

By: Heather Coleman
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2002-08902

License No.: RN 2866092

ORPHIA S. WILSON,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on October 15, 2004 in Jacksonville, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes, pursuant to Respondent's election of rights. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Petitioner was represented by Julie Meadows, Assistant General Counsel, Florida Department of Health. Respondent was not present.

FINDINGS OF FACT

Based upon the admission of the factual allegations, the Board adopts as its finding of facts paragraphs 1-21 of the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 464.018(1)(1)(h), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The license of ORPHIA S. WILSON is permanently revoked. Within 30 days the licensee shall return her license to the Board office, 4052 Bald Cypress Way, Tallahassee, Florida 32399 or shall surrender the license to an investigator of the Department of Health. The licensee's employer shall immediately be informed of the revocation in writing from the licensee with a copy to the Board office.

The licensee must pay investigative costs of \$2,586.74 within sixty (60) days from the date of entry of this Order. Partial payments shall not be accepted. Payment shall be made to the Board of Nursing and mailed to, DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 26 day of October, 2004.

BOARD OF NURSING



Dan Coble, RN, PhD
Executive Director for
PATRICIA DITTMAN, 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 has been furnished by U.S. Mail to ORPHIA S. WILSON, 7012 Coral Cove Drive, Orlando FL 32818; by interoffice mail to Lee Ann Gustafson, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and Julie Meadows, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 27 _ day of October, 2004.


Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2002-08902

ORPHIA S. WILSON, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Orphia S. Wilson, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.
2. At all times material to this Complaint, Respondent was a Registered Nurse (R.N.) within the state of Florida, having been issued license number RN 2866092.

3. Respondent's address of record is 7012 Coral Cove Drive, Orlando, Florida 32818.

4. At all times material to this complaint, the Respondent was employed as a Registered Nurse by, and performed home health care services for, Maxim Healthcare Services, located in Winter Park, Florida.

5. On or about March 23, 2002, within Respondent's own residence, Respondent was providing home health care services to Patient T.L.

6. Patient T.L. was a then twenty-one (21) month-old male infant with a primary diagnosis of obstructive hydrocephalus (i.e. the buildup of excess cerebrospinal fluid within the brain).

7. At or about 22:30 (10:30 p.m.), Respondent observed Patient T.L. to be non-responsive, with no pulse or respiration.

8. Respondent commenced cardio pulmonary resuscitation (CPR) on Patient T.L. and continued CPR for approximately 20 minutes.

9. Respondent did not call 911 for assistance at any time prior to or during the time that Respondent performed CPR on Patient T.L.

10. Respondent was unable to resuscitate Patient T.L.

11. While performing CPR, Respondent called Patient T.L.'s father, told him that Patient T.L. was non-responsive; then Respondent discontinued CPR and drove Patient T.L. to the father's residence.

12. Upon arrival at the father's residence a call was placed to 911.

13. At or about 23:37 (11:37 p.m.), paramedics arrived at the father's residence; however, they were unable to resuscitate Patient T.L.

14. Patient T.L. was pronounced dead by the paramedics at the father's residence.

15. At or about 04:00 (4:00 a.m.), on or about March 24, 2002, a detective with the Orange County Sheriff's Office arrived at the father's residence to conduct an investigation into the death of Patient T.L.

16. Following the investigation, Patient T.L.'s death was determined to be of natural causes, and the investigation was concluded on or about April 1, 2002.

17. Respondent engaged in unprofessional conduct by her failure to contact 911 immediately upon commencing CPR on Patient T.L.

18. Respondent engaged in unprofessional conduct when she contacted Patient T.L.'s father instead of calling 911, and then discontinued CPR and drove Patient T.L. to the father's residence.

19. Section 464.018(1)(h), Florida Statutes (2001), sets forth grounds for disciplinary action by the Board of Nursing and provides that a health care practitioner may be subject to discipline for unprofessional conduct, which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice.

20. Rule 64B9-8.005(2)(i), Florida Administrative Code, further provides that failing to meet or departing from minimal standards of acceptable and prevailing nursing practice shall include acts of gross negligence, either by omission or commission.

21. Respondent engaged in unprofessional conduct by her failure to conform to the minimal standards of acceptable and prevailing nursing practice, when she committed acts of gross negligence, as follows:

- a) Respondent failed to immediately call 911 after she discovered Patient T.L. was non-responsive; and
- b) Respondent failed to continue CPR and instead drove Patient T.L. to his father's residence.

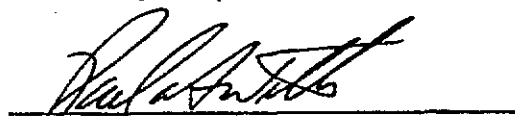
22. Based on the foregoing, Respondent has violated Section 464.018(1)(h), Florida Statutes (2001), by engaging in unprofessional conduct which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, by committing acts of gross negligence either by omission or commission, in violation of Rule 64B9-8.005(2)(i), Florida Administrative Code.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 1st day of March,

2004.

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health



Paula A. Willis
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0746241
(850) 414-8126
(850) 414-1991 FAX

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Heather Coleman

DATE 3/1/04

PAW/sw

Reviewed and approved by: sw (initials) 1/16/04 (date)

PCP: 2/26/04

PCP Members: M. Perry
N. Dree

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NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on Notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.