STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF HEALTH, BOARD OF NURSING,

Petitioner,

vs. Case No. 26-1970PL

ALEXIS BACKER LAWLER, R.N.,

Respondent.
_____/

RECOMMENDED ORDER

On July 14, 2026, Robert S. Cohen, an administrative law judge ("ALJ") with the Division of Administrative Hearings ("DOAH"), conducted a final hearing in this matter live in Tallahassee, Florida, and via Zoom conference.

APPEARANCES

For Petitioner: Christina Arzillo Shideler, Esquire
Matthew George Witters, Esquire
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265

For Respondent: Julie Gallagher, Esquire
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STATEMENT OF THE ISSUES

Whether Respondent violated section 464.018(1)(h), Florida Statutes, by violating Florida Administrative Code Rule 64B9-8.005(14), when she posted a particular video on TikTok, as alleged in the Administrative Complaint; and, if so, what disciplinary penalty should be imposed.

PRELIMINARY STATEMENT

On or about January 22, 2026, Respondent, Alexis Backer Lawler, R.N., posted a video on her TikTok account in which she wished a gruesome birth injury on the White House press secretary, Karoline Leavitt, while she was pregnant and awaiting the birth of her child. On February 20, 2026, Petitioner, Department of Health ("Department" or "Petitioner"), issued an Administrative Complaint seeking discipline against Respondent. On April 14, 2026, the Department referred this matter to DOAH for assignment of an ALJ to conduct a hearing involving disputed issues of material fact. Respondent's Unopposed Motion for Continuance was granted, and the final hearing was rescheduled for July 14, 2026.

The Department filed an Unopposed Motion for Leave to Amend the Administrative Complaint, which was granted on May 26, 2026. On May 27, 2026, the Department filed its First Amended Administrative Complaint ("Complaint"), which is the subject of this proceeding. The matter proceeded to hearing on July 14, 2026, as scheduled.

At the final hearing, the Department offered the live testimony of Respondent and, via Zoom conference, the testimony of patients S.B. and E.G. Petitioner's Exhibits 1 through 3 (the deposition of Amy Nation, A.P.R.N., R.N.), 5, and 6 were admitted into evidence. Respondent testified on her own behalf, and Respondent's Exhibits 2 and 3 (the depositions of Rachel Kupfer, R.N., and Kerri Vittimberga, respectively) were admitted into evidence.

The final hearing Transcript was filed on August 10, 2026. Both parties timely submitted proposed recommended orders, which have been duly considered, along with the Joint Pre-Hearing Stipulation, and the exhibits,

including the depositions mentioned above, in preparing this Recommended Order.

References to the Florida Statutes are to the 2025 version, unless otherwise noted.

FINDINGS OF FACT

1. The Department is the state agency charged with regulating the practice of nursing and nursing assistance pursuant to section 20.43 and chapters 456 and 464, Florida Statutes.

2. At all times material to this Complaint, Respondent was a registered nurse within the state of Florida, having been issued license number RN 9386314, and was a labor and delivery nurse at Baptist Health Boca Raton Regional Hospital ("Baptist Health"). She has been licensed since 2014 and has worked at two hospitals, St. Mary's in West Palm Beach and Baptist Health.

3. As a labor and delivery nurse, Respondent monitors patients and babies, does head to toe assessments, educates patients, circulates, and works as a charge nurse. She is usually assigned to one or two patients but, as a team player, works to ensure the floor is safe. Respondent has not had any prior discipline on her license nor has she been the subject of a disciplinary action by her employer. During her time at Baptist Health, Respondent has never been accused of treating a patient differently because of their political beliefs.

4. Other than a minor parking violation on campus at Baptist Health in 2018, from the employee records entered into evidence, Respondent had a clean disciplinary record as a Baptist Health employee until 2025. Respondent submitted an email response to Karen Edlington, Maxine Jones, and Caroline Ward-Bent on September 19, 2025, following complaints from several employees of Baptist Health on September 12, 2025. In a statement

dated January 26, 2026, Ms. Edlington, a human resource director for Baptist Health, stated the following:

