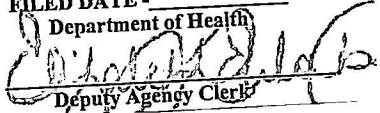


FILED DATE FEB 27 2024

Department of Health

By: 
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

IN RE: PETITION FOR DECLARATORY STATEMENT OF:
SHAINA LINDSAY, RN

FINAL ORDER

THIS MATTER came before the Board of Nursing (Board) pursuant to Section 120.565, Florida Statutes and Rule 28-105, Florida Administrative Code, at a duly-noticed public meeting held on February 8, 2024, in Altamonte Springs, Florida, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A), filed by Shaina Lindsay (Petitioner). Petitioner was present with the Medical Director of the spa at which she is employed, Dr. Robert Bregman. The Board was represented by Deborah Bartholow Loucks, Senior Assistant Attorney General.

The Petition was filed with the Department of Health on December 18, 2023, with an addendum to the Petition replacing the previous medical director with Dr. Bregman filed on February 5, 2024. Petitioner seeks the Board's opinion as to whether it is within the scope of Petitioner's practice as a registered nurse to administer Botox and dermal fillers when the administration is a task delegated and performed under the direct supervision of a physician.

Having considered the Petition, relevant statutes and rules, arguments submitted by counsel for Petitioner and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The Petition was duly filed and noticed in the Florida Administrative Register; Volume 49 Number 245 published on December 20, 2023.

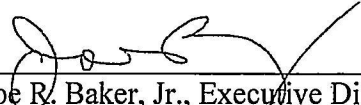
2. The Petition is attached hereto and incorporated herein by reference.
3. Petitioner, Shaina Lindsay, is a Registered Nurse licensed to practice nursing in the State of Florida, having been issued license number RN 9635088.
4. Petitioner and the spa medical director were present and described her training, experience, and the supervision parameters.
5. Petitioner seeks clarification of whether it is in the scope of her practice to administer Botox and dermal fillers when the administration is a task delegated and performed under the direct supervision of a physician.

CONCLUSIONS OF LAW

6. The Board has jurisdiction over this matter pursuant to section 120.565, and Chapter 464, Florida Statutes.
7. The petition filed in this matter is in substantial compliance with the provisions of Section 120.565, Florida Statutes and Rule 28-105, Florida Administrative Code.
8. Section 464.003(19), Florida Statutes, defines the “practice of professional nursing”, with subparagraph (b) of this definition stating that “the administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.”
9. The Board found that under the specific facts of the petition and the presentation of her experience and supervision parameters to the Board, it is within the scope of Petitioner’s specific and particular education, training, and experience and that she can be delegated the task of administering Botox and dermal fillers under the direction of a duly licensed physician, and in the manner set forth in the petition, that the answer to her request would be “yes”.

DONE AND ORDERED this 26th day of February, 2024.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director
for Deborah Becker, DNP, RN, CNE, Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. mail to **Shaina Lindsay, RN**, 3027 NW 6th Avenue, Cape Coral, Florida 33993; and to: **Deborah B. Loucks**, Senior Assistant Attorney General, deborah.loucks@myfloridalegal.com; **Cassandra Fullove**, Senior Legal Specialist, Office of the Attorney General, Cassandra.fullove@myfloridalegal.com; and **Angela Southwell**, Paralegal Specialist, Office of the Attorney General, angela.southwell@myfloridalegal.com; on February 27, 2024.



