

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-19733

TABETHA ANNETTE TERRY, 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, Tabetha Annette Terry, 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 Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9250868.

3. Respondent's address of record is 425 Southwest Boulevard, Naples, Florida 34113.

4. On or about February 3, 2011, Respondent entered into an Advocacy Contract with Intervention Project for Nurses (IPN).

5. The Intervention Project for Nurses (IPN) is the impaired nurses program for the Board of Nursing, designated pursuant to Section 456.076, Florida Statutes. IPN is a program that monitors the evaluation, care, and treatment of impaired nurses. IPN also provides for the exchange of information between treatment providers and the Department for the protection of the public.

6. The Advocacy Contract had a projected active monitoring period from on or about January 12, 2011, through on or about January 11, 2016.

7. On or about November 30, 2011, Respondent was dismissed from IPN due to noncompliance with the terms of Respondent's Advocacy Contract.

8. Section 456.072(1)(hh), Florida Statutes (2011), provides that being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in

Section 456.076, Florida Statutes, for failure to comply without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program, constitutes grounds for disciplinary action.

9. Respondent is licensed pursuant to Chapter 464, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2011).

10. As set forth above, on or about November 30, 2011, Respondent was dismissed from IPN due to noncompliance with the terms of Respondent's Advocacy Contract.

11. Based on the foregoing, Respondent violated Section 456.072(1)(hh), Florida Statutes (2011), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, Florida Statutes, for failure to comply without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

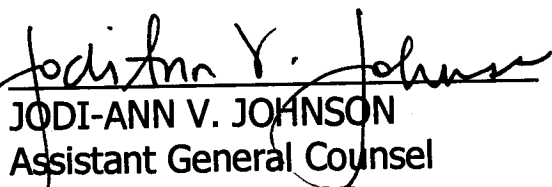
WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the 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 14 **day of** May, **2012.**

Steven L. Harris, M.D., M.Sc.
Interim State Surgeon General
Florida Department of Health

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Interim General Counsel
Florida Department of Health

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FILED
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/JVJ

05/14/2012
BOWEN
KIRKPATRICK

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.