> On September 12, 2025, Labor & Delivery leadership received several concerns from both employees and members of the public regarding potentially offensive content posted by Alexis Lawler on her personal social media account related to the death of Charlie Kirk. An investigation confirmed that her account did not reference Baptist Health South Florida or Boca Raton Regional Hospital, though related posts and conversations surrounding the Charlie Kirk incident were present.
>
> During a follow-up discussion on September 17, 2025 with Karen Edlington, Caroline Ward-Bent and Maxine Jones, Alexis clarified that her posts reflected personal religious beliefs and were made on private accounts during personal time. She confirmed she had reviewed the BHSF Social Media Policy (#6750) and remained in compliance, having not identified herself as a spokesperson or sharing confidential information.
>
> Alexis was reminded that interactions on public platforms, even when personal, may still reflect on the organization and it's [sic] reputation. The Social Media Policy was reviewed with her, and a copy was provided. She acknowledged the guidance and expressed her commitment to maintaining a respectful and inclusive workplace. It was explained to Alexis that there would be formal documentation of our meeting and it's [sic] content, including her acknowledgement of the relevant policy.

The statement was signed and dated by Ms. Edlington.

5. In her email response to the three Baptist Health management members mentioned above, Respondent made it clear that she was exercising her personal beliefs, outside her work, and in a private setting and exercising her First Amendment rights to free speech. This became a common theme at the final hearing.

6. The uncontroverted evidence at hearing confirms that, on January 22, 2026, Respondent posted a video of herself to her TikTok account (the "Video") stating (the curse words have been edited with asterisks):

> As a labor and delivery nurse, it gives me great joy to wish Karoline Leavitt a fourth-degree tear. I hope that you f***ing rip from bow to stern and never s**t normally again, you c**t.

7. No one who testified at hearing, including Respondent, denies that the Video, while short as TikToks are, was rude and used foul or vile language.

8. Respondent identified herself in the Video as a labor and delivery nurse but made no mention of her employer Baptist Health and was unable to testify as to why she included her profession in the Video. Perhaps it was to lend credence to the fact she knew exactly what impact a "fourth-degree tear" could have on Ms. Leavitt.

9. Respondent's testimony was that she was so frustrated and disgusted with the current administration in Washington, D.C., that her way of expressing it, lending her expertise in exactly what she was hoping happened to a complete stranger to her, was to wish a fourth-degree tear on President Trump's press secretary.

10. Amy Nation, whose deposition was admitted into evidence, is an experienced advanced registered nurse practitioner and a registered nurse, who testified that "a fourth-degree tear is the worst tear that can potentially happen during the birth process." It is so severe that, if occurring, the patient would have to have anywhere from a spinal anesthetic to general anesthesia to have the repair performed in an operating room. There can even be additional surgery required down the road to make further repairs to the affected area. Her testimony as to the severity of a fourth-degree tear is credited.

11. No evidence was produced that confirmed the TikTok account on which the Video was posted was private. Respondent produced no testimony

or evidence that limited the audience that could view the Video by her efforts to keep the account private.

12. In fact, a group known as "Libs of TikTok" posted the Video on TikTok and, after obtaining the place of employment for Respondent, posted that as well. In short, thanks to a third-party group viewing the Video, which was obviously not private, the Video went viral.

13. Respondent testified that, after the Video went viral, she received death threats and other negative comments on her social media page. At this point, Respondent testified, she made her social media accounts more secure to avoid her posts being seen by individuals she was not targeting. She was obviously not aware of how easy it is for unintended audiences to obtain information they might find provocative or insulting to them or to their friends and family with whom they might share the "private" information.

14. Probably the most naïve or outright untrue statements made at the final hearing by Respondent were that she was attacking Ms. Leavitt, not because she was both pregnant and the White House press secretary, but because she was part of "our government [that] commits human right's [sic] violations on a daily basis by locking up women and children in concentration camps." I sincerely doubt the "fourth-degree tear" statement would have been made if the subject of the Video was President Trump or Vice President Vance or any other male or a non-pregnant individual. The vile statement made in the heat of the moment, when Respondent was clearly angry, was targeted at the press secretary, a pregnant mother, and no one else.

15. In order to determine whether Respondent's actions are connected to the practice of her profession, the question turns first on whether the Video was viewed by any labor and delivery patients of Baptist Health, and then, if so, whether they were harmed in any way by their knowledge of the Video as it relates to their becoming or having been patients of Respondent.

16. Two individual patients from Baptist Health testified at the final hearing, S.B. and E.G. Their individual involvement with Baptist Health, generally, and Respondent, specifically, differ, as set forth below.

