

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE :  
PROCEEDINGS :

**DOH 21-07**

RE: ALICE MINKOFF, CNP :

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

License No. CP001622 :

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The South Dakota Board of Nursing (Board) noticed a contested case hearing in the above licensure proceedings, specifically for the Complaint and Notice of Hearing dated April 19, 2021.

The Complaint came on for hearing before the South Dakota Board of Nursing on May 12, 2021. The South Dakota Board of Nursing presided over the proceedings, along with Administrative Law Judge Catherine Williamson, Office of Hearing Examiners. Licensee Alice Minkoff did not appear. Shelly Munson, the attorney prosecuting the licensing matter, presented evidence on behalf of the Board of Nursing. The proceeding was transcribed by a court report.

At the conclusion of the hearing, the Board considered the testimony from witness, exhibits offered during the hearing, argument of counsel, as well as the entire record before the Board. After deliberations, the Board entered a verbal order suspending Licensee's South Dakota CNP License CP001622 and denying Licensee's application for an RN license.

Pursuant to SDCL 1-26-25, the Board issues this final decision in writing through these written Findings of Fact and Conclusions of Law as well as a separate written Suspension and Denial issued pursuant to these Findings of Fact and Conclusions of Law.

Being charged with the statutory obligation to protect the public health, safety, and welfare set forth in ARSD 20:48:04:01, et al., including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

### **FINDINGS OF FACT**

1. Alice Minkoff, CNP (“Licensee”) is licensed to practice as a Certified Nurse Practitioner in the State of South Dakota under license number CP001622.
2. Licensee does not currently have a South Dakota RN license, but Licensee submitted an application requesting an RN license in the State of South Dakota.
3. Licensee had an RN license in other states, which have taken adverse action on Licensee’s license, resulting in the revocation of a multi-state license.
4. Licensee has had disciplinary action taken in the following states: Georgia, Arizona, Washington, Oregon, Wyoming, Washington, and Colorado.
5. On June 30, 2020, the State of Washington suspended Licensee’s RN and CNP licenses due to license revocation, suspension or other disciplinary action taken by a federal, state or local licensing authority.
6. On July 20, 2020, the State of Wyoming suspended Licensee’s RN and CNP licenses due to license revocation, suspension or other disciplinary action taken by a federal, state or local licensing authority.
7. On September 25, 2020, the State of Arizona suspended Licensee’s RN and CNP licenses due to practicing beyond the scope of practice, misleading, false or deceptive advertising or marketing, and unauthorized prescribing medicine.

8. On October 30, 2020, the State of Colorado suspended Licensee's RN and CNP licenses due to negligence, failure to maintain adequate or accurate records, and violation of federal or state statutes, regulations or rules.

9. On November 17, 2020, the State of North Dakota suspended Licensee's RN and CNP licenses for fraud, deceit or material omission in obtaining license or credentials.

10. On January 13, 2021, the State of Oregon revoked Licensee's RN and CNP licenses for demonstrated incidents of dishonesty, gross incompetence, and failing to answer questions truthfully.

11. On March 22, 2021, the State of Maine denied Licensee's application for licensure.

12. On March 25, 2021, the State of Georgia deactivated Licensee's multistate license so that Licensee could no longer practice under a multi-state privilege in any state, and placed Licensee's Georgia license under probation.

### **CONCLUSIONS OF LAW**

1. Based upon the above facts, the Board concludes that Licensee engaged in conduct in violation of SDCL § 36-9-49(5), in that Licensee has negligently, willfully, or intentionally acted in a manner inconsistent with the health or safety of a person entrusted to the applicant's or licensee's care.

2. Based upon the above facts, Licensee has engaged in conduct in violation of SDCL § 36-9-49(10), in that Licensee engaged in unsafe nursing practice, substandard care, or unprofessional or dishonorable conduct.

3. Based upon the above facts, Licensee has practiced outside the scope of her out-of-state licenses.

4. Based upon the above facts, Licensee has engaged in conduct in violation of SDCL § 36-9-49(1) in that Licensee committed fraud, deceit, or misrepresentation in procuring or attempting to procure licensure.

5. Based upon the above facts, Licensee has engaged in conduct in violation of SDCL § 36-9-49(3) by engaging in the practice of nursing under a false or incorrect name or under a fictitious or assumed business name.


6. Based upon the above facts, Licensee has engaged in conduct in violation of SDCL § 36-9-49(6) in that Licensee had a license or privilege to practice as a registered nurse, licensed practical nurse, certified registered nurse anesthetist, or clinical nurse specialist denied, revoked, or suspended or had other disciplinary action taken in another state, territory, or foreign country.

7. Pursuant to SDCL § 36-9-1.1: "It is the responsibility of the State to safeguard life, health and the public welfare, and to protect citizens from unauthorized, unqualified and improper application of nursing education programs and nursing practices." To achieve this responsibility, "regulatory authority shall be vested in the South Dakota Board of Nursing."

8. In order to fulfill its statutory directive to protect the public for violations of the Nurse Practice Act, the Board hereby concludes that a Suspension and Denial shall be separately entered.

Dated this 18<sup>th</sup> day of May, 2021.

SOUTH DAKOTA BOARD OF NURSING

  
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Linda Young, RN, MS, FRC  
Executive Director