

**BEFORE THE STATE OF ALASKA OFFICE OF ADMINISTRATIVE HEARINGS
ON REFERRAL FROM THE BOARD OF NURSING**

In the Matter of)	
)	
RENEE KIMBLE)	OAH No. 06-0032-NUR
_____)	Board Case No. 2350-06-001

DECISION AND ORDER

I. Introduction

Renee Kimble is an applicant for licensure by endorsement as a registered nurse. This is her sixth application for an Alaska license; her first application was in 1992 and her most recent prior application was in 2001. All prior applications have been denied on the basis of dishonesty in the first application she submitted, coupled with dishonesty in a 1992 employment application to the medical facility then known as Providence Hospital (now Providence Alaska Medical Center) in Anchorage.

Ms. Kimble filed the present application on July 25, 2004, and the Board of Nursing denied it on December 7, 2005, again on the basis of the 1992 dishonesty. As permitted by statute, Ms. Kimble requested a hearing. A one-day hearing took place on April 25, 2006. The Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community and Economic Development (hereafter “the division”) defended the preliminary decision of the board to deny the application. Both the division and Ms. Kimble were represented by counsel.

The record developed at the hearing consists of testimony from three witnesses and division exhibits A through O, admitted in bulk at the hearing without objection. Among the exhibits is the Board of Nursing’s original license denial decision for Ms. Kimble’s 1992 application,¹ subsequently upheld in the courts. That decision is the source of many background facts in this decision.

¹ *In re Kimble*, No. 2350-92-006 (Alaska Board of Nursing, adopted August 26, 1993) (Exhibit B at 55-66) (hereafter “1993 Board Decision”).

Because of the severity of Ms. Kimble's misconduct and because she has not demonstrated that she has fully overcome the problems reflected by that misconduct, denial of her 2004 license application is appropriate.

II. Facts

A. Ms. Kimble's Early Career

Renee Kimble's nursing career began when she obtained an associate of science in nursing degree by correspondence from Regents College in Albany, New York.² One of her early nursing licenses was a four-month LPN license in Oregon, obtained in December of 1988.³ At some point after 1988 she also obtained a license in California, which lapsed in 1991.⁴ In March of 1989 she obtained an RN license in Washington. The Washington license has never been revoked and is active in 2006.⁵

Ms. Kimble's work history as a nurse in the years before she began applying for an Alaska license was generally unsuccessful. In the summer of 1988 she worked for about two months under a permit at Tacoma General Hospital. In 1989 she worked briefly for Kaiser Permanente in San Diego, but was fired. In 1989 and 1990 Ms. Kimble worked as an RN a total of 119 hours for Western Medical Services. The work she did there did not yield a favorable work reference. In 1990 she worked for two weeks for a Sisters of Providence Hospital in Seattle but was let go. In the winter of 1991-92 she worked for three months under a permit at Tripler Army Hospital in Hawaii as an operating room nurse, but again left under unfavorable circumstances.⁶

B. Application for Employment and Work History at Providence Hospital

In May of 1992, Ms. Kimble applied for a registered nurse position at Providence Hospital, a Sisters of Providence facility in Anchorage. Although the job application sought information about all jobs held in the last ten years, she omitted all of the above work history from her application, and specifically denied any prior work for Sisters of Providence.⁷ She denied ever being discharged or forced to resign from a position.⁸ Instead, she claimed to have

² Ex. A at 24 (2004 application); direct testimony of Dorothy Fulton, Nursing Board Administrator.

³ Ex. B at 60 (1993 Board Decision).

⁴ Ex. B at 123 (letter from California Board of Registered Nursing).

⁵ The license was active at the time she submitted the application at issue in this proceeding and is active now. Cross-exam of Renee Kimble; Division's Closing Argument at 7.

⁶ The work history is drawn from Ex. B at 58-61 (1993 Board Decision) and from Ex. C at 19-20 (*Kimble v. State*). See also Ex. B at 86 (work evaluation from a nursing agency client).

⁷ Ex. B at 104-105 (Application for Employment).