17. E.G. testified that she was a patient at Baptist Health for the birth of her daughter, which occurred on January 6, 2026. Respondent was her nurse when she presented at the hospital early on the morning of January 5, 2026, after her water had broken partially early that morning.

18. When asked if anything stood out about Respondent when E.G. met her that morning, she testified that Respondent wore a pin on her uniform that said "no uterus, no opinion." She took this to be a political opinion about Respondent's stance on abortion rights.

19. E.G. was surprised to see the pin in such a joyful setting as she was in, ready to give birth to her baby. "It was off-putting to see that," E.G. said.

20. A few weeks after the successful delivery of her child, her husband showed her the Video which he had seen on X from the Libs of TikTok account. She was shocked to see that a person she had been in contact with at Baptist Health had posted something saying things like that. Her reaction was "shock and disgust."

21. E.G. and her husband had specifically chosen Baptist Health as the hospital for her to have her baby because they had heard great things about the nurses there. Friends of theirs had raved about the nurses at Baptist Health.

22. E.G. made it clear that she had no lawsuits pending or anticipated against Baptist Health but she felt that she must come forward to testify because she felt the wearing of the pin by Respondent was inappropriate in the labor and delivery setting and that the Video posted was so inappropriate and that people coming to give birth should not be subject to seeing posts like that, whether before or after their time at the hospital.

23. E.G. acknowledged that the comments made in the Video were not directed specifically at her and that she had seen the reposted Video on X and

Facebook or the local news, not the original posting on TikTok since she does not use TikTok.

24. E.G. describes herself as a Trump supporter but testified that politics were the last thing on her mind while she was giving birth. She believed the Video was inappropriate, regardless of which side of the aisle you choose. She felt that the statements made in the Video were "just inappropriate, specifically coming from someone whose job is to take care of you at one of your most vulnerable moments."

25. S.B., formerly known as S.D., testified on behalf of the Department. She recognized Respondent at hearing from the Instagram video she saw, which was a reposting of the Video. She identified a screenshot of her sister-in-law sending the Video to her. That exhibit was entered into evidence.

26. S.B. was a former patient at Baptist Health. She saw the Video a few days prior to giving birth.

27. She had chosen Baptist Health as the hospital to have her baby in because her obstetrician practiced at two hospitals with one, Baptist Health, being closer to her home. Also, she has a friend who works there, and she had heard great things about the hospital.

28. S.B. was admitted to Baptist Health on January 24, 2026. While she was in the hospital, she overheard two nurses talking about the Video. The nurses said "they couldn't believe somebody in, you know, as a nurse would speak that way about anybody, whether it was a patient or not." She was happy to hear the nurses speaking in this manner because she felt the same way about the Video.

29. S.B. has neither filed nor contemplates filing any lawsuits against Baptist Health based upon the Video and what she experienced at the hospital. Also, when asked about political affiliation, S.B. stated she is "not a fan of either side," which, in context, means to the undersigned, not a fan of either the Democratic or Republican party. She did not have Respondent as her labor and delivery nurse at Baptist Health.

30. Her decision to be admitted to Baptist Health was not affected by the fact that she had seen the Video because her doula told her she could refuse to have Respondent as her nurse if that became an issue after she was admitted to the hospital.

31. Respondent was steadfast in her belief throughout her testimony at hearing, both being called by the Department and by her counsel, that the Video discussed at length herein was created on her personal computer, on her private time, and not on the premises of Baptist Health, her employer.

32. However, Respondent admitted that her TikTok account was public, "as far as I'm aware," at the time of the posting by her of the Video. Her TikTok account has since been banned so she has no access to it.

33. Respondent does not recall ever having attempted to make her TikTok account private.

34. Respondent acknowledged that some of her social media accounts are made private to her friends, while others of her social media accounts are public. She did not give precise testimony or appear to have a clear understanding of which of her accounts were public or private.

35. The fact that individuals or groups that she did not identify as her friends and family were able to access the Video and repost it, whether exactly as it was first posted by her or with modifications made by others she identified as the Libs of TikTok or Anne Coulter, or complete strangers who viewed the Video and chose to repost it on their own.

