

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

In the Matter of)	
)	OAH No. 21-1706-NUR
MELISSA DUTKIEWICZ)	Agency Nos. 2018-000202 &
_____)	2019-000391

DECISION

I. Introduction

Melissa Dutkiewicz was issued an Alaska nursing license in 2017. In 2019, based on recent discipline in another jurisdiction as well as a pattern of employee misconduct allegations during her time in Alaska, the Board approved a consent agreement placing Ms. Dutkiewicz's nursing license on probation for three years.

In 2021, upon receiving evidence that Ms. Dutkiewicz had falsified the supervisor evaluations required under the consent agreement, the Division of Corporations, Business and Professional Licensing (1) summarily suspended her license for non-compliance with the consent agreement, and (2) filed a disciplinary accusation concerning those falsifications and other alleged disciplinary violations.

After a period of initial delay at Ms. Dutkiewicz's request, the hearing in this matter was held in June 2023. This decision now concludes that, while the Division did not meet its burden of proof as to every count of its accusation, it met its burden as to allegations that Ms. Dutkiewicz violated her consent agreement and the terms of her probation by submitting falsified supervisor evaluations. This decision further finds that the profoundly and deliberately deceptive nature of Ms. Dutkiewicz's misconduct surrounding her noncompliance with the consent agreement warrants revocation of her license.

II. Factual and Procedural History

Melissa Dutkiewicz was first licensed as a nurse in the state of Maryland in 2004, and was later licensed in Michigan and Pennsylvania.¹ She spent the majority of her nursing career in Michigan, working in trauma settings, before applying for licensure in Alaska in June 2017.² Ms. Dutkiewicz was issued her Alaska RN license in July 2017, and began working in Alaska at that time.

¹ Dutkiewicz testimony, Ex. 1, pp. 2, 4.

² Ex. 1, Dutkiewicz testimony.

A. 2018 Michigan discipline

In March 2018, roughly nine months after she left Michigan for Alaska, the Michigan Bureau of Professional Licensing filed a four-count Administrative Complaint against Ms. Dutkiewicz’s Michigan nursing license.³ The Complaint outlined a series of incidents, alleged to have occurred in the year leading up to her move to Alaska, involving the following:

- Discrepancies in charting fentanyl administration,
- Performing conscious sedation without training or authorization,
- Failing to follow physician instructions,
- Charting administration of medication that was not in fact administered,
- Various errors in medication administration or documentation of wasting,
- Facility discipline for various patient care issues,
- Various errors in the administration of conscious sedation, and
- In April 2017, termination from employment.⁴

Based on those allegations, the Complaint alleged that Ms. Dutkiewicz had failed to exercise due care and departed from minimal standards of practice, that she had practiced outside the scope of her license, and that she lacked good moral character.⁵

Ms. Dutkiewicz contends, and this decision accepts, that she was not aware of the Michigan Complaint at the time because she had relocated to Alaska, and the notices did not reach her as she moved around through various remote locations.⁶

In June 2018, after Ms. Dutkiewicz failed to respond to the Complaint, the Michigan Board of Nursing placed her license on a two-year period of probation.⁷

B. 2019 Alaska Consent Agreement

In the meantime, Ms. Dutkiewicz began having professional trouble in Alaska. Between July 2017 and April 2018 (i.e., in her first ten months of working in Alaska), she was terminated by three different Alaska healthcare facilities for a combination of unprofessional conduct and concerns about either charting errors or medication safety.⁸

According to her prior written admissions to this Board, Ms. Dutkiewicz first worked for Norton Sound Health Corporation for two months before being terminated for “failing to perform assigned duties, charting errors, and conducting herself in an unprofessional manner with

³ Ex. 3, pp. 2-7.

⁴ Ex. 3, pp. 3-6 (allegations spanning May 2016 – April 2017).

⁵ Ex. 3, pp. 2-6 (filed March 2018).

⁶ Dutkiewicz testimony.

⁷ Ex. 3, pp. 1, 8-13. Dutkiewicz testimony.

⁸ Ex. 4, pp. 2-3.

clients and staff.”⁹ She then worked for Alaska Regional Hospital for three months before termination for “conducting herself in an unprofessional manner with staff, failing to adapt to the hospital’s work processes, and concerns regarding medication safety.”¹⁰ Lastly, she worked for Arctic Surgery Center for five weeks before termination for “failing to perform assigned duties, charting errors, and conducting herself in an unprofessional manner with staff.”¹¹

At some point in 2018, the Division opened an investigation regarding Ms. Dutkiewicz’s license and, in January 2019, the Division and Ms. Dutkiewicz entered into a written Consent Agreement to resolve the concerns raised in that investigation. In that Agreement, Ms. Dutkiewicz expressly admitted the facts above related to her employment at Norton Sound Health Corporation, Alaska Regional Hospital, and Arctic Surgery Center, and further admitted that, as a result of these facts, grounds existed for disciplinary sanctions against her license.¹²

The terms of the 2019 Consent Agreement imposed a three-year term of probation on Ms. Dutkiewicz’s license, during which she was required, among other things, to:

- “Provide her employer with a copy of the Consent Agreement,”
- Arrange for her “supervisor” to “report quarterly to the Board as to [her] employment performance and job attendance,”
- “Obey all federal and state laws governing her license,” and
- Have no reportable misconduct, criminal convictions or health care regulation violations.¹³

This Board adopted the parties’ Consent Agreement on March 28, 2019, and a copy of the Agreement and the Board’s Order were mailed to Ms. Dutkiewicz the following week.¹⁴ As part of the Agreement, the Board reprimanded Ms. Dutkiewicz “for unprofessional conduct by failing to perform assigned duties, conducting herself in an unprofessional manner with clients and staff, and failing to properly administer and handle medications.”¹⁵

C. 2019 summary suspension of Maryland license

In April 2019, the State of Maryland became aware of Ms. Dutkiewicz’s recent disciplinary history in Michigan and Alaska.¹⁶ In August 2019, after holding a show-cause

⁹ Ex. 4, p. 2.

¹⁰ Ex. 4, pp. 2-3.

¹¹ Ex. 4, p. 3.

¹² Ex. 4, pp. 2-3.

¹³ Ex. 4, pp. 4-9.

¹⁴ Ex. 4, pp. 1, 9.