Deputy Agency Clerk

1701-
752369

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Elizabeth Eubanks
DATE: December 18, 2023

To: Department of Health's Agency
4052 Bald Cypress Way
Tallahassee, FL 32399

Shaina Lindsay, RN, CME
License # 9635088
3027 NW 6th Ave.
Cape Coral, FL 33993
(239)961-0188
December 6, 2023

RECEIVED
DEC 18 2023
BOARD OF NURSING

Petition for Declaratory Statement Before the Board of Nursing

To whom it may concern:

My name is Shaina Lindsay. I am a registered cosmetic nurse at Tribe Med Spa in Naples, FL. I am currently working under Dr. Harold Bafitis, MD (NPI#1457414393). I had previously trained under Jonathan Sigg, PA-C from 2018-2023, with the Laser Lounge Spa. Prior to that I had surgical training with Dr. Brown of Eye Centers of Florida and Dr. Malkani, retinal specialist. During my time with the Laser Lounge Spa I was given extensive training in the determination and administration of cosmetic injectables, laser resurfacing, PDO thread lifts, and neuro-modulators, such as Botox and Xeomin. I have attended numerous trainings for botox and fillers, with large companies like Galderma, Metz Aesthetics and Elasty PDO threads. I began my employment as a medical assistant and quickly realized I had an eye and a talent for this industry, so I chose to attend nursing school to begin my journey towards becoming an injector. I became so proficient at my job, my mentor solely relied on my eye to determine product selection, patient candidacy, and treatment plans for all new clients. During my time with the Laser Lounge, I increased their revenue from 18% to 35% and helped develop a training program for the new locations. I was deemed an anti-aging specialist due to my impeccable eye for correcting any deficit we came upon. I was later given the task of training all new injectors to learn his particular technique, as he is the top 3 cosmetic injector in the country right now and a key opinion leader for the Board Of Aesthetics. We would travel and teach new injectors how to troubleshoot complications and achieve results safely. I was extremely excited when I finished nursing school, only to find out nurses cannot inject in Florida, although they can in numerous other states. I felt that my geographic location does not determine my ability to successfully and safely perform a procedure. A procedure in which most of the products can be reversed upon error, whereas, in the hospital setting, a single medication error could be life threatening. None of the procedures I am requesting are life threatening and thankfully I know how to correct them. I understand that administering dermal fillers and neuro modulators are not in the specific scope of training, however, most skills within nursing are learned on the job, and I was highly trained by the best. It was recently brought to my attention that several nurses have been approved under direct supervision once they met the state requirements. I have all of which you required the others to have as well.

I am requesting clarification for task delegation of Botox and dermal fillers from Dr. Harold Bafitis, MD, to myself, Shaina Lindsay, based on statute 120.565 Declaratory statement by agencies-

PETITION TO STATE

- (1) Any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioners particular set of circumstances.
- (2) The petition seeking a declaratory statement shall state with the particularity the petitioners set of circumstances and shall specify the statutory provision , rule, or order that the petitioner believes may apply to the set of circumstances.
- (3) The agency shall give notice of the filing of each petition in the next available issue of the Florida Administrative Register and transmit copies of each petition to the committee. The agency shall issue a declaratory statement or deny the petition within 90 days after the filing of the petition. The declaratory statement or denial of the petition shall be noticed in the next available issue of the Florida Administrative Register. Agency disposition of petitions shall be final agency action.

I am requesting clarification of task delegation of Neuro modulators such as Botox and dermal fillers from Dr. Harold Bafitis, to myself, Shaina Lindsay, RN. Dr. Bafitis and myself will consult each patient, write a prescribed treatment plan, with a description and prescribed dose of medication or filler, explain the number of units needed for the injection site or amount of syringes needed, and then delegate the task of injection to myself, Shaina Lindsay, RN. An informed consent would be obtained from the patient and co-signed by Dr. Bafitis. The written order would then be performed under direct supervision of Dr. Bafitis. This request is based on Section 464.003(2) B. , that addresses the scope of practice of RN's as follows: "The administration of medications and treatments prescribed or authorized by a duly licensed practitioner authorized by laws of this state to prescribe such medications and treatments". The scope of practice of RN's to include the administration of medications such as Botox and dermal fillers such as Juvederm , as prescribed by Dr. Harold Bafitis, MD, authorized by the laws of Florida to prescribe such medications and treatments. This task delegation was previously approved by the Board of Medicine and the Florida Department of Health for other registered nurses if the required standards were met.

Please contact me wit any questions in regards to this petition. Thank you very much for your consideration.