36. Respondent held to her testimony of "I was expressing off-duty political speech, not directed at a patient, not in a clinical setting, not in a professional setting. That's all I was doing." She was then asked by the Department "did you have a desire for any specific individuals to see this video?" Her reply was, "All I was doing was expressing my political opinions in an off-duty public speech -- public political speech that I'm protected under the First Amendment. It was not directed at a patient. It was not directed in

a clinical setting, and it doesn't meet the rule." She never directly answered the question of to whom the Video was addressed.

37. It is not a stretch to the undersigned that when you direct your brief language in the Video ("it gives me great joy to wish Karoline Leavitt … . [and] I hope that you … rip from bow to stern") you are wishing the severe injuries personally to Ms. Leavitt, not to the public at large.

38. As a nurse who has been recognized by her employer for her compassion, skill, and caring nature for her patients, directing such a specific, intrusive, vile outcome to a specific individual demonstrates a total lack of compassion and professionalism towards a person she has never even met.

39. When asked by the Department if she had agreed to abide by Baptist Hospital's social media policy, Respondent answered "yes." When specific language was read to Respondent, namely, "Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating," Respondent replied "That has to be directed to a patient." The exhibit containing the social media policy does not specify that the post must be directed to a patient.

40. Respondent also presented, by depositions, the testimony of two witnesses, R.K. and K.V. R.K. is a registered nurse who worked alongside Respondent as a labor and delivery nurse at Baptist Health for several years. R.K., who had seen the Video, does not believe Respondent would treat a Trump supporter or anyone with political beliefs different from hers any differently when it comes to providing nursing care. When asked about Respondent's pin stating "no uterus, no opinion," she stated that Respondent is entitled to her views on the issue but she (R.K.) would not post a video like the Video posted by Respondent.

41. K.V., who also testified on behalf of Respondent, is the vice president of an autism-based healthcare company. Respondent is one of her best friends

and she is familiar with Respondent's professionalism and dedication through their longstanding friendship. She believes Respondent to be "one of the most kind, compassionate, deeply principled, honest people I know. She is unwavering in her values." She has seen the Video and does not believe it would affect Respondent's "ability to provide competent and appropriate nursing care to all of her patients." K.V. is aware of Respondent's political views with respect to President Trump, and she agrees with them. She saw the Video on TikTok independently of it being shared with her by Respondent.

42. The comments made by Respondent in the Video were not made in the physical presence of a patient.

43. The comments made by Respondent in the Video were seen by at least the two patients from Baptist Health who testified in the final hearing.

44. Respondent acknowledged she wore the pin regarding abortion rights in the presence of labor and delivery patients at Baptist Health. At least one of those patients, E.G., "was shocked, like I said, and a little disgusted that that [wearing the abortion rights pin] would be in that setting." "It just was off-putting to see that." She definitely felt "shock and disgust" at seeing the Video.

CONCLUSIONS OF LAW

45. DOAH has jurisdiction over the subject matter of this proceeding and of the parties thereto pursuant to sections 120.569, 120.57(1), and 464.018(1)(h), Florida Statutes.

46. This is a proceeding in which the Department seeks to discipline Respondent's license to practice nursing. The Department has the burden of proving the allegations by clear and convincing evidence. *Reich v. Dep't of Health*, 973 So. 2d 1233, 1235 (Fla. 4th DCA 2008) (citing *Dep't of Banking & Fin. v. Osborne Stern & Co.*, 670 So. 2d 932, 933 (Fla. 1996)); and *Ferris v.*

Turlington, 510 So. 2d 292 (Fla. 1987). As stated by the Supreme Court of Florida:

> [C]lear and convincing evidence requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and lacking in confusion as to the facts at issue. The evidence must be of such a weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.

In re Henson, 913 So. 2d 579, 590 (Fla. 2005) (quoting *Slomowitz v. Walker*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983)). This burden of proof may be met where the evidence is in conflict; however, "it seems to preclude evidence that is ambiguous." *Westinghouse Elec. Corp. v. Shuler Bros.*, 590 So. 2d 986, 988 (Fla. 1st DCA 1991).

47. Because the regulation of health professions and occupations, and the specific sections applying to this matter, authorize suspension or revocation of a professional license, they are penal in nature and must be strictly construed in favor of the licensed professional. *Breesmen v. Dep't of Pro. Regul., Bd. of Med.*, 567 So. 2d 469, 471 (Fla. 1st DCA 1990); *Munch v. Dep't of Pro. Regul., Div. of Real Estate*, 592 So. 2d 1136, 1143 (Fla. 1st DCA 1992); *McClung v. Crim. Just. Standards & Training Comm'n*, 458 So. 2d 887, 888 (Fla. 5th DCA 1984) ("[W]here a statute provides for revocation of a license the grounds must be strictly construed because the statute is penal in nature. No conduct is to be regarded as included within a penal statute that is not reasonably proscribed by it; if there are any ambiguities included, they must be construed in favor of the licensee.") (citing *State v. Pattishall*, 126 So. 147 (Fla. 1930)).