¹⁵ Ex. 4, p. 7. Under questioning from the Division’s attorney, Ms. Dutkiewicz denied that the 2019 Consent Agreement had included a reprimand.

¹⁶ Ex. 8, p. 2.

hearing that Ms. Dutkiewicz did not attend, the Maryland Board of Nursing issued an order summarily suspending Ms. Dutkiewicz's license.

Of note, Ms. Dutkiewicz's Maryland nursing license had expired in 2011.¹⁷ However, because a license in "non-renewed" status can otherwise be renewed without board action, the Maryland Board took disciplinary action against Ms. Dutkiewicz's license based on the recent discipline imposed by Michigan and Alaska.¹⁸ Based on the disciplinary orders issued by the Michigan Board in June 2018 and the Alaska Board in March 2019, the Maryland Board concluded as follows:

The Respondent's failure to follow physician's orders, failure to properly administer medication, failure to properly document medication administration and treatments, failure to properly waste medications, failure to provide proper treatment to patients, failure to perform assigned duties, and failure to conduct herself in a professional manner, while working as a nurse in Michigan and Alaska, makes her practice as a registered nurse a danger to all patients under her care. Accordingly, the Respondent's practice as an RN poses a serious risk and danger to the public health, safety, and welfare.¹⁹

Two months after the summary suspension, Ms. Dutkiewicz voluntarily surrendered her Maryland license.²⁰

D. November 2020 Alaska license renewal application

On November 9, 2020, Ms. Dutkiewicz applied to renew her Alaska nursing license. Like the initial application, the renewal application contains a series of "professional fitness" questions, prefaced with a bolded recommendation, "When in doubt, disclose!"²¹

Professional fitness question number 1 on the renewal application asks the licensee:

Since the date of your last application, has any professional license held by you been fined, placed on probation, reprimanded, disciplined, or entered into a settlement (consent agreement) with a licensing authority, in any jurisdiction or state including Alaska, and including that of any military authorities or is any such action pending?

Despite the Michigan, Maryland, and Alaska discipline during the time period covered by this question, Ms. Dutkiewicz answered "no" to question number 1.²²

¹⁷ Ex. 8, p. 2.

¹⁸ Ex. 8, p. 6; Summers test.

¹⁹ Ex. 8, p. 6.

²⁰ Dutkiewicz test.

²¹ See Ex. 5, p. 2.

²² Ex. 5, p. 2.

Ms. Dutkiewicz’s failure to disclose the March 2019 Consent Agreement triggered an investigation by the Division of Corporations, Business and Professional Licensing.²³ In the course of that investigation, Division’s Investigator Jennifer Summers would learn that, in addition to the Alaska licensing action she failed to disclose, Ms. Dutkiewicz had also had her Maryland license suspended and her Michigan license fined and placed on probation since her last renewal application.²⁴

When contacted by Investigator Summers, Ms. Dutkiewicz explained that she had not realized that the Division’s licensing and investigative sections operated independently of one another, and that she had only understood Question 1 to refer to any new discipline she had not previously disclosed to the Division.²⁵

E. 2020 – 2021 alcohol-related arrests

When she initially applied for Alaska licensure in June 2017, Ms. Dutkiewicz appropriately disclosed a prior criminal conviction – specifically, a February 2017 “operating while impaired” conviction arising out of an arrest in December 2015.²⁶ Early in her 2020 investigation of the nondisclosure issue on Ms. Dutkiewicz’s renewal application, Investigator Summers learned that, shortly before submitting that renewal application, Ms. Dutkiewicz had again been arrested for operating a vehicle under the influence of alcohol. Because this was Ms. Dutkiewicz’s second charged OUI offense within five years, the Division opened a separate investigation on this issue.²⁷

The incident giving rise to Ms. Dutkiewicz’s November 2020 OUI arrest was a November 1, 2020 traffic stop in Anchorage. After being observed driving erratically, Ms. Dutkiewicz failed multiple field sobriety tests and eventually produced a blood alcohol content (BAC) of .170, more than twice the legal limit for driving.²⁸

Following Ms. Dutkiewicz’s initial arrest, she was released on bail under release conditions prohibiting her from possessing or consuming alcohol, and requiring her to participate

²³ Summers testimony.

²⁴ Summers testimony.

²⁵ Ex. 7.

²⁶ Ex. 1, p. 2 (Ms. Dutkiewicz checked “yes” and wrote: “operating while impaired a parked vehicle. 1st Offense. Non reporting probation. 20 hours community service fulfilled. Isolated incident. 12-13-2015.” The date provided was actually the date of the offense; the date of her *conviction* was February 2017, four months before her Alaska application. *See* Ex. 2, p. 22).

²⁷ Summers testimony.

²⁸ Musgrave testimony; Hostetter testimony.

in alcohol abstinence monitoring by portable breath testing.²⁹ In the nine months that followed, she was charged with four separate counts of violating the conditions of her release. Each of these charges arose out of multiple positive breath tests under the portable breath testing requirement of her release conditions.

An individual participating in monitoring by portable breath testing is given a regular schedule for testing.³⁰ An individual who produces a positive result during those scheduled times is then prompted to complete subsequent tests in fifteen-minute intervals until a result below an identified threshold is achieved.³¹ Multiple positive breath tests under this system led to additional charges for Ms. Dutkiewicz in March, April, June, and July 2021.

- On March 23, 2021, Ms. Dutkiewicz first produced a positive breath test when testing an hour later than her required scheduled testing time. After a series of four more gradually positive breath tests on her portable monitor, she was contacted to complete additional testing at the probation office, where she produced two more positive breath tests and a positive UA, and was ultimately arrested.³²
- On April 28, 2021, Ms. Dutkiewicz produced a positive breath test (0.041%) at a test again taken 41 minutes after her required testing time. She then produced six more gradually decreasing positive results over the following ninety minutes.³³
- On June 15, 2021, Ms. Dutkiewicz again tested later than scheduled, and produced an initial positive breath test (0.026%) and then another slightly lower test (0.019%) before reaching the threshold to stop testing.³⁴
- On July 2, 2021, Ms. Dutkiewicz again produced an initial positive test of 0.035%, followed by three more gradually decreased positive readings over the next hour.³⁵

While Ms. Dutkiewicz denies consuming alcohol since her November 2020 arrest, and suggested at the hearing that the positive breath tests were “false positives,” this claim is not credible. First, it ignores the March 2021 incident, which included positive tests on not only her own home monitor but also two different testing machines at the probation office and a positive urinalysis.³⁶ Further, Officer Stevens credibly explained that “false positives,” when they are known to have occurred, do not follow the pattern of an initial positive test and levels then

²⁹ Stevens testimony, Ex. 11, p. 2.