⁸ *Id.* at 105.

worked from 1989 to the present, a total of two years and nine months, for “Professional Nurse Services,” a nursing agency in Seattle, for which she claimed to have done “management of labor/delivery patients” and “management of nurse[r]y (well-baby) patients.”⁹ She listed “Nancy Jackson RN” as her supervisor, and indicated that the employer should be contacted in writing for a reference.¹⁰

“Professional Nurse Services” did not exist.¹¹ The address Ms. Kimble gave for the reference contact was one of her own addresses.¹² Subsequently, she returned a reference form to Providence purportedly signed by “Maryanne Lee, R.N., Assistant Nurse Director,” confirming the claimed employment and commenting positively on Ms. Kimble’s skills.¹³

Providence Hospital in Anchorage hired Ms. Kimble as a staff nurse in its neonatal intensive care unit.¹⁴ Ms. Kimble worked at Providence for a few months.¹⁵ According to her 2006 testimony, she fought with her supervisors while at Providence.¹⁶ A contemporaneous work evaluation indicated that the problems with her work related to reliability, quantity of work, and acceptance of criticism.¹⁷

C. *Applications for an Alaska License*

In August of 1992 Ms. Kimble applied for an Alaska RN license by endorsement. In connection with that application, she submitted an employment verification form from Western Medical Services that she had forged in its entirety, including the signature of the Medical Director.¹⁸ In the form she described herself “in glowing terms” and indicated that she would be eligible for rehire.¹⁹ In fact, Ms. Kimble did not believe that Western Medical would have given her a favorable reference, nor that she was eligible for rehire.²⁰

⁹ *Id.* at 104.

¹⁰ *Id.*

¹¹ Ex. B at 58 (1993 Board Decision).

¹² *Id.*

¹³ *Id.* at 59; Ex. B at 107 (reference form); *see also* Ex. B at 111 (Providence personnel form showing hospital’s reliance on the false reference).

¹⁴ Ex. B at 112 (employee intake form).

¹⁵ As reported by Providence, her dates of employment were August 17, 1992 to January 25, 1993. Exhibit G at 22 (Verification of Nursing Employment). Ms. Kimble was working under a temporary permit that expired on December 17, 1992. While the permit expired about five weeks before her employment ended, she did not work any shifts after the expiration of the permit. *See* Ex. A at 25; Ex. B at 122; Ex. E at 11 (1995 Board Decision).

¹⁶ Direct testimony of Kimble on rebuttal.

¹⁷ Ex. B at 113 (Employee 90 Day Probationary Evaluation).

¹⁸ Ex. C at 2 (Superior Court Decision).

¹⁹ *Id.*

²⁰ Ex. B at 58 (1993 Board Decision).

Ms. Kimble's deceptions were discovered. Her Alaska application was initially denied based on the misrepresentations in her license application and her application to Providence. Ms. Kimble requested a hearing on the denial. At the hearing, which took place in the summer of 1993, Ms. Kimble admitted deceptions but contended in an eloquent motion filed just after the hearing that she was in counseling about untruthfulness and was "extremely embarrassed and remorseful."²¹ Nonetheless, the hearing officer concluded that some of her testimony at the hearing itself was untruthful.²² Based on the evidence gathered at the hearing, the board voted to deny licensure, a decision subsequently upheld in various court challenges.

While the 1992 application was pending, and after at least some of the misrepresentations had been discovered, the Nursing Board staff and Ms. Kimble discussed possible settlement.²³ Among the conditions the staff proposed before an application might be favorably considered were a psychological evaluation and completion of psychological treatment, both with professionals approved by the staff or the board.²⁴ Ms. Kimble did not accept this proposal at the time, and she has not since obtained evaluation and treatment by approved professionals.²⁵

Ms. Kimble reapplied for Alaska licensure several times in the ensuing years. In general, Ms. Kimble contended, as she did in the 1993 proceedings, that she profoundly regretted her 1992 deception and that she was a changed and rehabilitated person. She apparently began Christian spiritual counseling in 1994, and her spiritual transformation has been a part of her case for rehabilitation.²⁶ To the extent that they appear in the record or are characterized in the various board decisions denying them, these later applications appear to have been essentially non-deceptive, but they were not always fully accurate. The 1999 application omitted to list some of her prior licenses and permits where a complete list was called for;²⁷ the date of her

²¹ Ex. B at 43 (Memorandum in Support of Motion to Dismiss Alleged Violations Not Proven by the State).

²² Ex. B at 63 (1993 Board Decision).

²³ Cross-exam of Kimble; direct and cross-exam of Dorothy Fulton; Ex. B at 130-134 (draft Stipulation and Proposed Order). Both sides offered evidence on the settlement discussions, and neither objected to consideration of the settlement history.