48. A hearing involving disputed issues of material fact under section 120.57(1) is a de novo hearing, and the Department's initial action carries no

presumption of correctness. § 120.57(1)(k), Fla. Stat.; *Moore v. Dep't of Health & Rehab. Servs.*, 596 So. 2d 759 (Fla. 1st DCA 1992).

49. The grounds proving the Department's assertion that Respondent's license should be disciplined must be those specifically alleged in the Complaint. *See, e.g., Trevisani v. Dep't of Health*, 908 So. 2d 1108 (Fla. 1st DCA 2005); *Kinney v. Dep't of State*, 501 So. 2d 129 (Fla. 5th DCA 1987); and *Hunter v. Dep't of Pro. Regul.*, 458 So. 2d 842 (Fla. 2d DCA 1984).

50. Due process prohibits the Department from taking disciplinary action against a licensee based on matters not specifically alleged in the charging instrument, unless those matters have been tried by consent. *See Shore Vill. Prop. Owners' Ass'n v. Dep't of Env't Prot.*, 824 So. 2d 208, 210 (Fla. 4th DCA 2002); and *Delk v. Dep't of Pro. Regul.*, 595 So. 2d 966, 967 (Fla. 5th DCA 1992).

51. Respondent is charged with violating section 464.018(1)(h) for committing "unprofessional conduct, as defined by board rule." Rule 64B9-8.005 lists 17 different types of conduct that constitute "unprofessional conduct." Subsection (14), which Respondent is charged with violating, states that unprofessional conduct includes "using abusive, threatening or foul language in front of a patient or directing such language toward a patient." None of the bases for unprofessional conduct specifically refer to social media posts by a nurse.

52. When it comes to social media, the defense that the video was made in the privacy of Respondent's own home and on her own time is insufficient. True, no evidence was presented to show that Respondent used her work computer at Baptist Health or was on the job in labor and delivery at the hospital when she posted the Video. Equally true is the fact that Respondent did not personally show the Video to or share the Video with a patient of Baptist Health in the presence of that patient. However, the rule language also includes the phrase "or directing such language toward a patient." Fla. Admin. Code R. 64B9-8.005(14). Does subsection (14) of the rule state that

the "abusive, threatening or foul language" must be directed to a specific patient or that the rule requires that the name of the specific patient must be included in the language (e.g., "this labor and delivery nurse hereby directs this language to Baptist Health patients E.G. and S.B.")? It would be absurd to think a rule that can only be read to contemplate a statement (here, the Video which makes a crystal-clear statement) must be uttered by the nurse to the patient's face while standing in front of that patient. According to the Merriam-Webster Dictionary, the base verb "direct" means "to cause to turn, move, or point undeviatingly or to follow a straight course" or "to point, extend, or project in a specified line or course." Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/direct (last visited August 27, 2026.) It follows that combining the past participle of the verb "direct" and the preposition "to" (making "directed to") would further refine the meaning to be "moved, pointed, … extended, or projected" toward a specific person, place, or purpose.

53. As stated by the Department, Respondent is attempting to hide behind the internet. In effect, she has testified that "I made this video exercising my First Amendment right to free speech on my own time in my own home." Making a video and sending it to a few friends and family, or even a host of friends and family, via email or text might have completely changed the complexion of this case by truly keeping this private, even if friends or family members took the video and posted it themselves under their own names. By posting the Video on TikTok, with some clearly provocative language aimed at a pregnant mom who happens to be a public figure, on a popular public social media platform, she should have known there was a risk of the posting going viral. On top of the risk of this "getting out" to the public, Respondent made things worse by identifying herself as a labor and delivery nurse. As an experienced labor and delivery nurse, she knew exactly what she was wishing upon Ms. Leavitt, and it was something pretty horrific for any woman experiencing labor and delivery, whether the White House press secretary or

a regular mom presenting herself to a hospital hoping and praying for a routine and uneventful labor and delivery. While the undersigned has no authority to determine, as a constitutional matter, whether the Video constitutes free speech, the undersigned finds that it does constitute a violation of rule 64B9-8.005(14), because the Video became widely enough distributed to reach two labor and delivery patients of Baptist Health. I will not speculate as to how many others might have viewed the Video and chosen not to choose that hospital for the birth of their babies.

