

DOH-23-0045-DS-6

STATE OF FLORIDA
BOARD OF NURSING

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Bridget Coates*
DATE: JAN 11 2023

IN RE: PETITION FOR DECLARATORY STATEMENT OF:

ILIANA M. PORTELA, BSN, RN

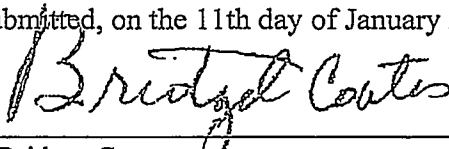
NOTICE OF SCRIVENER'S ERROR

COMES NOW, the Petitioner, Department of Health, and corrects the scrivener's error contained in the Final Order filed on January 9, 2023, with Rendition No: DOH-23-0045-S-MQA, as grounds therefore states:

- 1 . On January 9, 2022 Petitioner filed a Final Order on Declaratory Statement.
- 2 . The file date on the Final Order was January 9, 2022 and should have been January 9, 2023 on said order.
- 3 . The rendition number on the final order was DOH-23-0045-S-MQA and should have been DOH-23-0045-DS-MQA
- 4 . The Final Order is now correct and remains nunc pro tunc to the filing date.

WHEREFORE, the Petitioner hereby corrects the scrivener's error contained in the Final Order.

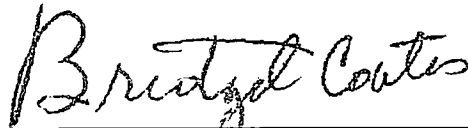
Respectfully submitted, on the 11th day of January 2023.



Bridget Coates
Deputy Agency Clerk
Department of Health
4052 Bald Cypress Way, Bin # C01
Tallahassee, FL 32399
(850) 245-4120; Fax (850) 487-9537

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished by U.S. Mail to: Iliana Portela, BSN, RN, 2659 SE 14th Street, Pompano Beach, FL 33062; and to Deborah B. Loucks, Senior Assistant Attorney General, Deborah.loucks@myflorida.com, Cassandra Fullove, Senior Legal Specialist, Office of Attorney General, Cassandra.fullove@myfloridalegal.com; and Angela Southwell, Paralegal Specialist, Office of the Attorney General, angela.southwell@myflorida.com; on 11th day of January 2023.



Bridget Coates
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

IN RE: PETITION FOR DECLARATORY STATEMENT OF:
ILIANA M. PORTELA, BSN, 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 December 8, 2022, in Jacksonville, Florida, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A), filed by Iliana M. Portela (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 August 4, 2022. Petitioner seeks the Board's opinion as to whether it is within the scope of Petitioner's practice as a registered nurse to perform visually-guided sclerotherapy and administer the FDA approved sclerosants of Sotradecol and Asclera under physicians' orders and supervision.

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 48 Number 185 published on September 22, 2022.
2. The Petition is attached hereto and incorporated herein by reference.
3. Petitioner, Iliana M. Portela, is a Registered Nurse licensed to practice nursing in

the State of Florida, having been issued license number RN 1705632.

4. Petitioner is a specially trained Sclerotherapy nurse with 15 years of experience in sclerotherapy.

5. Petitioner seeks clarification of whether it is in the scope of her practice to provide low risk treatments in the form of sclerosant medications, in a diluted form, given intravenously to treat patients' small surface veins that are easily visible under physicians' orders and supervision.

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(20), 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 is performing the sclerotherapy and administering the medication under the direction of a duly licensed physician, that the answer to her request would be "yes".

DONE AND ORDERED this 6th day of January, 2023.

BOARD OF NURSING



Joe R. Baker, Jr., Executive Director

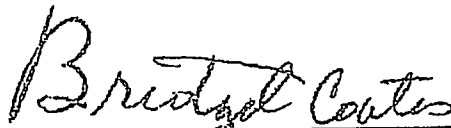
for Jose D. Castillo, III, PhD, MSNA, CRNA, APRN, Chair

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 Iliana Portela, BSN,RN, 2659 SE 14th Street, Pompano Beach, Florida 33062; 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 January 9, 2022.