³⁰ Stevens testimony; Ex. 11, p. 2.

³¹ Stevens testimony.

³² Stevens test., Ex. 11, p. 2.

³³ Stevens testimony; Ex. 12, p. 2.

³⁴ Stevens testimony; Ex. 13, p. 2.

³⁵ Stevens testimony; Ex. 14, p. 2.

³⁶ Stevens testimony; Ex. 11, p. 2.

gradually decreasing in subsequent tests. Rather, the pattern seen with false positives is an initial low test level followed by “zeros.” Ms. Dutkiewicz’s positive test results, on the other hand, began with a higher positive reading that steadily decreased over subsequent tests, as is typically seen in a true positive result based on consumption of alcohol.

In short, Ms. Dutkiewicz’s outright denial of any alcohol use after November 2020 is not credible in light of the testimony of Officer Stevens, the repeated positive tests and pattern of high results slowly diminishing with time, and, on at least one occasion, the positive UA. It is more likely true than not true that Ms. Dutkiewicz was operating a vehicle under the influence on November 1, 2020, and that she then consumed alcohol in violation of her release conditions at least four times between March and July 2021.

F. Employment with Hearts and Hands of Care

In the meantime, in September 2020 – a few months before both her renewal application and her OUI arrest – Ms. Dutkiewicz had been hired by Hearts and Hands of Care, Inc. (HAHOC) as a Nursing Oversight and Care Management (NOCM) nurse.

1. Failure to disclose consent agreement

Under the terms of her consent agreement, Ms. Dutkiewicz was required to provide HAHOC a copy of the consent agreement.³⁷ Unbeknownst to the Division until much later, Ms. Dutkiewicz did not disclose her consent agreement or probationary status to HAHOC.³⁸

At hearing, Ms. Dutkiewicz gave inconsistent testimony about whether or not she disclosed her probationary status and/or the Consent Agreement to HAHOC. On several occasions, she denied discussing the Consent Agreement in her HAHOC job interview; at another point, she suggested that she did disclose it. When asked whether she gave HAHOC a copy of the Consent Agreement, she repeatedly responded that she was not required to do so because “it’s attached to [her] license” when the license is viewed online, and because HAHOC “did a background check.” At another point, however, she claimed that she included a copy of the Consent Agreement in a large packet of new employee documentation that she left in a “dropbox” at HAHOC’s main office.

Tobie Fodge, the HR director for most of Ms. Dutkiewicz’s time at HAHOC, testified credibly that there was no reference to either probationary status or a Consent Agreement anywhere in Ms. Dutkiewicz’s employment file, and that this information would be present in

³⁷ Ex. 4, p. 6.

³⁸ Fodge testimony.

her file if it had been disclosed.³⁹ Mr. Fodge further testified that no one in the HAHOC management team was aware of Ms. Dutkiewicz's probationary status before it was discovered in May 2021, and that once it was discovered, he was asked "to investigate."

Ms. Dutkiewicz's conflicting, internally inconsistent statements about whether or not she disclosed her status and/or the Consent Agreement make her claims to have done so less credible. Mr. Fodge's credible testimony about what information is kept in a personnel file and about HAHOC's reaction to the belated discovery of Ms. Dutkiewicz's probationary status, coupled with Ms. Dutkiewicz's inconsistent testimony, support a finding that Ms. Dutkiewicz more likely than not failed to disclose her probationary status to HAHOC, nor did she provide HAHOC with a copy of her consent agreement. This conclusion is further supported by the steps Ms. Dutkiewicz took to submit falsified supervisory evaluations during her time at HAHOC, as described below. If Ms. Dutkiewicz had disclosed her probationary status to HAHOC, she would not have needed to falsify supervisory evaluations. The strong evidence establishing that she did submit falsified evaluations thus supports the conclusion that Ms. Dutkiewicz did not disclose the consent agreement to HAHOC.

2. Falsified evaluations

The terms of Ms. Dutkiewicz's probation required her to submit to the Board quarterly evaluations from her supervisor. Ms. Dutkiewicz's direct supervisor was the HAHOC Executive Director, Tabitha Alone; she also reported to HAHOC CEO Keisha Rodriguez.⁴⁰ Ms. Dutkiewicz submitted no evaluations from either supervisor. Instead, on three separate occasions, she submitted evaluations falsely identifying other current or former HAHOC employees as her supervisor, and bearing the purported signatures of these individuals.⁴¹ Both of the purported signatories deny having been Ms. Dutkiewicz's HAHOC supervisor, and deny having seen, let alone signed, the evaluation documents bearing their purported signatures.⁴²

³⁹ Specifically, Mr. Fodge explained that, as a Medicaid-funded agency with highly regulated compliance requirements, it was "tremendously important" for HAHOC to be aware of and "reporting out on" employee licensure compliance. While the existence of a consent agreement or status as a probationary licensee "wouldn't have been a barrier to employment," awareness of the probationary license would have enabled HAHOC "to be in compliance" with reporting requirements.

⁴⁰ Fodge testimony.

⁴¹ Ex. 15; Ex. 16; Ex. 17.

⁴² Kolb testimony; Trent testimony; Fodge testimony.