²⁴ *Id.*

²⁵ Direct and cross-exam of Fulton. In late 1999-2000 she received an informal evaluation and some counseling from an individual of her choosing who was not approved by the Board or the staff. *Id.*; cross-exam of Kimble.

²⁶ The 1997 application appears at Ex. G at 13-16; the 1999 application at Ex. H at 18-20; the 2001 application at Ex. J at 12-14.

²⁷ Ex. H at 19.

nursing degree was listed inconsistently in the 1999 and 2001 applications;²⁸ and the duration given for her nursing studies in the earlier applications is inconsistent with her 2006 testimony.²⁹

The application presently at issue before board was filed in July of 2004. Apart from the same minor discrepancy as earlier applications regarding the duration of her nursing education, it appears to be complete and accurate.³⁰

D. Nursing Work Since 1993

Using her Washington license, Ms. Kimble did part-time work as a Red Cross volunteer at an Air Force hospital in Washington in 1997-98.³¹ The record does not indicate the number of hours worked. She performed circulating duties in the operating room, always in the presence of an active duty Air Force nurse rather than independently, and her work met the facility's standards.³²

In 2005, Ms. Kimble worked as a Red Cross volunteer in the Hurricane Katrina relief effort, receiving a stipend for expenses but no hourly pay.³³ She did 170 hours of work in Bayou La Batre, Alabama, over a period of 17 days, where she provided patient care in a makeshift clinic and also made some home health visits.³⁴ Her work at Bayou La Batre was evaluated as satisfactory in all respects, with a supervisor noting that she was a team player and that she handled patient problems with "great sensitivity."³⁵ She did a second three-week tour of duty at a Red Cross shelter in Lake Charles, Louisiana, as the shelter there was preparing to close.³⁶ Ms. Kimble was a supervisor in Lake Charles, overseeing six nurses who were primarily working with patient records to get them ready for storage, with some additional direct work with patients.³⁷ A co-worker from the Lake Charles tour describes her as "extremely compassionate" and a hard worker.³⁸

²⁸ Ex. H at 18; Ex. J at 12.

²⁹ Ms. Kimble testified quite specifically at the 2006 hearing that she studied nursing for 3½ to 4 years at Shoreline Community College, including a year and a quarter of clinical studies, whereas her 1999 and 2001 applications indicate two years of study at Shoreline.

³⁰ See Ex. A at 24-26 (2004 application).

³¹ Ex. H at 22 (Verification of Nursing Employment).

³² *Id.*

³³ Direct exam of Kimble.

³⁴ *Id.*; administrative law judge (ALJ) exam of Kimble; Ex. A at 33 (Work Performance Evaluation).

³⁵ Ex. A at 33-34.

³⁶ ALJ exam of Kimble; direct exam of Marilyn Jones (a co-worker at Lake Charles).

³⁷ Direct exam of Jones.

³⁸ *Id.*

E. Demeanor at the 2006 Hearing

Renee Kimble testified at length during the hearing in April of 2006. She acknowledged that “there was a tremendous amount of deception” in her original application for an Alaska license.³⁹ She conveyed genuine regret, and agreed that “the initial denial had to be.”⁴⁰ She noted that she has had “fifteen-and-a-half years of resting time, so to speak, to learn how to relate to people.”⁴¹

Alongside the deep sadness and regret in her testimony, there remained a note of non-acceptance. Ms. Kimble conveyed that she still does not understand why her application was handled by “flat out denial without any other form of communication,” without instructions as to what she needed to do to get back on her feet.⁴² Because of this history, she stated that “there will always be issues” for her regarding the outright rejection of her application.”⁴³

With respect to Ms. Kimble’s truthfulness in 2006, the administrative law judge detected no artifice or intentional deception in Ms. Kimble’s testimony. That said, Ms. Kimble was a witness who had difficulty giving direct, accurate and fully coherent answers to the questions addressed to her. This impression was pervasive throughout her testimony. Two examples will better explain this difficulty.

In the course of questioning by her own counsel, Ms. Kimble spoke about the nature of her work in the Bayou La Batre clinic. The colloquy then continued:

Q. Did anybody supervise you in your work as a nurse inside the clinic?

A. Actually when I got to Montgomery, Alabama, the headquarters of the Red Cross there, I was interviewed along with five other nurses and I was chosen to go to Bayou La Batre to staff the clinic there, and so we worked twelve hour shifts plus, sometimes it was ten hours, it would depend, and so I was chosen to go over the Bayou La Batre, the shelter, clinic there, out of five other nurses that also interviewed for the position.

