

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of)
ALICE KLARINGA GAKUO)
LN License No. 67029)
License EXP. DATE 5/28/2015)

Docket Nos. NUR-2011-0108
NUR-2014-0036

FINAL DECISION AND ORDER BY DEFAULT

On April 15, 2015, the Board of Registration in Nursing ("Board") issued and duly served on Alice Klaringa Gakuo ("Respondent"), an Order to Show Cause ("Show Cause Order")¹ related to complaints filed regarding Respondent's license. In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order ("Answer") was to be submitted within 21 days of receipt of the Show Cause Order². The Show Cause Order also notified Respondent of the right to request a hearing on the allegations³, and that any hearing request ("Request for Hearing") was to be submitted within 21 days of receipt of the Show Cause Order.⁴ Respondent was further notified that failure to submit an Answer within 21 days "shall result in the entry of default in the above-captioned matter" and, if defaulted, "the Board may enter a Final Decision and Order that assumes the truth of the allegations in the Show Cause Order and may revoke, suspend, or take other disciplinary action against [Respondent's] license...including any right to renew [Respondent's] license." A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.



¹ Pursuant to 801 CMR 1.01(6)(a).
² In accordance with 801 CMR 1.01(6)(d)(2).
³ Pursuant to M.G.L. c. 112, s. 61.

⁴ Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

I do hereby certify the foregoing to be a true and certified copy of the document on file with the Massachusetts Board of Registration in Nursing.

mm mm

6/15/15

Authorized Signature

Date

As of the date of this Final Decision and Order by Default, Respondent has failed to file either an Answer or a Request for Hearing.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by M.G.L. c. 30A, s. 10, and sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by M.G.L. c. 30A, s. 11(1). The Board has also notified Respondent of the obligation under 801 CMR 1.01(6)(d) to file an Answer to the Show Cause Order within 21 days of its receipt and of the consequences of failing to file an Answer or otherwise respond.

As authorized by M.G.L. c. 30A, s. 10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the Board enters a default in the above-captioned matter and, consequently, the allegations in the Order to Show Cause are deemed to be true and Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

ORDER

Based on its Final Decision by Default, the Board **revokes** Respondent's license to practice as a Licensed Practical Nurse in the Commonwealth, license No. LN67029. The Board further revokes the Respondent's right to renew her license.

Respondent is hereby ordered to return any license issued to her by the Board, whether current or expired, to the Board's office at 239 Causeway Street, Boston, Massachusetts 02114, by hand or by certified mail, within ten (10) days of the Effective Date set forth below.

Respondent shall not practice as a Licensed Practical Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Licensed Practical Nurse" includes, but is not limited to, seeking and accepting a paid or voluntary position as a Licensed Practical Nurse or in any way representing herself as a Licensed Practical Nurse in Massachusetts. Practice as a Licensed Practical Nurse following the Effective Date of this Order and prior to reinstatement of licensure by the Board constitutes unlicensed practice and is grounds for civil and criminal penalties as provided by G.L. c. 112, §§ 65 and 80A.

The Board may choose to reinstate Respondent's license if the Board determines in its sole discretion that reinstatement is in the best interests of the public health, safety and welfare.

Respondent may petition the Board in writing for reinstatement when she can provide documentation **satisfactory to the Board** demonstrating her ability to practice nursing in a safe and competent manner. Such documentation shall include, but may not be limited to, the following:

EITHER

- 1) the results of random supervised urine tests for substances of abuse for Respondent, collected no less than fifteen (15) times per year, according to the requirements outlined in Attachment A, during the two (2) years immediately preceding the petition for relicensure, all of which are required to be negative;
- 2) documentation that Respondent obtained a sponsor and regularly attended Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings at least three (3) times per week during the two (2) years immediately preceding any petition for license reinstatement, such documentation to include a letter of support from the Respondent's sponsor and weekly signatures verifying this required attendance;
- 3) documentation verifying that she has regularly attended group or individual counseling or therapy, or both, during the two (2) years immediately preceding any petition for relicensure⁵;

⁵ Such documentation shall be completed by each licensed mental health professional seen by Respondent, and shall be written within thirty (30) days preceding any petition for relicensure. Further, such documentation shall include: a summary of Respondent's progress in therapy and her full, sustained recovery from substance abuse, dependence and addiction; a statement of the

- 4) A comprehensive mental health evaluation of the Respondent conducted by a licensed mental health provider which meets the requirements set forth in Attachment B 2.