In both October 2020 and January 2021, Ms. Dutkiewicz submitted evaluation documents purportedly signed by former HAHOC employee Bidney Kolb.⁴³ Ms. Kolb was not Ms. Dutkiewicz's supervisor at HAHOC.⁴⁴ To the contrary, Ms. Dutkiewicz replaced Ms. Kolb as the NOCM nurse at HAHOC and, at the time the evaluations were submitted, Ms. Kolb was no longer a HAHOC employee. Ms. Kolb did not author or sign either of the evaluation documents that Ms. Dutkiewicz submitted in her name, and was unaware that her name or purported signature were being used by Ms. Dutkiewicz until copies of the purported evaluations were discovered by HAHOC HR Director Tobie Fodge in May 2021.⁴⁵

The October 2020 evaluation identified Ms. Kolb as Ms. Dutkiewicz's "immediate supervisor."⁴⁶ It said the quality of Ms. Dutkiewicz's work "exceeds standards," and her interpersonal relationships were "very good." It indicated that an "individual evaluation conference" had been held, with the "outcome" of that conference being, "Excellent evaluation." And it indicated that, according to the evaluator, Ms. Dutkiewicz was "maintaining abstinence from all mood-altering chemicals, including alcohol," adding "there are no problems or signs of concern." The two-page form appears to be signed by Ms. Kolb. Of note, however, the line underneath the "y" in her first name appears fragmented, as if the signature had been physically copied from another document.⁴⁷

The January 2021 evaluation again identified Ms. Kolb as Ms. Dutkiewicz's "immediate supervisor," and again listed Ms. Kolb as the person completing the form.⁴⁸ In both sections of the form, and the signature line, Ms. Kolb's former last name was used, even though she had changed her name by this time.⁴⁹ The evaluation again characterized the quality of Ms. Dutkiewicz's work as "exceeds standards," and called her interpersonal relationships "very good."⁵⁰ This time, the "outcome" of the "individual evaluation conference" was described as: "We had a conference offering a full-time salaried position which she took."⁵¹ Notwithstanding Ms. Dutkiewicz's recent OUI arrest, the evaluation indicated that she was continuing to abstain

⁴³ Ex. 15; Ex. 16. Ms. Kolb's last name changed after she left HAHOC and before January 2021. Ms. Kolb's former last name is Turner, and the name on both evaluations was Bidney Turner – even though Ms. Kolb had changed her name prior to the date on the second evaluation. Kolb testimony.

⁴⁴ Kolb testimony.

⁴⁵ Kolb testimony; Fodge testimony.

⁴⁶ Ex. 15, p. 1.

⁴⁷ Ex. 15, p. 2.

⁴⁸ Ex. 16, p. 1.

⁴⁹ Kolb testimony.

⁵⁰ Ex. 16, pp. 1-2.

⁵¹ Ex. 16, p. 2.

“from all mood-altering chemicals, including alcohol.” The added comment read: “I have no concerns about Melissa. She is doing a great job and is an asset to our company and her NOCM recipients.”⁵² On this second Kolb evaluation, the signature on the form appears computer generated.⁵³

Ms. Kolb’s employment at HAHOC ended in September 2020, one month before the first of the two evaluations. She testified credibly and unequivocally that she was never Ms. Dutkiewicz’s supervisor, that Ms. Dutkiewicz never asked her to complete an evaluation form, that she had never discussed the evaluation form with Ms. Dutkiewicz, and that she neither signed these evaluations or authorized anyone to sign them on her behalf.⁵⁴ Ms. Dutkiewicz submitted both falsified evaluations to the Division as supervisor evaluations required under Paragraph M of her consent agreement.

Ms. Dutkiewicz also submitted a third falsified evaluation, dated April 2021 and purportedly signed by Kim Trent, a registered nurse who joined HAHOC in March 2021 as a second NOCM nurse.⁵⁵ Ms. Trent was trained by Ms. Dutkiewicz, and, like Ms. Kolb, never served as her supervisor.⁵⁶ Like the falsified Kolb evaluations, this evaluation gave Ms. Dutkiewicz the highest possible rating in all categories. It listed the “outcome” of any “individual evaluation conferences” as: “Melissa continues to do excellent work for Hearts and Hands of Care.”⁵⁷

Ms. Trent did not author or sign the evaluation document that bears her name, and was unaware that her name or purported signature were being used by Ms. Dutkiewicz until Mr. Fodge discovered a copy of the evaluation on the HAHOC computer server. When showed the actual evaluation document at the hearing in this case, she credibly testified that she had “never seen this document before in [her] life.”⁵⁸

3. Termination of employment

In mid-spring 2021, Mr. Fodge became aware of some “communication concerns” regarding Ms. Dutkiewicz’s interactions with coworkers and others. These included a May 2021 incident in which she raised her voice and made insulting comments to a HAHOC staff member,

⁵² Ex. 16, p. 2.

⁵³ Ex. 16, p. 2.

⁵⁴ Kolb testimony.

⁵⁵ Ex. 17; Trent testimony; Fodge testimony.

⁵⁶ Trent testimony.

⁵⁷ Ex. 17, p. 2.

⁵⁸ Trent testimony.

as well as a verbal altercation at a hotel on the Kenai Peninsula. Around this time, HAHOC's Executive Director learned that Ms. Dutkiewicz's license was on probation and subject to a consent agreement, and brought this information to Mr. Fodge to investigate.⁵⁹ After Mr. Fodge learned of the consent agreement's requirement to submit supervisor evaluations, he found copies of two such evaluations on a HAHOC computer server.

HAHOC terminated Ms. Dutkiewicz on June 1, 2021, citing "inappropriate misconduct, insubordination, unethical behavior, and violating company policy."⁶⁰

G. Procedural History

The parties' 2019 Consent Agreement contained an enforcement provision allowing the Division to summarily suspend Ms. Dutkiewicz's license for any violation of the agreement.⁶¹ On June 17, 2021 – sixteen days after her termination from HAHOC and two days after her third VCR charge – the Division notified Ms. Dutkiewicz that it was summarily suspending her nursing license for non-compliance with the Consent Agreement.

The notice of summary suspension alleged that Ms. Dutkiewicz had failed to comply with the Consent Agreement by failing to notify HAHOC of the Consent Agreement, by submitting falsified employer reports, in the conduct that led to her November 1 OUI arrest, in falsely answering "no" to the professional fitness question about discipline on her November 11 renewal application, and in the conduct surrounding February and March arrests for violating her conditions of release.⁶²

At the same time, the Division also filed a disciplinary Accusation seeking sanctions up to and including revocation of Ms. Dutkiewicz's nursing license.⁶³ The Division's Accusation alleges that Ms. Dutkiewicz violated the terms of her probation, habitually abused alcohol, obtained a license by fraud or deceit, and engaged in unprofessional conduct.⁶⁴

⁵⁹ Fodge testimony.

⁶⁰ Fodge testimony; Ex. 18. Ms. Dutkiewicz testified that she was fired after submitting a "whistleblower" complaint to the state Medicaid program. But Ms. Dutkiewicz provided no documentary or testamentary evidence to support this allegation, which appears to have been raised for the very first time at the hearing in this case. Ms. Dutkiewicz offered similar allegations – inconsistent with her prior admissions in the Consent Agreement -- to justify the various employment problems that gave rise to that agreement, but provided no documentary or testamentary evidence to support those allegations, and was unable to explain her express admissions to contrary facts in the Consent Agreement.

