

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re: Emergency Restriction of the License of
Janine Marie Leonard, R.N.
License No.: RN 9344420
Case Number: 2017-18254

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Celeste Philip, M.D., M.P.H., State Surgeon General, ORDERS the emergency restriction of the license of Janine Marie Leonard, R.N., (Ms. Leonard) to practice as a registered nurse in the State of Florida. Ms. Leonard holds license number RN 9344420. Her address of record is 2901 West Mark Drive, Sarasota, Florida 34232. The following Findings of Fact and Conclusions of Law support the emergency restriction of Ms. Leonard's license to practice as a registered nurse in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of nursing, pursuant to Chapters 20, 456 and 464, Florida Statutes (2017). Section 456.073(8), Florida Statutes (2017), authorizes the State Surgeon General to summarily restrict Ms. Leonard's license to practice as a registered nurse in the state of Florida, in accordance with Section 120.60(6), Florida Statutes (2017).

2. At all times material to this Order, Ms. Leonard was licensed to practice as a registered nurse, license number RN 9344420, in the State of Florida, pursuant to Chapter 464, Florida Statutes.

3. At all times material to this Order, Ms. Leonard worked at Venice Regional Bayfront Health, located in Venice, Florida.

4. On or about September 28, 2017, Ms. Leonard entered into a medication room that contained an AcuDose-RX medication dispensing machine.

5. A coworker noticed that Ms. Leonard brought a small, purple bag with her into the room.

6. The coworker saw Ms. Leonard remove at least one vial from the small, purple bag and put it into the sharps container in the medication room.

7. The coworker then saw Ms. Leonard take syringes and other supplies from the counter in the medication room and place them into the small, purple bag.

8. Next, the coworker saw Ms. Leonard take at least one vial of medication from the AcuDose-Rx medication dispensing machine and place it into the small, purple bag.

9. The coworker then saw Ms. Leonard exit the medication room and place the small, purple bag into Ms. Leonard's purse.

10. The coworker reported this behavior to a supervisor.
11. The Director of Risk Management and the Director of Pharmacy confronted Ms. Leonard and asked Ms. Leonard to empty her purse, including the small, purple bag.
12. The contents of the small, purple bag included five ampules of Hydromorphone¹ 1mg, three vials of Morphine² 4mg, a syringe, a needle, and tubing.
13. The Director of Pharmacy confirmed that the lot numbers on the medication found in the small, purple bag matched the hospital supplies.
14. Ms. Leonard did not have a valid prescription or legitimate purpose for possessing these items.
15. Registered nurses are entrusted with the lives of patients. Registered nurses are also expected to appropriately access and distribute controlled substances. Registered nurses must possess good judgment and trustworthiness

¹ Hydromorphone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2017), hydromorphone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydromorphone may lead to severe psychological or physical dependence.

² Morphine is prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2017), morphine is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of morphine may lead to severe psychological or physical dependence.

in order to effectively treat their patients and handle controlled substances. As such, physical and mental stability are essential traits that registered nurses must possess in order to competently practice their profession. It is crucial that the judgment and critical thinking skills of a registered nurse are not impaired in high-pressure situations.

16. Ms. Leonard exhibited poor judgment when she diverted controlled substances and equipment from her employer. Ms. Leonard's actions indicate that she can not be trusted and may not be capable of carrying out her duties to her patients in a manner that is correct and safe. Therefore, Ms. Leonard's continued unrestricted practice as a registered nurse presents an immediate, serious danger to the health, welfare and safety of the public.

17. Based on Ms. Leonard's behavior of throwing away a vial before diverting more vials suggests a pattern of diversion of controlled substances, indicating that her conduct is likely to continue. Based on this, there are no less-restrictive means than the terms outlined in this Order that will adequately protect the public.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2017), and Chapter 464, Florida Statutes (2017), as set forth above.

2. Section 464.018(1)(h), Florida Statutes (2017), authorizes discipline, including restriction, against a licensee for engaging in unprofessional conduct.

3. Rule 64B9-8.005(2), Florida Administrative Code (F.A.C.), defines unprofessional conduct to include the misappropriation of drugs, supplies or equipment.

4. Ms. Leonard violated Section 464.018(1)(h), Florida Statutes (2017), as defined by Rule 64B9-8.005(2), F.A.C., when she diverted five ampules of hydromorphone, three vials of morphine, a syringe, a needle, and some tubing from Venice Regional Bayfront Health.

5. Section 464.018(1)(i), Florida Statutes (2017), authorizes discipline, including restriction, against a licensee for engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part.

6. Ms. Leonard violated Section 464.018(1)(i), Florida Statutes (2017), by possessing hydromorphone and morphine without having a valid prescription or legitimate purpose to possess them.

7. Section 120.60(6), Florida Statutes (2017), authorizes the State Surgeon General to summarily restrict a registered nurse's license upon a finding that the registered nurse presents an immediate, serious danger to the public health, safety, or welfare.

8. Ms. Leonard's continued unrestricted practice as a registered nurse constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida, and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2017), it is **ORDERED THAT**:

1. The license of Janine Marie Leonard, R.N., to practice as a registered nurse, license number RN 9344420, is immediately restricted to prohibit Ms. Leonard from practicing as a registered nurse in any setting where she would have access to controlled substances.

2. A proceeding seeking formal discipline of the license of Janine Marie Leonard, R.N., to practice as a registered nurse in the State of Florida will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2017).

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DONE and ORDERED this 6 day of Feb, 2018.



Celeste Philip, M.D., M.P.H.
Surgeon General and Secretary.

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Sections 120.60(6) and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.