine and suspension until compliant</td>
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(w) 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. (Section 456.072(1)(w) or 456.041(8), F.S.)

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For failure to verify the profile contents and to correct any factual errors in the licensee’s profile within the 30-day period in Section 456.041(7), F.S.: A fine of $50 per day.

(x) 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. (Section 456.072(1)(x), F. S.)

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<td>$500 fine and probation</td>
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<td>MAXIMUM</td>
<td>Reprimand, $500 fine and continuing education</td>
<td>Revocation</td>
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(y) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents under Section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in the accidents. (Section 456.072(1)(y), F.S.)

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(z) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient’s diagnosis or medical condition or leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. (Section 456.072(1)(bb) or (cc), F.S.)

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(aa) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. (Sections 456.072(1)(ii) and (ll), F.S.) $10,000 fine and revocation

(bb) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement (Section 456.072(1)(jj), F.S.)
FIRST OFFENSE MINIMUM $500 and reprimand MAXIMUM Suspension until payment is made
SECOND OFFENSE MINIMUM Suspend until payment is made MAXIMUM Revocation

(cc) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored. (Section 456.072(1)(kk), F.S.)

(first offense MINIMUM $500 MAXIMUM Reprimand

(dd) Violating any of the provisions of Section 790.338, F.S. (Section 456.072(1)(nn), F.S.)

Letter of Concern

(ee) Violating any provision of Section 390.0111, F.S. (Section 390.0111(12), F.S.)

MINIMUM Letter of Concern MAXIMUM Letter of Concern

(4) In licensure and disciplinary matters involving impairment, the applicant or licensee may be referred to IPN in addition to the imposition of the above-outlined disciplinary action.

(5)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing following a formal hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which may be considered for purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

1. The danger to the public.
2. Previous disciplinary action against the licensee in this or any other jurisdiction.
3. The length of time the licensee has practiced.
4. The actual damage, physical or otherwise, caused by the violation.
5. The deterrent effect of the penalty imposed.
6. Any efforts at rehabilitation.
7. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.
10. Cost of disciplinary proceedings.

(6) In instances when a licensee or applicant is found guilty of any of the above offenses involving fraud or making a false or fraudulent representation, the Board shall impose a fine of $10,000.00 per count or offense.

Rulemaking Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History–New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, 7-5-06, 2-6-12, 11-19-12.

64B9-8.009 Payment of Fines.

Unless stated otherwise in the Final Order, fines and costs are payable within 12 months of the filing of the order for each $1,000.00 or portion thereof. If the penalty of the Final Order is revocation, the fine and costs are payable within 60 days.


64B9-8.011 Reinstatement of Suspended and Revoked Licenses.

(1) When the Board has suspended the license of a nurse or accepted the relinquishment of licensure in lieu of further disciplinary action for a definite period of time, the licensee, by petition, shall demonstrate to the Board, after the expiration of the time period, compliance with all terms and conditions of the final order and must demonstrate the present ability to engage in the safe practice of nursing to obtain reinstatement. If no definite period of time was stated in the final order, the licensee may petition the Board at any time to demonstrate full compliance with the final order and present ability to engage in the safe practice of
nursing.

(2) In order to demonstrate the present ability to engage in the safe practice of nursing, the nurse must submit evidence which may include:

(a) Completion of continuing education courses approved by the Board, particularly if the disciplinary action resulted from unsafe practice or the nurse has been out of practice for a number of years.

(b) Participation in nursing programs, including refresher courses, clinical skills courses, and any Board approved nursing education programs leading to licensure in this state, particularly if the nurse has been out of practice for a number of years.

(c) Submission of evaluations of mental or physical examinations by appropriate professionals which attest to the nurse’s present ability to engage in safe practice or conditions under which safe practice can be attained.

(d) Completion of treatment within a program designed to alleviate alcohol or other chemical dependencies, including necessary aftercare measures or a plan for continuation of such treatment as appropriate. Current sobriety must be demonstrated.

(e) Other educational achievements, employment background, references, successful completion of criminal sanctions imposed by the courts, or other factors which would demonstrate rehabilitation and present ability to engage in the safe practice of nursing.

(3) When the Board has revoked the license of a nurse for a definite period of time, that nurse may reapply for licensure under the conditions stated in the final order. If no time period for revocation was stated in the final order, the nurse, if otherwise eligible by law, may reapply for licensure. Depending on the length of time out of nursing, the applicant may be required to undergo additional education and to rewrite the nursing examination. Present ability to engage in the safe practice of nursing as set forth in subsection 64B9-8.011(2), F.A.C., and full compliance with the revocation order must be demonstrated by the applicant.

(4) All persons seeking reinstatement or relicensure under this rule shall submit all documentation supporting their petition prior to the next available Board meeting for which the Board may take action on the request. Unless the final order specifically stated otherwise, the petitioner must personally appear before the Board to answer any additional concerns by the Board related to the nurse’s present ability to engage in the safe practice of nursing.

(5) If the Board reinstates the license of the petitioner, it may order reasonable conditions of probation or participation in the Intervention Project for Nurses (IPN), particularly when the nurse has been out of practice for a number of years, when practice problems led to the disciplinary action, or when mental, physical, or substance abuse problems led to the disciplinary action.


64B9-8.012 Mediation.

The Board finds that mediation is an acceptable resolution for the first instance of the following violations:

(1) Failure to respond timely to a continuing education audit.

(2) Issuance of a worthless bank check to the Department or the Board for initial licensure or renewal of license, provided the licensee does not practice on a delinquent license.

(3) Failure to report address changes in violation of Rule 64B9-1.013, F.A.C., provided the failure does not constitute failure to comply with an order of the Board.

(4) Failure to pay fines and investigative costs by the time ordered.

(5) Failure to timely submit documentation of completion of continuing education imposed by Board order.

(6) Failure to update a practitioner profile within 15 days as required by Section 456.042, F.S.

(7) Failure to complete continuing education hours within the applicable biennium.


64B9-8.014 Continuous Sobriety.

64B9-9.002 HIV/AIDS: Knowledge of Antibody Status; Action to be Taken

64B9-9.002 HIV/AIDS: Knowledge of Antibody Status; Action to be Taken.
The Board of Nursing strongly urges all licensees under its jurisdiction who are involved in invasive procedures to undergo testing to determine their HIV status. In the event a licensee tests positive, the licensee should enter and comply with the requirements of the Intervention Project for Nurses.