Q. And that was volunteer work as well?

A. That was volunteer.

³⁹ Direct exam of Kimble.

⁴⁰ *Id.*

⁴¹ *Id.* The number of years since she had to stop working at Providence is actually about 14.

⁴² *Id.*

⁴³ *Id.*

Q. Now your estimate of, I think you said, a hundred and seventy hours, that was just in Montgomery?

A. That was in Montgomery, Alabama, Bayou La Batre.

Q. Where, how far is Bayou LaBatre—

B. Bayou La Batre is, oh I want to say, about three hundred and seventy-five miles outside of Montgomery, Alabama.

Q. So were there additional hours in Bayou La Batre?

A. Yeah. We did a lot of work in the community, 'cause it's a small fishing town, Bayou La Batre, and there were a lot of people who was experiencing devastation, so outside of the clinic we also did work, some of the nurses did, not all.

Q. You mentioned that you'd done work outside the clinic in Montgomery. Could you describe for Mr. Kennedy what kind of work you did outside the clinic?

A. I liked the community service work the best, like the home health care, the health care teaching⁴⁴

The quoted answers did not directly address some of the questions asked. They also gave the wrong impression that Ms. Kimble worked in Montgomery, including work outside a clinic there, whereas later in the hearing it became clear, as noted in the preceding section, that Ms. Kimble worked 170 hours in Alabama, all of it in Bayou La Batre.

Regarding her fulfillment of continuing education goals, Ms. Kimble's counsel asked her "What specific classes have you benefited from?" She responded, "The classes that I have interest in, that I always had interest in, was operating room nursing, because it's very technical, it's like riding a bike, you learn specific instruments, I can scrub or circulate, it's very technical, you don't forget it. I've had a slight interest in labor and delivery, you know, I like that. The body of knowledge is easy for me to obtain and achieve, so um."⁴⁵ She never responded as to the classes she actually took or benefited from.

Ms. Kimble's testimony can best be described as scattered and confusing, often leaving a mistaken impression that later had to be corrected.

⁴⁴ Direct exam of Kimble (recording at 8:02 ff.).

⁴⁵ *Id.* (recording at 8:12:20 ff.).

III. Discussion

A. Legal Framework

Renee Kimble is seeking licensure by endorsement under AS 08.68.200. An applicant for licensure, by endorsement or otherwise, has the burden to demonstrate qualification to practice.⁴⁶

In general, the board may license a nurse by endorsement on the basis of an active license in another state, provided the applicant has worked as a nurse within the last five years (or otherwise shows continuing competency to the satisfaction of the board) and the applicant meets all other requirements for licensing in Alaska.⁴⁷ In this case, there is no dispute that Ms. Kimble holds an active license in Washington and has met the basic requirements for continuing competency.⁴⁸ The board has discretion, however, to deny a license to an applicant who falls within one of several disqualifying conditions listed in AS 08.68.270. The two conditions in that statute that have particular relevance to this proceeding are AS 08.68.270(1) (“has obtained or attempted to obtain a license to practice nursing by fraud or deceit”) and AS 08.68.270(7) (“is guilty of unprofessional conduct as defined by regulations adopted by the board”). It is important to note that the Board is not required to deny a license when one of these conditions applies; instead, it is permitted to exercise discretion to grant or deny the license depending on the circumstances.⁴⁹

When it first considered Ms. Kimble’s present application on December 7, 2005, the board denied licensure on the single ground of AS 08.68.270(1), the prior effort to obtain a license by fraud or deceit.⁵⁰ Ms. Kimble was then entitled to a hearing to more fully explore the grounds for granting or denying her a license. In advance of the hearing, the division notified Ms. Kimble in a Statement of Issues that it would put two items in issue at the hearing: the licensing fraud under AS 08.68.270(1), and also unprofessional conduct under AS 08.68.270(7) as demonstrated by the falsified license application and the falsified employment application to Providence Hospital in 1992.⁵¹ These subparts of the statute therefore became the two

⁴⁶ See AS 08.68.160; AS 44.62.460(e)(2).

⁴⁷ AS 08.68.200.