Deputy Agency Clerk

Mission:

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



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State In the Nation

INTEROFFICE MEMORANDUM

DATE: January 3, 2023

TO: Janet Hartman, Chief
Bureau of Health Care Practitioner Regulation

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

SUBJECT: Delegation of Authority

Melissa Passett, Program Ops Administrator, is delegated authority for the Board on Wednesday, January 4, 2023, through Monday, January 9, 2023.

Thank you.

JBjr/ms



FILED
 DEPARTMENT OF HEALTH
 DEPUTY CLERK
 CLERK: Elizabeth Embanks
 DATE: August 04, 2022

Iliana M. Portela BSN, RN
 2659 SE 14th Street
 Pompano Beach, FL 33062
 954.348.0569 (Personal Cell)
 ilianaMportela@gmail.com
 RN 1705632
 August 03, 2022

Florida Board of Nursing
 Department of Health's Agency Clerk's Office
 4052 Bald Cypress Way, Bin #A02
 Tallahassee, Florida 32399-1703
 Joe Baker, Jr. Executive Director, Florida Board of Nursing and associates

Petition for Declaratory Statement before the Florida Board of Nursing

The statutory provisions, rules, or orders on which the declaratory statement is sought:

1. Section 464.003(20)(a)(b)(c).

"Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

- *(a) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.*
- *(b) 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.*
- *(c) The supervision and teaching of other personnel in the theory and performance of any of the acts described in this subsection.*

A professional nurse is responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing

A description of how the statutes, rules, or orders substantially affect the petitioner in the petitioner's particular set of circumstances:

As a registered nurse in the state of Florida, I, Iliana Portela, RN, respectfully petition the State of Florida Board of Nursing for a declaratory statement in regards to if it is within the scope of practice of a specially trained RN to perform visually-guided sclerotherapy and administer the FDA approved sclerosants of Sotradecol and Asclera under physicians orders and supervision.

I am a specially trained Sclerotherapy nurse living in the state of Florida with 15 years of experience specializing in Sclerotherapy. RNs, like myself, can be trained to provide low risk treatments in the form of sclerosant medications, in a diluted form, given intravenously to treat patient's small surface veins that are easily visible.

Due to these restrictions, I cannot find work in my own state in the specialty that I have dedicated an enormous amount of my life to. This restriction is unduly warranted and causes an unnecessary burden for myself and my family.

On the Florida Department of State website there is an instance of a Declaratory Statement for Michelle D. McEvoy (ID 16036639) in which the following was determined by the Board of Nursing:

- *"The Board's Order, filed on May 7, 2015, finds that under the specific facts of the petition, the performance of visually-guided sclerotherapy on small and medium sized veins on the surface of a patient's skin under the supervision of a physician is within the scope of practice of an appropriately trained registered nurse."*
 - <https://www.flrules.org/notice/resultAdvance.asp?string=a&ChkFAC=on&ChkFΛW=on&keyword=&orrid=64&orid=332&sid=7&iid=&date3=01%2F01%2F2006&date4=07%2F22%2F2015&date1=01%2F01%2F2006&date2=07%2F22%2F2015&submit=++Search++&page=1> Disposition Id 16036639. Accessed on August 03, 2022.

Experience

Vein Clinics of America 2007 - Present

Education Quality Specialist

- Responsible for architecting education and training materials for RNs and APPs.
- Directly overseeing the training and progress of newly hired RNs and APPs.
- Ensuring best practices are taught and maintained by all clinics to ensure AAAHC accreditation standards are kept.

Quality Coordinator and National Trainer

- Developed training materials in conjunction with the quality department as well as performed site visits nationwide for the purpose of monitoring clinics for accreditation. (AAAHC, IAC Vein Center)
- Travelled to multiple clinics nationwide to provide treatments to patients with vein disease and providing 6 weeks of advanced training to new nurses.
- Managed multiple clinics nationwide: ordered materials, kept records, prepped medication, and implemented policies for best practice.

Sclerotherapy Nurse

- Performed visually-guided Sclerotherapy treatments on patients with Varicose Vein Disease under the direct supervision of a physician.
- Oversaw patient education.
- Prepped medications, kept records, and followed policies for best practices.

Education

Bachelor of Nursing - Florida International University 1983 - 1985

Associates - Miami Dade College 1980 - 1982

License and Certification
Florida Multistate License
ACLS and BLS Certification