⁶¹ Ex. 4, p. 4.

⁶² Notice of Suspension, pp. 1-3.

⁶³ The Division filed an Amended Accusation on November 25, 2022. This is the operative accusation for purposes of this proceeding.

⁶⁴ Amended Accusation, Counts 1, 4, 6, 9, and 10 (violating terms of probation); Counts 2, 5, 7, 11, and 12 (habitually abusing alcohol); Count 3 (obtaining a license by fraud or deceit); Count 8 (unprofessional conduct).

Ms. Dutkiewicz initially requested a hearing on both the summary suspension and the disciplinary Accusation, and the matter was referred to the Office of Administrative Hearings in July 2021. Ms. Dutkiewicz was offered expedited scheduling of a hearing on the summary suspension, but she declined, citing a desire to retain counsel. Pre-hearing proceedings were then delayed considerably by, variously, Ms. Dutkiewicz's efforts to retain counsel; her request, through counsel, that this matter trail her ongoing criminal case proceedings; her counsel's withdrawal from the case as well as his later reentry into the case; and, finally, a hearing participant's family emergency.

A two-day evidentiary hearing was ultimately held in June 2023. The Division was represented by AAG Patty Burley; Ms. Dutkiewicz was represented by Justin Facey. At the parties' request, the hearing was held via videoconference over Zoom. In addition to Ms. Dutkiewicz, testimony was taken from Division Investigator Jennifer Summers; former HAHOC HR Director Tobie Fodge; former and current HAHOC employees Bidney Kolb, Holly Mitchell, and Kim Trent; Anchorage Police Department Officers Cody Musgrave and Aaron Hostetter; and Alaska Pretrial Services Probation Officer Matthew Stevens. The parties submitted post-hearing briefings in July 2023, and this decision now follows.

Of note, several aspects of Ms. Dutkiewicz's hearing testimony made her a less credible witness than others who testified. Ms. Dutkiewicz's descriptions of the terms and requirements of her Alaska Consent Agreement were inaccurate on multiple fronts, including as to the range of discipline imposed (e.g. the length of probation and the inclusion of a formal reprimand), the nature of the "supervisor report" requirement, and a concerning refusal to acknowledge her factual stipulations within the Agreement. Ms. Dutkiewicz also gave inaccurate testimony about her licensing status in other states, testifying that her Michigan nursing license was in good standing, whereas the Michigan public licensing database shows that it has been suspended since August 2021.⁶⁵ In addition, Ms. Dutkiewicz had great difficulty providing direct answers to direct questions, and required frequent redirection due to testimony and behavior that ranged from non-responsive to disruptive.⁶⁶

⁶⁵ Official notice is hereby taken of the May 22, 2023 Final Order of the Michigan Board of Nursing Disciplinary Subcommittee; this order is appended to Ms. Dutkiewicz's license on the publicly viewable Michigan professional license database, accessible at the link below.

(<https://aca-prod.accela.com/MILARA/GeneralProperty/PropertyLookUp.aspx?isLicensee=Y&TabName=Home>)

⁶⁶ At one point during her own testimony Ms. Dutkiewicz turned on her video camera to reveal that she was driving her car, having apparently elected to drive off to tend to a pet dog who was outside in the rain. Hearing proceedings were temporarily halted due to the safety and other concerns implicated by this behavior.

III. Discussion

A. General principles

The Board of Nursing has been charged by the legislature to develop reasonable and uniform standards for nursing practice.⁶⁷ Those standards, set out in the Board’s regulations, establish the requirements for licensure, the standards for ongoing practice, and the scope of what constitutes unprofessional conduct.⁶⁸ The legislature has also empowered the Board with disciplinary authority to enforce its standards, and AS 08.68.275 identifies the range of disciplinary sanctions – ranging from imposition of probation to permanent license revocation – that the Board may take, singly or in combination, in exercising those disciplinary powers.⁶⁹

The Board’s statute identifies the grounds upon which the Board may suspend or revoke a license, including, as to the allegations in this case, situations where a licensee:

- “has obtained or attempted to obtain a license to practice nursing by fraud or deceit;”⁷⁰
- “habitually abuses alcoholic beverages[;]”⁷¹
- is guilty of unprofessional conduct as defined by regulations adopted by the board;”⁷² or
- “has willfully or repeatedly violated a provision of this chapter or regulations adopted under this chapter or AS 08.01.”⁷³

The Board is required to “seek consistency in the application of disciplinary sanctions,” and “a significant departure from prior decisions involving similar situations shall be explained in the findings of fact or order.”⁷⁴ As the party seeking to invoke disciplinary sanctions, the Division has the burden of proving, by a preponderance of the evidence, that Ms. Dutkiewicz committed the alleged violations.⁷⁵

B. Did the Division Meet its Burden of Showing that Summary Suspension Was Proper?

As Ms. Dutkiewicz originally requested a hearing on both the suspension and the accusation, we will first address the summary suspension. Separate from statutory summary

⁶⁷ AS 08.68.100(a)(8), (b).

⁶⁸ See 12 AAC 44.700, .720, .770.

⁶⁹ See AS 08.01.075 (Disciplinary Powers of Boards).

⁷⁰ AS 08.68.270(1).

⁷¹ AS 08.68.270(3).

⁷² AS 08.68.270(7)

⁷³ AS 08.68.270(8)

⁷⁴ AS 08.68.270(f)

⁷⁵ AS 44.62.360; *Odom v. State*, 421 P.3d 1, 7 (Alaska 2018).

suspensions issued by a licensing board, a licensee may also be subjected to summary suspension for violation of a consent agreement. Unlike the statutory suspensions, which must be based on the statutory standard of a clear and immediate danger to the public health and safety, suspension for violation of a consent agreement is a matter of contract enforcement.⁷⁶

Here, the Division must show that Ms. Dutkiewicz violated the Consent Agreement, and that suspension is warranted in response to that violation. The Division has satisfied both prongs of this test. As discussed in above, the evidence supports a finding that Ms. Dutkiewicz failed to provide HAHOC with the Consent Agreement as expressly required under the agreement's terms. It is also impossible to escape the conclusion that Ms. Dutkiewicz fabricated the October 2020, January 2021, and April 2021 supervisor reports she submitted under Paragraph M of the agreement. Both the non-disclosures and the falsification of reports are clear violations of the consent agreement.