⁴⁸ Division’s Closing Argument at 7; direct exam of Fulton (recording at 9:40:40).

⁴⁹ This is the board’s consistent interpretation of AS 08.68.270, and is an interpretation accepted by the courts. See, e.g., *In re Kimble*, No. 2350-99-003 (Alaska Board of Nursing, adopted March 16, 2001), at 21; *Kimble v. State*, *supra*, at 17.

⁵⁰ Ex. A at 23 (letter recording board action).

⁵¹ Revised Statement of Issues, February 22, 2006.

provisions with which the applicant had to “show compliance by producing proof at the hearing.”⁵²

Since AS 08.68.270(7) has now been placed in issue, a brief discussion of its scope will be helpful. Subpart (7) does not give the board open-ended authorization to deny a license for anything it deems to be unprofessional conduct, but rather restricts the denial to “unprofessional conduct as defined by regulations adopted by the board.” The board has adopted 12 AAC 44.770 to define unprofessional conduct. That regulation does not directly list the furnishing of false employment or licensing applications as varieties of unprofessional conduct. It does, however, list “untruthful or misleading advertising of nursing services.”⁵³ The Alaska Superior Court has held that “untruthful or misleading advertising of nursing services” encompasses misrepresentations about qualifications that are made to a prospective employer.⁵⁴

B. Gravity of Ms. Kimble’s Conduct

Ms. Kimble does not dispute that her falsification of her application in 1992 represented fraud sufficient to deny a license. She admits to “a tremendous amount of deception.”⁵⁵ Her characterization is accurate. In the 1992 application, Ms. Kimble engaged in a systematic cover-up of her unsuccessful work history. The cover-up involved a series of careful and elaborate deceptions over a period of weeks or months, and encompassed the forgery of employment records.

Renee Kimble’s deception in connection with her Providence application was likewise elaborate and sustained. In addition, it carried with it a significant element of patient risk. Ms. Kimble held herself out to Providence as a nurse with nearly three years of experience in newborn nursery and labor & delivery nursing. Based on that experience, Providence hired her into its neonatal intensive care unit. In fact, Renee Kimble had little work experience, most of it unsuccessful, and she was not an experienced newborn nurse. By inducing the hospital to place her in a newborn intensive care setting with a mistaken impression of her experience, Ms. Kimble created a risk that she would be entrusted with tasks for which she was unqualified.

⁵² AS 44.62.370(a).

⁵³ 12 AAC 44.770(24). The regulation’s list of unprofessional acts is nonexclusive (*see* AS 01.10.040), and under the preamble of the regulation any conduct that “could adversely affect the health and welfare of the public” may be deemed unprofessional. Because subpart 24 covers the conduct at issue in this case, it is not necessary to evaluate whether the conduct also fits into the catchall provision in the preamble.

⁵⁴ *Kimble v. State, supra*, at 13.

⁵⁵ Direct exam of Kimble.

Honesty is a key trait in nursing. Nurses administer medication. In the course of a career, it is common for a nurse to make a number of medication errors.⁵⁶ Even though the errors reflect poorly on the nurse, the nurse must accurately chart the dosages and times the medications were actually given and bring the errors to the attention of supervisors or physicians.⁵⁷

Ms. Kimble's deceptions involved a sustained and premeditated cover-up of her past actions, including the forgery of records. She did this in circumstances where the conduct could put patients at risk. Accordingly, the dishonesty went to the core of the attributes that are required of a nurse, indicating that she could not be trusted to own up to errors she might commit in patient care.

C. Rehabilitation

It is Ms. Kimble's burden to show that she is qualified to practice. In her case, this essentially means that she must persuade the Board that she has fully overcome the difficulty with truth-telling that she had in the early 1990s.

In 1993, at her first hearing, Ms. Kimble expressed sorrow and remorse and indicated that she had changed. Her conduct during the hearing, however—which included some continued deception—showed that her claim of rehabilitation was premature.⁵⁸ The fact that she has made earnest claims in the past that she is a changed person, and those claims have not been borne out, somewhat raises the threshold she must meet to show full recovery.

In some of her applications since 1993, Ms. Kimble has continued to have difficulty achieving complete accuracy. In the 2006 hearing, she had difficulty giving accurate and responsive testimony. Although these lapses do not appear premeditated or calculated to deceive, they do show a continuing problem of some nature with providing correct information to others when it is critically important to do so. Ms. Kimble's showing of rehabilitation would be stronger if this problem had been evaluated and addressed.