OR

If the Respondent seeks to provide evidence to the Board that she has never had and does not now have any type of substance abuse, dependency or addiction problem, then **instead of the evidence required by Paragraphs 1, 2, 3 and 4 above, she shall provide to the Board:**

- 5) A clinically based evaluation of the Respondent conducted by a licensed, board certified psychiatrist currently certified by the American Board of Psychiatry and Neurology in the subspecialty of Addiction Psychiatry (Addiction Psychiatrist which meets the requirements set forth in Attachment B 3.

In addition the Respondent shall with any petition for relicensure have submitted directly to the Board:

- 6) reports from Respondent's primary care provider and any specialist(s) whom Respondent may have consulted verifying that Respondent is medically able to resume the safe and competent practice of nursing, which meets the requirements set forth in Attachment B 1.
- 7) if employed during the year immediately preceding Respondent's petition for relicensure, have each employer from said year submit on official letterhead an evaluation reviewing Respondent's attendance, general reliability, and overall job performance⁶;
- 8) certified Court and/or Agency documentation that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or Administrative Agency including, but not limited to:
 - a. Documentation that at least one (1) year prior to any petition for reinstatement the Respondent satisfactorily completed all court requirements (including probation) imposed on her/him in connection with any criminal matter and a description of those completed requirements and/or the disposition of such matters⁷; and

frequency and length of therapy; and specific treatment recommendations for Respondent's full, sustained recovery from substance abuse, dependence and addiction.

⁶ If Respondent wasn't employed at all during this period, submit an affidavit so attesting.

⁷ The Respondent shall also provide, if requested, an authorization for the Board to obtain a Criminal Offender Record Information (CORI) Report of the Respondent conducted by the Department of Criminal Justice Information Systems and a sworn written statement that there are

- b. Certified documentation from the state board of nursing of each jurisdiction in which the Respondent has ever been licensed to practice as a nurse, sent directly to the Massachusetts Board identifying her license status and discipline history, and verifying that her nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.
- 9) documentation satisfactory to the Board of her successful completion of all continuing education equivalent to the continuing education required by Board regulations for the two (2) license renewal cycles immediately preceding any petition for reinstatement.
- 10) documentation satisfactory to the Board of her successful completion of continuing education in the following topics:
- a. 6 contact hours in Medication Administration and Documentation in Nursing;
 - b. 3 contact hours in Legal and Ethical Aspects of Nursing
 - c. 3 contact hours in Pain Management in Nursing; and
 - d. 3 contact hours in Critical Thinking and Judgment in Nursing.
- The completion of contact hours for paragraph 10 shall be in addition to the contact hours required in paragraph 9.
- 11) an affidavit signed by the Licensee that attests that she has reviewed and understands the Board's Standard of Conduct Policy 01-01 Determination of Compliance with the Standard of Conduct at 244 CMR 9.03(15) Prohibiting Patient Abandonment.

The Board may require the Respondent to submit additional documentation prior to acting on the Respondent's petition for reinstatement.

The Board may condition its approval of Respondent's petition for reinstatement upon the Respondent entering into a Consent Agreement for probation of Respondent's nursing license for a period of time, with such restrictions and requirements that the Board may at that time and in its sole discretion determine are reasonably necessary to protect the public health, safety, and welfare.

no pending actions or obligations, criminal or administrative, against the Respondent before any court or administrative body in any other jurisdiction.

The Board voted to adopt the within Final Decision by Default at its meeting held on June 10, 2015, by the following vote:

In favor: A. Alley, BSN, RN; M. Beal, RN/NM; P. Gales, RN; K. Gehly, RN; S. Kelly, RN/NP; J. Killion, LPN; B. Levin, RN; A. Peckham, RN, MSN; C. Simonian, Pharm.D., R.Ph.; S. Taylor, MSN, RN; C. Tebaldi, RN, MS; C. Urena, LPN
Opposed: None
Abstained: None
Recused: None
Absent: E. Richard Rothmund

The Board voted to adopt the within Final Order by Default at its meeting held on June 10, 2015, by the following vote:

In favor: A. Alley, BSN, RN; M. Beal, RN/NM; P. Gales, RN; K. Gehly, RN; S. Kelly, RN/NP; J. Killion, LPN; B. Levin, RN; A. Peckham, RN, MSN; C. Simonian, Pharm.D., R.Ph.; S. Taylor, MSN, RN; C. Tebaldi, RN, MS; C. Urena, LPN
Opposed: None
Abstained: None
Recused: None
Absent: E. Richard Rothmund

EFFECTIVE DATE OF ORDER

This Final Decision and Order by Default becomes effective upon the tenth (10th) day from the date it is issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order by Default to either the Supreme Judicial Court pursuant to M.G.L. c. 112, § 64 or to a Superior Court with jurisdiction pursuant to M.G.L. c. 30A §§ 14. Respondent must file her appeal within thirty (30) days of receipt of notice of this Final Decision and Order by Default.

