



STATE OF FLORIDA  
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2006-41878  
License No.: RN 2873912

MARCI ANN NABLO,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 8, 2007, in Dania Beach for consideration of Respondent's voluntary relinquishment (attached hereto as Exhibit A). Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

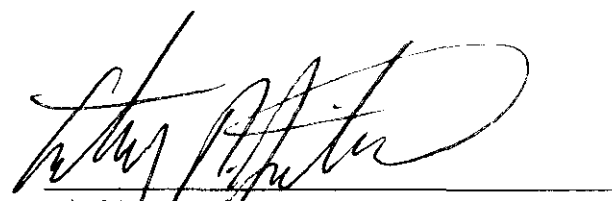
ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 22 day of June,

2007.

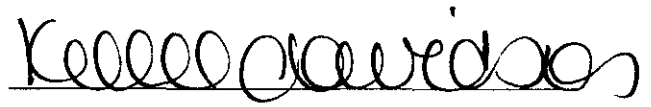
BOARD OF NURSING



Rick Garcia, MS, RN, CCM  
Executive Director for  
Vicky Stone-Gale, MSN, ARNP  
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to MARCI ANN NABLO, 4595 Chancellor Street NE, #227, St. Petersburg FL 33703; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Kathryn Price, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 25 day of June, 2007.



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Printed Agency Clerk

Charlie Crist  
Governor



Ana M. Viamonte Ros, M.D., MPH  
Secretary

Complaint Number: 2006-41878

Petitioner, DEPARTMENT OF HEALTH

vs.

Respondent, MARCI ANN NABLO, R.N.

### **VOLUNTARY RELINQUISHMENT OF LICENSE**

To avoid the necessity of further administrative proceedings in this case, the Respondent herein files this voluntary relinquishment of his license to practice as a Registered Nurse in the State of Florida (RN 2873912), with the provision that the Respondent agrees never again to apply for licensure as a Registered Nurse in the State of Florida. Respondent understands that acceptance by the Board of Nursing of this Voluntary Relinquishment shall be construed as action against Respondent's Certificate pursuant to Section 456.072(1)(f), Florida Statutes.

Respondent agrees to voluntarily cease practicing as a Registered Nurse immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from practicing as a Registered Nurse until such time as this Voluntary Relinquishment is presented to the Board of Nursing and the Board issues a written final order in this matter.

In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes

When relinquishments are offered to the Board to avoid further administrative prosecution, this is considered to be disciplinary action against your license to practice as a Registered Nurse in the State of Florida.

Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

Upon the Board's adoption of this Relinquishment, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

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

Dated this 20 day of February 2007

Marci Ann Nablo  
Respondent

Pennsylvania.  
STATE OF ~~FLORIDA~~  
COUNTY OF Butler

Before me, personally appeared Marci Ann Nablo whose identity is known to me by Pa Drivers ID (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Respondent before me this 20<sup>th</sup> day of February 2007.

Carol D. King  
Notary Public-State of Pennsylvania

11-17-2007  
My Commission Expires

Carol D. King  
Type or Print Name

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Carol D. King, Notary Public  
City of Butler, Butler County  
My Commission Expires Nov. 17, 2007  
Member, Pennsylvania Association of Notaries



Charlie Crist  
Governor

Ana M. Viamonte Ros, M.D., M.P.H.  
Secretary of Health

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**INTEROFFICE MEMORANDUM**

**DATE:** 18 June 2007

**TO:** Cassandra Pasley, B.S.N., J.D., Chief  
Bureau of Health Care Practitioner Regulation

**FROM:** Rick García, MS, RN, CCM  
Executive Director, Florida Board of Nursing

**SUBJECT:** Delegation of Authority

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This is to advise you that while I am out of the office Thursday, 21 June 2007 through Friday, 22 June 2007, Mr. Anthony Jusevitch, CPM, Program Operations Administrator has delegated authority to serve as Acting Executive Director for the Florida Board of Nursing.  
ECG/do