Ms. Dutkiewicz waived her right to an expedited hearing on the suspension, but is still entitled to a decision on the propriety of the suspension. This decision finds that suspension of the license was an appropriate enforcement mechanism for Ms. Dutkiewicz's violations of the Agreement.⁷⁷ The Agreement expressly provides a mechanism for summary suspension upon a violation of the terms. Ms. Dutkiewicz entered into that Agreement, and the Board adopted it. Ms. Dutkiewicz's failure to disclose the Consent Agreement and her submission of falsified reports are significant breaches of her material obligations under the Agreement, and clearly warrant summary suspension under the Agreement.

C. Allegations in the Accusation

1. Did the Division prove that Ms. Dutkiewicz violated the terms of her probation?

The Division proved that Ms. Dutkiewicz willfully violated the terms of her probation in two distinct ways.⁷⁸ First, the evidence established that Ms. Dutkiewicz violated the probationary requirement to submit quarterly supervisory evaluations, and that she did so on

⁷⁶ Compare AS 08.68.275 (statutory summary suspension) with Ex. 4, p. 9 (summary suspension provision of Consent Agreement).

⁷⁷ Because summary suspension under the agreement is so clearly warranted for the violations involving HAHOC, it is not necessary to address here whether suspension was also warranted on other grounds.

⁷⁸ See AS 08.68.270(8) ("The Board may suspend or revoke the license of a person who ... has willfully or repeatedly violated a provision of" the nursing statutes (AS 08.68), the centralized licensing statutes (AS 08.01), or the regulations adopted under either statute); 12 AAC 44.720(a)(2) (The board "will in its discretion revoke a license if the licensee violates the terms of probation from a previous offense.")

three different occasions.⁷⁹ Of greater significance is that the evidence at hearing established that Ms. Dutkiewicz violated this requirement by intentionally submitting falsified evaluation forms that were neither signed by her supervisor nor signed by the individual identified as the signatory on each form. In submitting these forged documents, Ms. Dutkiewicz was directly and intentionally deceiving her licensing Board.

Additionally, the evidence established that Ms. Dutkiewicz violated the terms of her probation by not notifying HAHOC of the Consent Agreement.⁸⁰ Ms. Dutkiewicz's shifting stories about whether or not she provided notice, her separate insistence that actual notice was not actually required, and Tobie Fodge's credible testimony about the lack of any record of notification (where such a record would customarily have been created) all lead to the conclusion that it is far more likely than not that Ms. Dutkiewicz did not make the required disclosure. Further support for this conclusion is found in the duplicitous actions Ms. Dutkiewicz took to avoid having to submit an actual supervisor's evaluation. If Ms. Dutkiewicz had told HAHOC about the Consent Agreement, she would not have had to falsify supervisor evaluations under that Agreement. For all of these reasons, this decision concludes that Ms. Dutkiewicz violated the probationary term requiring her to notify her employers of the consent agreement.

In short, the Division established that Ms. Dutkiewicz willfully and repeatedly violated the terms of her probation.⁸¹

2. Did the Division prove that Ms. Dutkiewicz habitually abused alcoholic beverages?

The Division separately alleges that Ms. Dutkiewicz additionally violated the Board's prohibition against the habitual abuse of alcoholic beverages.⁸² The evidence presented at hearing supports this conclusion. Specifically, Ms. Dutkiewicz incurred two OUI arrests within a five-year period. The first charge led to a conviction. The evidence presented at this hearing established by at least a preponderance that Ms. Dutkiewicz was again operating under the

⁷⁹ See Amended Accusation, Counts 1 (October 2020 form), 4 (January 2021 form), and 6 (April 2021 form).

⁸⁰ Amended Acc., Count 9.

⁸¹ The Division also alleges that the HAHOC termination was "misconduct" in violation of the probationary requirement that Ms. Dutkiewicz "not have any misconduct, criminal convictions, or violations of any healthcare regulations reported to the Board." Amended Acc., Count 10. But testimony about the circumstances leading to Ms. Dutkiewicz's termination was vague and limited in scope. That testimony also suggested that a large motivator for the termination was an incident which the Division's counsel stipulated was unrelated to Ms. Dutkiewicz's nursing license status. There is insufficient evidence to conclude that Ms. Dutkiewicz's HAHOC termination rises to the level of "misconduct" contemplated by the Consent Agreement, as the Division alleged in Count 10.

⁸² Amended Acc., Counts 2, 5, 7, 11, and 12; AS 08.68.270(3) ("The Board may suspend or revoke the license of a person who habitually abuses alcoholic beverages[.]").

influence when arrested in November 2020.⁸³ The evidence further established that she was then unable to abstain from alcohol even when ordered to do so by a court, even when fully aware her use would not evade detection, and even when she knew the consequences would likely impact her very liberty.⁸⁴ In short, the Division met its burden of establishing by at least a preponderance of the evidence that Ms. Dutkiewicz habitually abused alcoholic beverages between at least November 2020 and mid-July 2021.

3. Did the Division prove that Ms. Dutkiewicz obtained or attempted to obtain a license by fraud or deceit?

The Division also contends that Ms. Dutkiewicz’s negative response to Professional Fitness Question No. 1 on her November 2020 renewal application constituted an attempt to renew her license by fraud and/or deceit.⁸⁵ Question No. 1 asks applicants whether, since the date of their last application, “has any professional license held by you been fined, placed on probation, reprimanded, disciplined, or entered into a settlement (consent agreement) with a licensing authority, in any jurisdiction or state including Alaska[,] or is any such action pending?”⁸⁶ Ms. Dutkiewicz’s last application was her initial application in June 2017. Since that time, three separate professional licenses – Michigan, Alaska, and Maryland – had been subjected to discipline. Ms. Dutkiewicz’s “no” answer was plainly incorrect.

To establish that Ms. Dutkiewicz attempted to obtain a license by fraud or deceit, however, the Division must establish either that she *intended* to provide an incorrect answer on her application, or that she had doubts as to the accuracy of her answer.⁸⁷ That burden has not been met. There is no doubt that, by the time of the renewal application, Ms. Dutkiewicz was aware of the actions against her active licenses in Alaska and Michigan. However, the only evidence provided is that Ms. Dutkiewicz genuinely misunderstood the question as only requiring disclosure of discipline that she had not previously disclosed.⁸⁸ This is a potentially reasonable, if mistaken, view of the question, particularly given her plausible assumption that

⁸³ Count 2.