54. Respondent warns me not to expand the plain language of rule 64B9-8.005(14) to implicitly include language "knew or should have known" and that my finding a violation somehow means that "anyone could see it who might be a patient someday." This was not a someday in the future situation. Respondent knowingly posted the Video, the Video went viral because there were no private message controls in place, and two actual labor and delivery patients from Baptist Health viewed the Video before or close in time to when it was created, and they were disturbed by what they saw. Thankfully, neither of these patients actually received services from Respondent or were injured while Respondent served as their labor and delivery nurse. Had anything physically adverse to the patients who testified at hearing occurred, the penalty to follow could have been aggravated to a greater degree.

55. The Department proved by clear and convincing evidence that Respondent violated section 464.018(1)(h), by violating rule 64B9-8.005(14), by the posting of the Video on the social media platform TikTok. What remains to be determined is the penalty to be imposed.

56. Section 456.079 requires the Board of Nursing to adopt disciplinary guidelines for specific offenses. Penalties imposed must be consistent with any disciplinary guidelines prescribed by rule. *See Parrot Heads, Inc. v. Dep't of Bus. & Pro. Regul.*, 741 So. 2d 1231, 1233-34 (Fla. 5th DCA 1999).

57. The Board of Nursing has adopted rule 64B9-8.006, which provides the penalties for violations of the practice act.

58. Rule 64B9-8.006(3)(f)3. provides that the recommended discipline for a first-time violation of section 464.018(1)(h), through a violation of rule 64B9-8.005(14), ranges from a reprimand, $250 fine, and continuing education up to a $500 fine and probation.

59. Rule 64B9-8.006(5)(a) provides that aggravating and mitigating factors can justify a deviation from the disciplinary guidelines. The only potential aggravating factors from the list contained in subsection (b) of rule 64B9-8.006(5) are subsubsections 1. (the danger to the public) and 4. (the actual damage, physical or otherwise, caused by the violation). The potential mitigating factors from the list are subsubsections 2. (previous disciplinary action against the licensee in this or any other jurisdiction), 3. (the length of time the licensee has practiced), and 5. (the deterrent effect of the penalty imposed).

60. The undersigned believes that Respondent was somewhat naïve as to the ease with which a video posted on a social media platform can be copied, modified, or even created from whole cloth when a member of the public views the video and wants to republish because they agree with its content or when they disagree with the content to show what they think of the person who posted it. The undersigned believes Respondent has learned from this experience, a costly one in terms of her losing her employment of many years with Baptist Health. Further, the evidence from the two patients who testified was that they had neither filed nor contemplated filing lawsuits against Baptist Health or Respondent based upon their viewing of the Video. Moreover, no evidence was presented by the Department that Respondent has been disciplined by the Board of Nursing in the past. Finally, Respondent has been licensed as a registered nurse for about 14 years and, as just stated, has not been disciplined for any statutory or rule offenses during that time.

61. In short, the mitigating factors in this case outweigh any potential aggravating factors which were not proven to exist. Therefore, a penalty at the low end of the range should be imposed against Respondent.

62. The undersigned believes that an appropriate penalty to be imposed in this matter is a reprimand from the Board of Nursing, a $250 fine, and continuing education to include at least one course in the appropriate use of social media and the pitfalls associated with its abuse.

63. Section 456.072(4) provides that, in addition to any other discipline imposed for violation of a practice act, the Board of Nursing shall assess costs related to the investigation and prosecution of the case.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Board of Nursing enter a final order finding that Respondent violated section 464.018(1)(h), through a violation of rule 64B9-8.005(14); issuing her a reprimand, a $250 fine, and continuing education to include a course on social media use, if available; and imposing costs of investigation and prosecution of this case.

DONE AND ENTERED this 1st day of September, 2026, in Tallahassee, Leon County, Florida.



ROBERT S. COHEN
Administrative Law Judge
DOAH Tallahassee Office

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Filed with the Clerk of the
Division of Administrative Hearings
this 1st day of September, 2026.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.