cc: Diane Orcutt  
Lorene Wilson  
Lola Pouncey  
Executive Directors



# DEPARTMENT OF HEALTH

STATE OF FLORIDA

## INVESTIGATIVE REPORT

Office: Area VI Tampa		Date of Complaint: 12-11-06		Complaint Number: RN 2006-41878	
Subject: MARCI ANN NABLO, R.N.			SOURCE: IPN-PATRICE WARD, CASE MANAGER Post Office Box 49130 Jacksonville Beach, Florida 32240-9130 (904) 270-1620		
Prefix: RN	License #: 2873912	Profession: Registered Nurse	Board: Nursing	Report Date: 02-21-07	
Period of Investigation: 12-20-06 through 02-21-07			Type of Report: FINAL		
Alleged Violation: F.S. 456.072(1)(hh) Being terminated from a treatment program for impaired practitioners; F.S. 464.018 (i) Engaging or attempting to engage in the possession of a controlled substance for other than legitimate purposes; and (j) Being unable to practice nursing with skill and safety due to drugs or alcohol.					
Synopsis: This investigation is predicated upon a report filed by WARD of the Intervention Project for Nurses (IPN), advising that IPN had closed their file (IPN Case #62202) on 11-17-06 NABLO due to non-compliance with her IPN monitoring requirements. According to IPN, NABLO a now 45 year old female was initially referred to IPN on 10-26-04 by JOANN SHEA, ARNP, Manager Employee Health Services Tampa General Hospital (TGH), Tampa, Florida due to acknowledged diversion of Fentanyl; that TGH reportedly referred NABLO to Turning Point of Tampa (TPT) for evaluation by RENEE HANEY, M.D. which resulted in the following diagnoses: AXIS I, opiate abuse, alcohol abuse, anxiety disorder NOS, depressive disorder NOS, AXIS II: Deferred, AXIS III: Migraines HTN, IBS; AXIS IV: 2 (job, loss of relationship), AXIS V: Deferred; that NABLO successfully completed in-patient treatment at TPT; and executed her IPN Contract (11-19-04 through 11-19-09) in 12-04 which required her to engage in individual therapy. NABLO was then cleared to return to full time clinical nursing practice and her narcotic access restriction was lifted effective 04-07-06; that NABLO acknowledged relapse in 10-06 indicating diversion of Fentanyl and alcohol consumption; that NABLO was instructed to refrain from nursing practice and required to obtain an IPN-facilitated evaluation within a specified time frame, but she failed to do so precipitating IPN dismissal (Exhibit #1).  NABLO was notified of the investigation via letter(s) dated 12-20-06 (Exhibit #2), and was furnished with a copy of the UCF and supporting documentation. *NABLO'S current address as of 02-21-07 is: 107 W. Patterson Avenue, Butler, PA 16001.					
Related Complaints: None Known					
Investigator/Date: <i>Barbel Lawson 02-21-07</i> Barbel LAWSON, Med. Mal. Investigator TI 40			Approved By/ Date: <i>Richard Hess 2-21-07</i> Richard HESS, Investigations Supervisor		
Distribution HQ/ISU					

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A check of the Departments records revealed that NABLO has an active license to practice nursing #2873912, with an original licensure date of 10-12-94 (Exhibit #3).

NABLO is not currently represented by an Attorney in this matter.

NABLO did not request a copy of the investigative file.

NABLO submitted a response via e mail on 02-02-07 (Exhibit #11) admitting the allegations in this matter; advising that she had refrained from nursing; and that she wanted to relinquish her nursing license.



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\* EXHIBITS CONTAIN INFORMATION WHICH IDENTIFIES PATIENT(S) BY NAME AND ARE SEALED PURSUANT TO SECTION 456.057 (8) FLORIDA STATUTES.

\*\* INDICATES HOSPITAL/FACILITY RECORDS. COPIES OF THESE RECORDS ARE NOT MAINTAINED IN THE FIELD OFFICE.

Exhibit #1 contained the UCF and IPN Memorandum prepared by PATRICE WARD, CAAPP-1 on 11-17-06 as well as other supporting documentation which was extracted out of Exhibit #1 and identified as Exhibit #4. These records also contain information that was discussed in preceding paragraphs of this report.

