

FILED DATE - AUG 23 2023

Department of Health

By:   
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF NURSING

IN RE: PETITION FOR DECLARATORY STATEMENT OF:  
ANN DAVIDSON-POHL, CRNA

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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 August 3, 2023, in Tampa, Florida, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A), filed by Ann Davidson-Pohl (Petitioner). Petitioner was present. The Board was represented by Deborah Bartholow Loucks, Senior Assistant Attorney General.

The Petition was filed with the Department of Health on June 12, 2023. Petitioner seeks the Board's opinion as to whether it is within the scope of Petitioner's practice as an advanced practice registered nurse (APRN) who was licensed prior to the requirement that an APRN hold a master's degree to administer Ketamine that is prescribed by a supervising 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 115 published on June 14, 2023.
2. The Petition is attached hereto and incorporated herein by reference.
3. Petitioner, Ann Davidson-Pohl, is an Advanced Practice Registered Nurse

licensed to practice nursing in the State of Florida, having been issued license number APRN 2069102.

4. Petitioner has a collaborative agreement with a physician to begin giving sub-anesthetic levels of IV Ketamine to patients with depression.

5. Petitioner seeks clarification of whether it is in the scope of her practice, as long as she is not dispensing or prescribing a controlled substance, to administer Ketamine as prescribed by her supervising (collaborative) physician.

#### CONCLUSIONS OF LAW

6. The Board has jurisdiction over this matter pursuant to section 120.565, and Chapter 464, Florida Statutes.

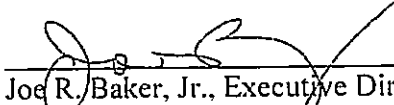
7. The petition filed in this matter is in substantial compliance with the provisions of Section 120.565, Florida Statutes and Rule 28-105, Florida Administrative Code.

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, it is within the scope of Petitioner’s specific and particular education, training, and experience and that she can administer IV Ketamine that is prescribed by her supervising physician, and in the manner set forth in the petition, that the answer to her request would be “yes”.

DONE AND ORDERED this 22<sup>nd</sup> day of August, 2023.

BOARD OF NURSING

  
\_\_\_\_\_  
Joe R. Baker, Jr., Executive Director  
for Jose D. Castillo, III, PhD, MSNA, CRNA, APRN, 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 Ann Davidson-Pohl, CRNA, 4310 Reflections Parkway, Sarasota, Florida 34233; 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 August 23, 2023.

  
\_\_\_\_\_  
Amy R. Carrara

Deputy Agency Clerk

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Elizabeth Eubanks*

DATE: June 12, 2023

From: McCook, Zoe  
To: zzzz Feedback, MOA Central Records Clerk Filings  
Subject: FW: Davidson-Pohl Petition update  
Date: Monday, June 12, 2023 1:32:40 PM  
Attachments: Davidson-Pohl Petition update.png

Good afternoon,

Please file the below Petition for Declaratory Statement for 1711/92763.

Sincerely,

*Zoe McCook*

Regulatory Specialist III  
Department of Health | Division of Medical Quality Assurance | Board of Nursing  
4052 Bald Cypress Way Bin CO2  
Tallahassee, FL 32399-3252  
Office: (850) 617-1481  
Fax: (850) 617-6460

How am I communicating? Please contact my supervisor.

From: Deborah Loucks <Deborah.Loucks@myfloridalegal.com>  
Sent: Monday, June 12, 2023 1:09 PM  
To: McCook, Zoe <Zoe.McCook@flhealth.gov>  
Cc: Angela Southwell <Angela.Southwell@myfloridalegal.com>; Baker, Joe <Joe.Baker@flhealth.gov>  
Subject: FW: Davidson-Pohl Petition update

EXTERNAL EMAIL: DO NOT CLICK links or open attachments unless you recognize the sender  
and know the content is safe.

Hi Zoë:

Will you please file this petition for declaratory statement?

Thanks!

Deborah B. Loucks  
Senior Assistant Attorney General  
Administrative Law Bureau  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399-1050  
(850) 414-3783  
(850) 922-6425 – FAX  
[Deborah.Loucks@myfloridalegal.com](mailto:Deborah.Loucks@myfloridalegal.com)

From: Ann Davidson-Pohl <[anndavidsonpohl@gmail.com](mailto:anndavidsonpohl@gmail.com)>  
Sent: Monday, June 12, 2023 12:43 PM  
To: Deborah Loucks <[Deborah.Loucks@myfloridalegal.com](mailto:Deborah.Loucks@myfloridalegal.com)>

Subject: Davidson-Pohl Petition update




I am in Alaska


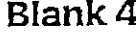

—Transmission challenges

I just took a screenshot of the current document to you

I hope this will clarify my question.

Thank you

 Xfinity Mobile LTE    8:40 AM     59% 

Deborah Bartholow Loucks  
 Senior Assistant Attorney General  
 PL-01 The Capitol  
 Tallahassee, FL

Dear Ms. Loucks

Petition for a declaratory statement before the Florida Board of Nursing

Ann Davidson-Pohl, CRNA  
 License # APRN 2069102  
 4310 Reflections Parkway  
 Sarasota, FL 34233  
[anndavidsonpohl@gmail.com](mailto:anndavidsonpohl@gmail.com)  
 941 356-0707  
 FAX 941 9550044

A declaratory statement is sought on Florida Statute 464 012(3)(a) which states: an advanced practice registered nurse may prescribe, dispense, administer or order any drug; however, an APRN may prescribe or dispense a controlled substance only if the APRN has graduated from a program leading to a master's or doctoral degree in a clinical nursing specialty area with training in specialized practitioner skills.

I have a collaborative agreement with a physician to begin a new office based practice giving sub-anesthetic levels of IV Ketamine to patients with depression. I have been giving controlled substances including ketamine for 30+ years in my established anesthesia practice in Sarasota. This is a proposed new practice and I would be acquiring a DEA number for the purchasing of the Ketamine. When I attended CRNA school, became board certified, and licensed in Florida, a master's degree was not required so I do not have one.

Please clarify for me that as long as I am not dispensing or prescribing a controlled substance I may administer Ketamine as prescribed by my supervising (collaborative) physician. Thank you for clarifying

Sincerely,

Ann Davidson-Pohl

Date: June 3, 2023

Sent from my iPhone