Another area of concern is Ms. Kimble's continued inability to accept that her fraudulent application in 1992-93 merited unconditional denial. Her belief that she should immediately have been given a path toward licensure suggests that she still may not grasp the extraordinary gravity of her conduct at that time.

⁵⁶ ALJ exam of Fulton (recording at 10:05:40 ff.).

⁵⁷ Direct exam of Fulton.

⁵⁸ Ex. B at 63, 64 (1993 Board Decision).

At the hearing, Ms. Kimble offered almost no testimony other than her own. Although she reported that she received some counseling from a psychologist a number of years ago, neither that psychologist nor any other professional appeared to testify about the nature of her difficulties in years past or the degree to which one may be confident that she has fully overcome them. Another kind of evidence of rehabilitation might be an extended period of safe and honest practice in another state; in this regard, Ms. Kimble has offered only a few weeks of successful practice. On balance, Ms. Kimble has not met her burden of showing that she is fully rehabilitated.

D. Disposition of Application

Historically, this board has approached the consequences of dishonesty on licensing applications on a case-by-case basis. A simple, one-time misrepresentation on a license application can be sufficient to deprive a person of a license,⁵⁹ but in some instances a license can be granted or allowed to stand in spite of an isolated misrepresentation.⁶⁰ The pervasive misrepresentation, concealment, and forgery found in Ms. Kimble's case, extending beyond the licensing context to encompass misrepresentation of qualifications to an employer, certainly justified complete denial of a license. The question presented by this case, and one on which the board's prior actions appear to offer no guidance, is whether, and under what circumstances, a license could be granted to someone with misconduct as serious as Ms. Kimble's after a decade or more has passed since it occurred.

Ms. Kimble's attorney asked at the hearing whether her fraudulent behavior in 1992-93 was a "scarlet letter" that would forever bar licensure in this state. Nursing Board Administrator Dorothy Fulton responded that it was not: that a demonstration of recovery through, for example, evidence of appropriate professional treatment and evaluation could counterbalance past misconduct even as severe as Ms. Kimble's.⁶¹ In the present case, however, Ms. Kimble did not offer professional opinions about her rehabilitation, and her own testimony and the documentary record did not provide an adequate basis to conclude that she is ready to practice.

⁵⁹ See, e.g., *In re Burton*, OAH No. 04-0280-CNA (adopted March 11, 2005) (revocation of certified nurse aide license for misrepresentation on renewal application regarding continuing education; reinstatement permitted within one year).

⁶⁰ This is commonly the board's approach to cases involving nondisclosure of convictions that would not, in themselves, bar licensure. E.g., *In re Smith*, No. 2300-06-0014 (MOA approved June 7, 2006) (nondisclosure by RN of 33-year-old shoplifting conviction handled through fine and reprimand); *In re Hutton*, No. 2300-06-016 (MOA approved June 7, 2006) (nondisclosure by RN of 18-year-old DUI; same resolution); *In re McMurtry*, No. 2302-06-003 (MOA approved June 7, 2006) (nondisclosure by LPN of recent theft by check conviction in Texas; same resolution).

Moreover, without a more complete exposition of the nature of her troubles and the prospects for treatment, it is not possible to fashion a regime for conditional licensure. On the present record, the only appropriate result is denial of the 2004 license application.⁶²

IV. Conclusion

Because Ms. Kimble has attempted to obtain a license to practice nursing by fraud or deceit and has engaged in unprofessional conduct by falsely advertising her qualifications to an employer, and because she has failed to demonstrate that she is fully rehabilitated from this misconduct, her application for licensure as a registered nurse is denied.

DATED this 16th day of November, 2006.

By: Signed
Christopher Kennedy
Administrative Law Judge

Adoption

On behalf of the Alaska Board of Nursing, the undersigned adopts this decision as final under the authority of AS 44.64.060(e)(1). Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 6th day of December, 2006.

By: Signed
Signature
Catherine A. Giessel
Name
Board Chair
Title

[This document has been modified to conform to the technical standards for publication.]

⁶¹ Cross-exam of Fulton (recording at 10:02:20 ff.).

⁶² Denial by the board upon the present record does not preclude Ms. Kimble from working with the division to see if an acceptable program could be developed that might lead toward licensure.