⁸⁴ Count 5 (March 2021 charge, positive breath tests and UA); Count 7 (April 2021 charge; multiple positive breath tests); Count 11 (June 2021 charge; two positive breath tests); Count 12 (July 2021 charge; two positive breath tests).

⁸⁵ Count 3; AS 08.68.270(1) (“The Board may suspend or revoke the license of a person who has obtained or attempted to obtain a license to practice nursing by fraud or deceit.”)

⁸⁶ Ex. 5, p. 2.

⁸⁷ *Matter of Fromm*, OAH No. 14-0214-NUR (Board of Nursing 2014), at 7 and fn. 15.

⁸⁸ Ex. 7.

disclosure to one arm of the Division would have satisfied the disclosure requirement to another arm.

The Division having elected not to question Ms. Dutkiewicz during the hearing about her renewal application, there is insufficient evidence from which to conclude that she intended to deceive the Division by answering no to Question no. 1. There is likewise insufficient evidence to conclude intentional deceit as to the non-disclosure of the Maryland licensing action. In particular, since Question No. 1 asks about professional licenses “*held by*” the applicant, Maryland’s preemptive action against a license that had expired eight years earlier might not have been understood to be within the scope of the question.

4. Did the Division prove that Ms. Dutkiewicz engaged in unprofessional conduct?

Lastly, the Division argues that Ms. Dutkiewicz engaged in unprofessional conduct by verbally abusing HAHOC staff and management.⁸⁹ This Board has previously acknowledged that “standards of professional conduct in the nursing profession expressly include cooperative, non-disruptive behavior,” and that “harassing, disruptive, or abusive” workplace behavior can rise to the level of sanctionable conduct under the Board’s regulations.⁹⁰ However, this Board has also recognized that such conduct must be “something significantly more than a bad day, an occasional error, or a personality conflict.”⁹¹ The Board cannot become the civility police, and licensure actions are not generally the appropriate forum in which to litigate workplace grievances.

Here, the evidence is insufficient to make a finding that Ms. Dutkiewicz’s conduct rose to the level of a licensure concern. Certainly, there was sufficient testimony from which to conclude that Ms. Dutkiewicz treated HAHOC staff rudely on the day of an incident in May 2021, and even that she continues to lack insight into the inappropriateness of her behavior towards others. However, the limited evidence presented, including the limitation to a single incident, is insufficient in this case to give rise to a finding of “consistent and significant” unprofessional conduct occurring “with sufficient frequency and severity” to implicate the Board’s regulations.⁹²

⁸⁹ Amended Acc., Count 8; 12 AAC 44.770(29) (unprofessional conduct includes “harassing, disruptive, or abusive behavior by a licensee directed at staff or a client, a client’s relative, or a client’s guardian”).

⁹⁰ *Matter of Graciani*, 20-0083-NUR (Board of Nursing 2022), pp. 58-60 (appeal pending).

⁹¹ *Id.*, at 58-59.

⁹² *See Id.*, at 60.

D. What discipline is appropriate under the facts of this case?

Having found that Ms. Dutkiewicz committed the disciplinary violations identified above – specifically, multiple violations of the terms of her probation (and deceptions associated therewith), as well as habitually abusing alcoholic beverages – the question for the Board is what disciplinary sanctions, if any, are appropriate for these violations.

This Board’s disciplinary powers range from reprimand to permanent revocation, and include the power to suspend for an identified period of time, to impose practice conditions or limitations, probation, peer review, fines, and educational requirements.⁹³ Both the habitual abuse of alcoholic beverages and the willful violation of the Board’s statutes and regulations are included in the statutorily identified grounds for suspension or revocation.⁹⁴ The Board’s disciplinary guidelines, set out in regulation at 12 AAC 44.720, further provide that “the board will, in its discretion, revoke a license if the licensee ... violates the terms of probation from a previous offense.”⁹⁵

Here, the disciplinary outcome necessarily flows from violations of the terms of her probation – and, more specifically, from her direct and deliberate attempts to deceive the Board about her compliance with the terms of her probation. Ms. Dutkiewicz violated the terms of probation by not disclosing the Consent Agreement to HAHOC and by not complying with the supervisor evaluation requirements. But the specific manner of her non-compliance – by creating and submitting falsified evaluation documents – moved Ms. Dutkiewicz’s conduct from simple non-compliance into intentional and carefully premeditated deception. Her creation and submission of multiple such evaluations over a period of many months represents an ongoing campaign of sustained deception for which the appropriate sanction is plainly license revocation.

As the Division correctly notes, the search for controlling precedent thankfully yields relatively few similar situations – cases in which a licensee or applicant not only fails to disclose some prior transgression, but actively engages in overt acts of document falsification to deceive the Board. The most obvious comparator is *Matter of Kimble*, in which an applicant was repeatedly denied licensure even years after the discovery of forged employer evaluations and

⁹³ AS 08.68.275(a)(2), (5)-(9); AS 08.01.075(a).

⁹⁴ AS 08.68.270(3) (“habitually abuses alcoholic beverages”), AS 08.68.270(8) (“has willfully or repeatedly violated a provision of this chapter or regulations adopted under this chapter or AS 08.01.”)

⁹⁵ 12 AAC 44.720(a)(2). While the Board’s statute and disciplinary guidelines also provide for revocation if a licensee “impersonates another health care provider,” the Division did not seek discipline on this separate ground. AS 08.68.270(4); 12 AAC 44.720(6).

other “sustained deceptions” aimed at covering up an unsuccessful work history.⁹⁶ In *Kimble*, as here, the conduct “involved a series of careful and elaborate deceptions over a period of weeks or months, and encompassed the forgery of employment records.”⁹⁷ The Board, considering the ongoing relevance of these deceptions even years later, observed the critical importance of honesty as a character trait in nursing, noting that, as a matter of patient safety, a nurse must be willing to candidly own up to errors or omissions.⁹⁸

A recent approval of a consent agreement by another board provides a second useful comparator. In *In re Green*, the Board of Social Work Examiners considered a young applicant for a master social worker’s license whose regular license had previously been on probation for a moderately serious boundary violation with a former patient. While on probation, the licensee committed a new violation by, like Ms. Dutkiewicz, failing to disclose her disciplinary status to an employer as required by her terms of probation. This second violation led two of five Board members to vote for a career-ending result, while a bare majority of the Board voted give the practitioner another chance through extended probation.⁹⁹ The *Green* case presents just one aspect of this case—a failure to disclose an existing consent agreement to an employer—and yet it was difficult for the social work board to reconcile with licensure. This was so even though that case lacked the pervasive pattern of deception of this case, including direct fraud against the Board.