Sincerely,
 Shaina Lindsay, RN
 Shainalindsay1@gmail.com

PETITION TO STATE

To whom it may concern,

Shaina Lindsay directly assisted me during (October 2018 - May 2023). During this time, she consulted patients regarding aesthetic procedures and assisted in various injectable and threading procedures. Shaina was very thorough as an assistant and consultant. She displayed extensive knowledge, especially in procedures, which aided in providing excellent consultations. During her time with me, Shaina underwent advanced injectable training including PDO threads, ablative and non ablative laser training, sclerotherapy, dermal fillers, Botox administration and preparation, advanced anatomy courses and was also responsible for assisting with training of all new injectors. Shaina was trained on vein occlusion remedies and troubleshooting any unforeseen event that could occur. Ms. Lindsay is a very intelligent and gifted individual, who I have no doubt will excel in the world of aesthetics.

Jonathan Sigg, PA The Laser Lounge Spa

STATE OF FLORIDA
DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE

DATE	LICENSE NO.	CONTROL NO.
JUNE 30, 2023	RN 9635088	3760500

THE REGISTERED NURSE
NAMED BELOW HAS MET ALL REQUIREMENTS OF
THE LAWS AND RULES OF THE STATE OF FLORIDA.

QUALIFICATION(S):
Multistate Registered Nurse

EXPIRATION DATE: APRIL 30, 2025

SHAINA LYNN LINDSAY
3027 NW 6TH AVE
CAPE CORAL, FL - 33993



Ron DeSantis
GOVERNOR



Joseph A. Ladapo, MD, PhD
STATE SURGEON GENERAL

Scan QR Code for
License Authentication



DISPLAY IF REQUIRED BY LAW

STATE OF FLORIDA
DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE

DATE	LICENSE NO.	CONTROL NO.
JUNE 30, 2023	RN 9635088	3760500

THE REGISTERED NURSE
NAMED BELOW HAS MET ALL REQUIREMENTS OF
THE LAWS AND RULES OF THE STATE OF FLORIDA.

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF COSMETOLOGY

LICENSE NUMBER: FB9799864

EXPIRATION DATE: OCTOBER 31, 2024

THE FACIAL SPECIALIST HEREIN HAS REGISTERED UNDER THE
PROVISIONS OF CHAPTER 477, FLORIDA STATUTES

LINDSAY, SHAINA

PLACE
PHOTO
HERE



ISSUED: 11/17/2023

Always verify licenses online at MyFloridaLicense.com

Attach photo to license before laminating document for display.

This is your license. It is unlawful for anyone other than the licensee to use this document.

To whom it may concern,

I am writing this letter to give my recommendation for Shaina Lindsay. I have had the pleasure of working closely with Shaina for the last 5+ years. Shaina worked as the right hand assistant to one of our top customers and injectors in the Estero area. Shaina is a HUGE clinical resource and has so much hands on experience in aesthetics! She is incredibly knowledgeable about injectables, skin care, laser treatments and really any and all things aesthetics. She worked directly with one of our top providers and was involved directly with the patients from the initial consultation, the injections and then the follow up and post care treatment. I highly recommend Shaina and would trust that she would be a great professional and an asset to any practice she joins! I think her experience in aesthetics is about as good as it comes and I think she would absolutely be an excellent nurse injector!

Should you have any questions, please feel free to reach out 😊

Jennifer Voltz

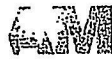
REGIONAL SALES DIRECTOR

mobile: +1 239.293.1348

merzaesthetics.com | 6501 Six Forks Road, Raleigh, NC 27615

MERZ AESTHETICS®

Aesthetic Medical Educators Training, Inc.



Certificate of Completion

Shaina Lindsay

to certify that they have completed to satisfaction the following course:

Orlando, FL - Botulinum Toxin and Dermal Filler Training 9/24/2023 seminar

Granted September 24, 2023 in Orlando, FL

A handwritten signature in black ink, appearing to read 'Cole Lopez', written over a horizontal line.