Exhibit #2 is a copy of the notification letters dated 12-20-06 from Investigator LAWSON to NABLO.

Exhibit #3 is a copy of NABLO'S licensure printout.

These records (Exhibit #4) include but are not limited to following supporting documentation: NABLO'S evaluation conducted at TPT where she received in-patient treatment from 10-27-04 to her discharge on 11-25-06, when she was cleared to return to work after meeting all her goals and the Integrated Summary of 10-27-04 indicated NABLO'S alcohol use started at age 17 and opiate use started at age 42 heaviest and current pattern of use is 150 MCT'S 3 times a week of Fentanyl for the past six months NABLO also reported using cocaine, marijuana and mushrooms, which ended during her college days; a copy of her IPN Contract (11-19-04 through 11-19-09) executed in 12-04; a copy of NABLO'S drug screen of 11-07-06 which was negative for Fentanyl but positive for alcohol; and a copy of her IPN Dismissal Summary dated 11-17-06.

According to the Dismissal Summary (Exhibit #4) NABLO was cleared to returned to clinical nursing practice on the first shift on 03-03-05; that NABLO'S narcotic access restriction was lifted in 04-06; and that on 10-24-06 IPN received a telephone call from JOANN SHEA, Director of EAP at TGH advising that NABLO had relapsed and admitted to diverting Fentanyl and consuming alcohol; that TGH attempted to collect a urine screen from NABLO, but it came to the facilities attention that NABLO substituted her urine; and that NABLO was a no show on 11-15-06 for her IPN required evaluation with MARTHA BROWN, M.D..

Exhibit #5 is a copy of the IPN/DOH Investigator Communication form completed by IPN on 12-21-06 indicating that NABLO had been discharged from IPN subsequent to due to noncompliance on 11-17-06.

Exhibit #6 is a copy of a letter dated 12-20-06 to JOANN SHEA, ARNP, Director Employee Assistance Program (EAP) Tampa General Hospital (TGH), Tampa, Florida requesting an interview..

Exhibit #7 is a copy of DOH Subpoena Duces Tecum A 0050460 with affidavit in support thereof, prepared on 12-20-06 to secure NABLO'S personnel file/records from TGH.

Exhibit #8 is a copy of a letter dated 12-20-06 to TGH with DOH Subpoena Duces Tecum A 0050560 and Certification of Completeness of Record form attached thereto requesting NABLO'S personnel file/records.

Exhibit #9 contains NABLO'S personnel file/records from TGH with Certification of Completeness of Record attached thereto. These records contain the TGH Guidelines for After-hour Management of Impaired Healthcare Workers; a copy of TGH facility Policy and Procedures pertaining to Drug-Free Workplace; a copy of the urine drug screen and Medical Toxicology Consultant Report for NABLO'S urine specimen collected on 10-23-06 which was positive for Fentanyl and tramadol; and a copy of the urine drug screen of 10-20-04 which was positive for Fentanyl. According to these records NABLO was hired on 01-27-03 and terminated on 10-23-06. In addition; NABLO'S employee performance evaluations indicated that she met or exceeded her position responsibilities that she handled some of the more difficult cases; and that she was well liked by her peers as well as patients and family members of the patients.

Exhibit #10 is a copy of a letter dated 01-24-07, sent to her address of record advising that her time to respond during the initial investigation of this matter had expired.

Exhibit #11 contains NABLO'S brief written response received via e mail on 02-02-07 admitting the allegations in this matter; advising that she had refrained from nursing; and that she wanted to relinquish her nursing license.

Exhibit #12 is a copy of a letter dated 01-25-07 to Lab Corp, RTP, N.C. requesting a Litigation Packet for NABLO'S positive drug screen collected on 11-07-06.

Exhibit #13 contains the Litigation Packet/certified true copy from Lab Corp which reported the Urine Drug Panel as negative; but the Ethyl Glucuronide as positive.

Exhibit #14 is a copy of a letter dated 02-06-07 to Quest Diagnostics, Schaumburg, IL, requesting a Litigation Packet for NABLO'S positive drug screen collected on 10-23-06.