Board of Registration in Nursing

Date Issued: 6-11-15

Rula Harb / VPRB
Rula Harb, MSN, RN
Executive Director

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7012 3460 0001 7330 8241

Alice Klaringa Gakuo

605 Broad Street, Apt. 18
Weymouth, MA 02189

BY HAND DELIVERY

Beth Oldmixon, Esq.
Prosecuting Counsel
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, 5th floor
Boston, MA 02114

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN NURSING

IN THE MATTER OF
ALICE KLARINGA GAKUO
LPN LICENSE NO. LN67029
LICENSE EXPIRES 05/28/2015

DOCKET NO. NUR-2011-0108
DOCKET NO. NUR-2014-0036

ORDER TO SHOW CAUSE

Alice Klaringa Gakuo, you are hereby ordered to appear and show cause why the Massachusetts Board of Registration in Nursing (Board) should not suspend, revoke, or otherwise take action against your license to practice as a Licensed Practical Nurse (LPN) in the Commonwealth of Massachusetts, License No. LN67029, or your right to renew such license, pursuant to Massachusetts General Laws Chapter 112, § 61 and Board regulations at 244 CMR 9.03, Standards of Conduct for Nurses, based upon the following facts and allegations:

1. On or about August 1, 2006, the Board issued to you a license to engage in the practice of nursing as a Licensed Practical Nurse in the Commonwealth of Massachusetts under the name of Alice Klaringa Gakuo. Your license is current and unless renewed will expire on May 28, 2015.

NUR-2011-0108

2. On or about November 13, 2012, you signed a Probation Agreement (Agreement) with the Board in resolution of NUR-2011-0108.
3. As a result of the Agreement, the Board and you stipulated that certain information be entered into and become a permanent part of your license record maintained by the Board.
4. In paragraph 2 of the Agreement, you acknowledged that you "documented administering Oxycodone (Schedule II Controlled Substance) and Xanax (Schedule IV Controlled Substance) to patients who denied receiving these medications" while employed at Marina Bay Skilled Nursing Home (MBNH) in Quincy, Massachusetts.
5. In paragraph 2 of the Agreement, you admitted that "your conduct while employed at MBNH constituted failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (12), (38), (39), (44), and (47)."
6. In paragraph 2 of the Agreement you admitted "this warranted disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions."

7. On or about November 13, 2012, as a result of the Agreement, your license was placed on Probation for no less than one year, commencing from the date on which the Board signed the Agreement.
8. On or about November 13, 2012, the Board signed the Agreement and the Probation Period began.
9. Paragraph 4 of the Agreement states you recognized and affirmed that "during the Probationary Period you shall comply with all of the Board's requirements to the Board's satisfaction."
10. Paragraph 4(a) of the Agreement states you agreed to "comply with all laws and regulations governing the practice of nursing and not engage in any conduct such as that set forth in the complaint" in the matter identified as Docket No. NUR-2011-0108.
11. Paragraph 4(d) of the Agreement declares that you would "not accept any home care, travel or temporary staffing assignment, or other practice assignment where consistent, on-site supervision is not in place."
12. Paragraph 7(a)(iii) of the Agreement authorizes that upon violation of the Agreement, "or if the Board opens a Subsequent Complaint during the Probationary Period," then "the Board may upon written notice to [you], as warranted to protect the public health, safety, or welfare: IMMEDIATELY SUSPEND the Licensee's nursing license."
13. On or about February 12, 2014, The Department of Public Health's Drug Control Program conducted an investigation and a new complaint was docketed against your license.
14. The new complaint alleges misconduct that occurred while you were employed by Omnicare Staffing (Agency) working as an LPN on December 26, 2013 at Saint Patrick's Manor (SPM) in Framingham, Massachusetts.
15. On April 1, 2014, the Board sent you a Notice of Violation and Further Discipline (Notice) based on your violation of the Agreement you executed in resolution of NUR-2011-0108.
16. On April 2, 2014 at 12:11 pm, the Notice sent by Certified Mail No. 7012 3460 0001 7330 9637 was confirmed as delivered.
17. The Notice informed you that "you are in violation of the Agreement" and listed the following facts supporting the determination that you are in violation.
 - a. You were employed by a temporary staffing agency, knowing this was not permitted, per paragraph 4(d) of the Agreement, which required you not work at

"any home care, travel or temporary staffing assignment or other practice assignment where consistent on-site supervision is not in place."

