

STATE OF FLORIDA
BOARD OF NURSING

IN RE: PETITION FOR DECLARATORY STATEMENT OF:
SYDNEY N. CANFIELD, 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 April 4, 2024, in Saint Petersburg, Florida, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A), filed by Sydney N. Canfield, 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 January 22, 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, Xeomin, Jeuveau, and Dysport 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 50 Number 20 published on January 30, 2024.
2. The Petition is attached hereto and incorporated herein by reference.
3. Petitioner, Sydney N. Canfield, RN, is a Registered Nurse licensed to practice

nursing in the State of Florida, having been issued license number RN 9565386.

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.

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, Xeomin, Jeuveau, and Dysport. 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. Canfield’s participation must be set forth in the informed consent provided to the patient. With these parameters, the answer to her request would be “yes”.

DONE AND ORDERED this 9th day of May, 2024.

BOARD OF NURSING

Amanda Gray
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 **Sydney Canfield, RN**, 646 East Plant Street, Winter Garden, Florida 34787; and by email 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

May 13, 2024.

Amy 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

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

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 or 245-4170.

Thank you.

JBjr/jb

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



RECEIVED
DEPARTMENT OF HEALTH

2024 JAN 22 AM 11:43

To: Department of Health's Agency Clerk's Office
4052 Bald Cypress Way
Tallahassee, Fl, 32399
1/2/2024

OFFICE OF THE CLERK

Sydney N. Canfield, RN
License Number RN9565386
Company Name
646 E Plant Street
Winter Garden, Fl, 34787

Petition for Declaratory Statement before the Florida Board of Nursing

To Whom It May Concern,

I am a registered nurse at Invigorate Health located in Winter Garden, a medical facility owned and operated by Avisha Labban FNP-BC with Dr. Nalin Dayal, MD, as our medical director. I have worked with Avisha Labban FNP-BC and Dr. Nalin Dayal for the past two years observing aesthetic injections and assisting in aesthetic and wellness procedures. I completed Ayers Aesthetics Academy Beginner Course for Tox as well as the Full Face Tox course and am scheduled to continue my education with them, taking their intermediate and advanced courses and training directly under the supervision of Daniel Ayers PA, the co-founder of Ayers Aesthetics Academy. In addition to graduating Cum Laude from AdventHealth University with my Bachelor of Science in Nursing in 2021, I am currently working towards the completion of my master's degree to become a family nurse practitioner. I am very passionate about the aesthetics industry and the safety of my clients and have done extensive training out of state under master injectors to ensure my skills and knowledge exceed the minimum requirements to administer aesthetic neurotoxins safely.

I am requesting clarification for task delegation of Botox Cosmetic, Xeomin, Jeuveau, and Dysport from Dr. Nalin Dayal and Avisha Labban FNP-BC, to myself, Sydney N. Canfield, 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, Xeomin, Jeuveau, and Dysport from Dr. Nalin Dayal and Avisha Labban FNP-BC, to myself, Sydney N. Canfield, RN. Dr. Nalin Dayal or Avisha Labban FNP-BC would perform an exam on each patient, write an order for the prescribed aesthetic neurotoxin 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, Sydney N. Canfield, RN. An informed consent would be signed by the patient and co-signed by Dr. Nalin Dayal, MD, or Avisha Labban FNP-BC. The written order would then be followed and performed under the direct supervision of Dr. Nalin Dayal, MD, or Avisha Labban FNP-BC. 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, Xeomin, Jeuveau, and Dysport) as prescribed by Dr. Nalin Dayal, MD, or Avisha Labban FNP-BC, 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 different RNs in the state of Florida if these stated standards were met.

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

Sincerely,

Sydney N. Canfield, RN

svdney@invigoratehealthtn.com

(858) 382 8401

Investigative Health
Care of: Sydney Campbell
646 E Plant Street
Winter Garden, FL, 34787



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ORLANDO FL 328

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Department of Health's Agency Clerks Office

4052 Bald Cypress Way

Bin # A02

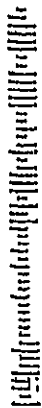
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JAN 22 2024

Department of Health
Legal Office

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