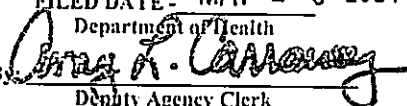


FILED DATE - MAY 10 2024

Department of Health

By:   
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF NURSING

IN RE: PETITION FOR DECLARATORY STATEMENT OF:  
**CHRISTINA E. CREMEANS, RN**

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**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 April 4, 2024, in Saint Petersburg, Florida, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A), filed by Christina Cremeans, RN (Petitioner). Petitioner was not present. The Board was represented by Deborah Bartholow Loucks, Senior Assistant Attorney General.

The Petition was filed with the Department of Health on February 1, 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 Cosmetic when the administration is a task delegated and performed under the direct supervision of a physician and/or an advanced practice registered nurse.

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 50 Number 45 published on March 5, 2024.
2. The Petition is attached hereto and incorporated herein by reference.

3. Petitioner, Christina Cremeans, RN, is a Registered Nurse licensed to practice nursing in the State of Florida, having been issued license number RN 9642538.

4. Petitioner described her training, experience, and the supervision parameters in her petition.

5. Petitioner seeks clarification of whether it is in the scope of her practice to perform the aesthetic injections when the administration is a task delegated and performed under the direct supervision of a physician or an advanced practice registered nurse.

### **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.”

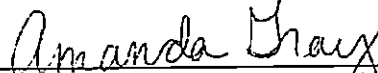
9. The Board found that under the specific facts of the petition and the presentation of her experience and supervision parameters to the Board, it is within the scope of Petitioner’s specific and particular education, training, and experience and that she can be delegated the task of administering Botox Cosmetic from a physician. The delegation must be from a physician licensed pursuant to Chapter 458 or 459, Florida Statutes. Direct supervision means that the physician has visualization of the injection. Also, Ms. Cremeans’ participation must be set forth in the informed consent provided to the patient.

The Board found that an advanced practice registered nurse cannot be the “supervising physician” providing the direct supervision of Petitioner when she is injecting the Botox Cosmetic.

With the exception of having the Botox administration delegated and supervised by an advanced practice nurse and if within the parameters set forth herein, the answer to her request would be “yes”.

**DONE AND ORDERED** this 9<sup>th</sup> day of May, 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 electronic mail to **Christina Cremeans, RN**, [Christina.ponteberg@gmail.com](mailto:Christina.ponteberg@gmail.com); and to: **Deborah B. Loucks**, Senior Assistant Attorney General, [deborah.loucks@myfloridalegal.com](mailto:deborah.loucks@myfloridalegal.com); **Cassandra Fullove**, Senior Legal Specialist, Office of the Attorney General, [Cassandra.fullove@myfloridalegal.com](mailto:Cassandra.fullove@myfloridalegal.com); and **Angela Southwell**, Paralegal Specialist, Office of the Attorney General, [angela.southwell@myfloridalegal.com](mailto:angela.southwell@myfloridalegal.com); on May 13, 2024.

*Angie R. Conway*

Deputy Agency Clerk

**Mission:**

To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the Healthiest State in the Nation

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**MEMORANDUM**

**DATE:** May 8, 2024

**TO:** Jessica Sapp, Chief  
Bureau of Health Care Practitioner Regulation

**FROM:** Joe Baker, Jr., Executive Director  
Board of Nursing

**SUBJECT:** Delegation of Authority

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This is to advise that while I am out of the office on Thursday, May 9, 2024, through Friday, May 10, 2024, Amanda Gray has been delegated authority to serve as Acting Executive Director for the Board of Nursing. She can be reached at either [Amanda.Gray@flhealth.gov](mailto:Amanda.Gray@flhealth.gov) or 245-4170.

Thank you.

JBjr/jb

**Cc:** Board Office  
Board Attorneys  
Board Chair/Vice Chair  
MQA Management Team

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**Florida Department of Health**  
**Division of Medical Quality Assurance**  
4052 Bald Cypress Way, Bin C-02 • Tallahassee, FL 32399  
PHONE: 850-245-4125 • FAX: 850-617-6460  
[FloridaHealth.gov](http://FloridaHealth.gov)



**Accredited Health Department**  
Public Health Accreditation Board

Filing 2/1/2024 4:47:00 PM

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Elizabeth Tubanks*  
DATE: FEB 01 2024

TO: Agency Clerk  
Office of the General Counsel Florida Department of Health  
4052 Bald Cypress Way, Bin A-02  
Tallahassee, FL 32399 Agency Clerk

Christina E. Cremeans, RN  
License Number RN 9642538

Petition for Declaratory Statement before the Florida Board of Nursing

February 1, 2024

To Whom It May Concern,

I am a Registered Nurse at Artistik Beauty Medspa, a medical facility directed by Dr. Abigail Adams, MD. I have worked as a mentee under Nurse Practitioner Ashley Pontenberg APRN-C observing aesthetic injections and assisting with cosmetic procedures.

I am requesting clarification for task delegation of Botox Cosmetic from Dr. Abigail Adams, MD or Ashley Pontenberg, APRN-C, to myself, Christina Cremeans, RN based on statute 120.565 Declaratory statement by agencies.-

(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 petitioner's particular set of circumstances.

(2) The petition seeking a declaratory statement shall state with particularity the petitioner's 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 for task delegation of Botox Cosmetic from Dr. Abigail Adams, MD and Ashley Pontenberg, APRN-C to myself Christina Cremeans, RN whom will perform an exam on each patient, write an order for the prescribed Botox Cosmetic medication treatment with a description of the muscles to be injected and the number of units per injection site, and then delegate the task of medication administration to myself, Christina Cremeans, RN. An informed consent would be signed by the patient and co-signed by Dr. Abigail Adams, MD or Ashley Pontenberg, APRN-C. The written order would then be followed and performed under the direct supervision of Dr. Abigail Adams, MD or Ashley Pontenberg, APRN-C. This request is based on Section 464.003(2) B. that addresses the scope of practice of RNS as follows: "The administration of medications and treatments as 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 RNs to Include the administration of medications (Botox Cosmetic) as prescribed by Dr. Abigail Adams, MD or Ashley Pontenberg, APRN-C, 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 a different RN within the practice If these stated standards were met.

Please contact me with any questions in regard to this petition. Thank you for your consideration.

Sincerely,

Christina E. Cremeans, RN

Christina.pontenberg@gmail.com

863-485-0808