Cole Lopez
Program Coordinator

A handwritten signature in black ink, appearing to read 'Deborah Kesler Hudak, MD, MHCP', written over a horizontal line.

AMET Instructor

Certificate of Completion

Presented to:

SHAINA LINDSAY

Licensure # FS.9742312

For completing the 10-Hour Continuing Education Course for Cosmetology Licensure (Approval # 0501472) and was awarded continuing education credit hours as follows: HIV/AIDS (1), Sanitation and Sterilization (3), OSHA (1/2), Worker's Compensation (1/2), State and Federal Laws (2), Chemical Makeup (1), Environmental Issues (1), and The Impact of Cosmetics on Health (1) on 8/31/2023.



**AMERICAN
SAFETY COUNCIL**

Provider Name: American Safety Council, Inc. | Provider Number: 0005386
225 E. Robinson Street – Suite 570, Orlando, FL 32801
800-732-4135 | www.AmericanSafetyCouncil.com



PO Box 1794
 Manchaca, TX 78652
 Phone: 512.301.2125
 Fax: 512.301.2175
www.AestheticMedicalTraining.com

September 24, 2023

RE: Botulinum Toxin and Dermal Filler Training Seminar attended by **Shaina Lindsay**

To whom it may concern:

Shaina Lindsay attended Aesthetic Medical Educators Training's (AMET) Orlando, FL - Botulinum Toxin and Dermal Filler Training 9/24/2023 seminar in Orlando, FL. The section(s) of the seminar on this date covered the **didactic and clinical hands-on portions**. The AAFP has reviewed this Botulinum Toxin/Dermal Filler Training and deemed all sections following the history of botulinum toxin acceptable for AAFP credit. Term of approval is from 03/01/2023 to 02/28/2024. Physicians should claim only the credit commensurate with the extent of their participation in the activity. Credit approval includes the following session(s):

*7.50 In-Person, Live (could include online) AAFP Prescribed Credits
 - Botulinum Toxin and Dermal Filler Training*

AAFP Prescribed credit is accepted by the American Medical Association as equivalent to AMA PRA Category 1 credit(s)[™] toward the AMA Physician's Recognition Award. When applying for the AMA PRA, Prescribed credit earned must be reported as Prescribed, not as Category 1.

The materials covered during the didactic portion of the training seminar include botulinum toxin history, handling, reconstitution, storage, indications, contraindications, side effects and complications as well as material covering the use of injectable fillers, injectable filler indications and contra indications, and review of the types of fillers on the market.

Hands-on training was also provided where **Shaina Lindsay** practiced these procedures on live models and demonstrated proficiency in each procedure. Should you need additional information or documentation regarding the AMET training seminar, please contact me at:

Telephone: (512) 301-2125
 E-mail: customerservice@aestheticmedicaltraining.com
 Mail: PO Box 1794 Manchaca, TX 78652

Sincerely,
 Cole Lopez | Aesthetic Medical Educators Training

www.AestheticMedicalTraining.com

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Elizabeth Eubanks*

RECEIVED DATE: February 05, 2024
1/24/23

Shaina Lindsay
3027 NW 6th Ave.
Cape Coral, FL 33993

JAN 29 2024

BOARD OF NURSING

To Whom It May Concern:

I am writing this letter as an addendum to my previous petition which was accepted by the Dept. of Health on 12/18/23, to notify the board of the current changes to my petition. My med spa has appointed a new medical director, Dr. Robert Bregman, (NPI # 1447507249 DEA #FB3471733). We will no longer be using Dr. Bafitis. Dr. Bregman will be my new supervising physician overseeing injectables, if and when I am approved by the state. Dr. Bregman has a background in functional medicine and anti aging. He is very impressed with my skill level and techniques. He will be attending the hearing regarding the board's decision. I am resubmitting the original petition to include the updated information. Thank you and I look forward to the hearing.

Sincerely,
Shaina Lindsay, R.N.

Petition for Declaratory Statement Before the Board of Nursing

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Sincerely,

Shaina Lindsay, RN

Shainalindsay1@gmail.com

PETITION TO STATE