The severity of the misconduct here is heightened by the deception having been carried out expressly to undermine a prior Consent Agreement approved by the Board, and carried out through falsifications directed at the Board itself. Where the Board’s disciplinary authority is largely exercised through voluntary consent agreements with licensees, and relies on licensees’ good faith compliance with the agreed upon terms of those agreements, intentional deceptive conduct to undermine such an agreement is deeply troubling. A licensee who sets out to deceive the Board, and who carries out a scheme of deceptive conduct to disguise their noncompliance

⁹⁶ *Matter of Kimble*, OAH No. 06-0032-NUR (Alaska Board of Nursing 2006).

⁹⁷ *Id.*, p. 10. Unlike Ms. Dutkiewicz, Ms. Kimble had eventually admitted and expressed embarrassment and regret over her deceptions. *See Id.*, at p. 4. However, her continued failure to be fully candid at hearing contributed to repeated denials of her license application years after her initial deception was uncovered. *Id.*

⁹⁸ *Id.*, at p. 10. (“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. 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.”)

⁹⁹ *In re Green*, OAH Case No. 22-0463-CSW, Consent Agreement (Board of Social Work Examiners 2022).

with a Board order, cannot be trusted to comply with the rules and regulations governing the profession at large. Under these circumstances, revocation is the appropriate outcome.

Ms. Dutkiewicz has provided no evidence that would mitigate the appropriateness of that sanction, even if such mitigation were theoretically possible. To the contrary, Ms. Dutkiewicz's deflections and continued dishonesty throughout the hearing in this matter further support revocation. These include:

- her refusal to admit facts (about her previous employment difficulties) to which she previously stipulated in the 2019 Consent Agreement,
- her shifting stories about whether and how she supposedly informed HAHOC of the Consent Agreement,
- her denial of any post-November 2020 alcohol use, despite four separate VCR charges based on positive breath tests, and
- her continued insistence that both individuals whose names appeared on the "employment performance evaluation" forms were somehow mistaken in their denials of ever having seen, created, signed, or known about the forms she submitted in their names.

In short, not only did Ms. Dutkiewicz attempt to deceive the Board about her compliance with the Consent Agreement by submitting falsified supervisor evaluations, her testimony at hearing – several years after these initial events – continued to suggest an unwillingness to take responsibility for her conduct.¹⁰⁰

Also noteworthy is Ms. Dutkiewicz's repeated inability at hearing to provide direct and responsive answers to straightforward questions. Again considering *Matter of Kimble*, in that case, the Board noted the nurse's history of less than fully accurate applications and her "difficulty giving accurate and responsive testimony" at the hearing, concluding, "[a]lthough 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."¹⁰¹ The same is true in this case, with Ms. Dutkiewicz providing inaccurate information about matters such as the status of her Michigan license and the requirements of her Alaska Consent Agreement, coupled with nonresponsive answers to numerous questions. Even

¹⁰⁰ Ms. Dutkiewicz's post-hearing brief also characterizes her nursing career as "nearly two decades of nursing practice without a single professional issue prior to this recent spate." Post-hearing brief, p. 4. That characterization is significantly at odds with the findings of the Michigan Board of Nursing, and with Ms. Dutkiewicz's own admissions in the 2019 Consent Agreement.

¹⁰¹ *Id.*, pp. 4, 10.

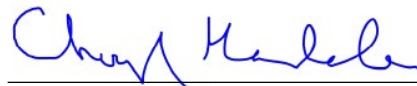
if wholly unintentional, Ms. Dutkiewicz's hearing testimony displayed a demonstrated inability to provide accurate, reliable information, a trait which is key to trustworthiness in nursing.

Fundamentally, the appropriate sanction in this case flows directly from Ms. Dutkiewicz's perpetration of a campaign of deception against the Board. In creating and submitting three separate falsified "employer evaluations" to deceive the Board into believing she was complying with her 2019 Consent Agreement and its own Order adopting that agreement, Ms. Dutkiewicz engaged in conduct for which the sanction must be revocation.

IV. Conclusion

The evidence at hearing demonstrated that Melissa Dutkiewicz failed to comply with her 2019 Consent Agreement, and instead carried out a months-long campaign of deception, providing three separate falsified evaluations in purported compliance with that Agreement. The appropriate sanction for this conduct is revocation. In light of the foregoing, Registered Nurse license number 124038 is hereby revoked.

DATED: September 26, 2023.




Cheryl Mandala
Administrative Law Judge

Adoption

The Alaska Board of Nursing 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 distribution of this decision.

DATED this 9th day of November, 2023.

By:  **Danette Schloeder**
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Signature Danette Schloeder
Name Chair, Alaska Board of Nursing
Title

Non-Adoption Options

1. The Alaska Board of Nursing, in accordance with AS 44.64.060, declines to adopt this decision, and instead orders under AS 44.64.060(e)(2) that the case be returned to the administrative law judge to:

take additional evidence about _____;

make additional findings about _____;

conduct the following specific proceedings: _____.

DATED this _____ day of _____, 2023.

By: _____

Signature

Name

Title

2. The Alaska Board of Nursing, in accordance with AS 44.64.060(e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

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 distribution of this decision.

DATED this _____ day of _____, 2023.

By: _____

Signature

Name

Title

3. The Alaska Board of Nursing, in accordance with AS 44.64.060(e)(4), rejects, modifies or amends one or more factual findings as follows, based on the specific evidence in the record described below:

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 distribution of this decision.

DATED this _____ day of _____, 2023.

By: _____

Signature

Name

Title

4. The Alaska Board of Nursing, in accordance with AS 44.64.060(e)(5), rejects, modifies or amends the interpretation or application of a statute or regulation in the decision as follows and for these reasons:

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 distribution of this decision.

DATED this _____ day of _____, 2023.

By: _____

Signature

Name

Title