**NOTE: The Litigation Packet from Quest Diagnostics pertaining to NABLO'S positive drug screen of 10-23-06 will be forwarded to PSU via Supplemental Report upon receipt thereof.**

Exhibit #15 is a copy of a letter dated 02-06-07 to NABLO with a Voluntary Relinquishment of License form attached thereto.

Exhibit #16 is a copy of an email received from NABLO on 02-19-07 indicating that she had executed the Voluntary Relinquishment of License form and would be providing it in the near future.

Exhibit #17 contains NABLO'S executed Voluntary Relinquishment of License (VR) form received on 02-21-07. According to the express mail envelope containing the VR NABLO'S current address is: 107 W. Patterson Avenue, Butler, PA 16001.

**INTERVIEW OF JOANN SHEA, ARNP, MANAGER EAP:**

Tampa General Hospital  
Davis Islands-P.O. Box 1289  
Tampa, Florida 33601  
(813) 844-7692

SHEA told this Investigator that NABLO was a very good nurse and that it was unfortunate to see her relapse. SHEA reported that in 10-04 NABLO who was working the night shift in ICU 1 & 2 was observed at times to be spacey with glassy eyes and slurred speech and NABLO was referred to EAP; that NABLO initially denied diverting drugs; but admitted diversion once her drug screen of 10-20-04 came back positive for Fentanyl. SHEA said a subsequent PYXIS audit revealed that NABLO was not taking out anymore Fentanyl than other nurses. SHEA stated that when NABLO was asked how she was getting the Fentanyl for diversion she said she was taking 6 cc from the 60 cc PCA pump and replacing it with saline and that she had been injecting the Fentanyl under her tongue beginning in 07-04 stopping in 08-04, and starting again in 09-04. SHEA said that following NABLO'S admission of diversion she was referred to IPN and underwent in-patient treatment for her addiction. SHEA said everything appeared to be going o.k. until 10-06.

**INTERVIEW OF JOANN SHEA, ARNP, CON'T:**

According to SHEA on the morning of 10-23-06 NABLO'S co-workers reported her to EAP because she was acting strange and had slurred speech. SHEA said prior to 10-23-06 NABLO had no performance or behavior issues; that NABLO was sent to EAP where she denied the allegations; SHEA stated that NABLO did not have slurred speech when she spoke with her, but that NABLO did appear to be agitated and nervous and NABLO had difficulty giving a witnessed urine drug screen and since she, SHEA, had to attend to another urgent matter she left NABLO with a new EAP employee/LPN to witness the drug screen. SHEA told this Investigator that it was later learned that prior to NABLO presenting to EAP that she apparently had asked a nurse and a respiratory therapist for a urine specimen.

SHEA stated that NABLO was brought back to EAP and confronted about these allegations and NABLO admitted diverting Fentanyl from the PCA pumps; that she had relapsed two weeks prior because she was depressed and lonely; that NABLO admitted getting urine from a staff member (later determined to be a member of housekeeping) and hiding it in her bra; that NABLO'S bag was searched and SHEA found a half filled 20 ml vial of Fentanyl and NABLO was immediately terminated and sent home in a taxi.

SHEA reported that following NABLO'S termination the facility launched a full investigation and found that since about 07-06, NABLO had approached a number of TGH nurses requesting that they provide her with urine specimens, but non had been provided, however, there had been several members of housekeeping who had provided NABLO with urine specimens and that NABLO had even paid one of the housekeepers for her urine. SHEA indicated that one of the housekeepers was suspended for several days and the other housekeeper had been terminated for providing false information. SHEA explained that this information had been documented in a Charting Summary which was incorporated within NABLO'S personnel file. SHEA also reported that NABLO most likely had relocated to Pennsylvania, specifically:

SHEA concluded by advising that she would assist the Department  
in its investigation of this matter.

**STATEMENT OF MARCI ANN NABLO, R.N., RESPONDENT:**

On 02-02-07 the Department received NABLO'S brief written response received via e mail admitting the allegations in this matter; advising that she had refrained from nursing; and that she wanted to relinquish her nursing license.