- b. You failed to notify the probation monitor that you were employed by the Agency, knowing this was not permitted, per paragraph 4(d)(i) of the Agreement, which required you to "notify within 30 days of the effective date, your probation monitor if you were not employed in accordance with the Agreement."
 - c. You failed to inform the Agency or SPM that your license was subject to probation, nor did you submit Supervisor Verification Forms, per paragraph 4(e) of the Agreement. You were required to "review the Agreement with your nursing supervisors, and arrange for them to submit a signed "Supervisor Verification Form," within 30 days of any employment commenced during your probation period."
 - d. You failed to provide written notice to the Board's probation monitor of your employment by the Agency, knowing this was not permitted, per paragraph 4(f) of the Agreement, which required you to "notify the Board's probation monitor in writing within 10 days of any change in your employment status."
 - e. You failed to timely submit the required affidavit, knowing this was not permitted, per paragraph 4(h) of the Agreement, which required you to "submit an affidavit within 60 days after the effective date, that you reviewed and understand the Board's regulations at 244 CMR 9.03(12)."
18. The Notice informed you that "the Board intended to exercise its discretion under the Agreement and suspend your license."
19. The Notice informed you that "you had a right to a hearing on whether you are in compliance with, or in violation of, the terms of the Agreement."
20. The Notice informed you that to claim your right to a hearing, "you must submit a written statement of facts which supports that you're in compliance with the Agreement and request a hearing within 7 days of receipt of the Notice."
21. The Board did not receive from you a written statement of facts and request for a hearing.
22. As a result of your failure to respond or request a hearing by April 8, 2014, you waived your right to a hearing.
23. On May 5, 2014, the Board exercised its authority under paragraph 7(a)(iii) of the Agreement and indefinitely Suspended your license to practice.

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24. On or about December 26, 2013, you were employed as an LPN at Omnicare Staffing of Worcester, Massachusetts.
25. On or about December 26, 2013, you were assigned to and working, the 3:00pm to 11:00pm shift as an LPN at SPM in Framingham, Massachusetts.
26. On or about December 26, 2013, while working the 3:00pm to 11:00pm shift as an LPN at SPM, you engaged in a pattern of conduct in your removal, handling, administration, and documentation of controlled substances that is consistent with diversion and constituted improper nursing practices.
27. On or about December 26, 2013, while working the 3:00pm to 11:00pm shift as an LPN at SPM, without authorization or providing notification, you left the facility at approximately 9:30pm and fell asleep in your car. You did not return to the facility until approximately 11:00pm.
28. This action by you constituted patient abandonment and improper nursing practices.

RESIDENT RN

29. On or about December 26, 2013, you documented in Resident RN's Medication Administration Record (MAR) that you administered two (2) Xanax (Schedule IV Controlled Substance) ½ tabs at approximately 9:00pm.
30. On or about December 26, 2013, you documented in Resident RN's MAR that you administered 15mg of Mirtazapine at approximately 9:00pm.
31. On or about December 26, 2013, you documented in Resident RN's MAR that you administered Metamucil at approximately 9:00pm.
32. On or about December 26, 2013, when speaking with charge nurse A.S., Resident RN denied receiving any medications at approximately 9:00pm.

RESIDENT A

33. On or before December 26, 2013, a physician's order issued for Resident A to receive one (1) Restoril (Schedule IV Controlled Substance) 15mg at HS/PRN.
34. On or about December 26, 2013, you documented in Resident A's MAR that you administered one (1) Restoril 15mg at approximately 9:00pm.
35. On or about December 26, 2013, when speaking with the charge nurse A.S., Resident A denied receiving Restoril at approximately 9:00pm.

36. On or about December 26, 2013, Resident ZD also denied receiving Restoril at approximately 9:00pm.

RESIDENT B

37. On or before December 26, 2013, a physician's order issued for Resident B to receive one (1) Oxycodone (Schedule II Controlled Substance) 5mg tab PO every 6 hours for severe pain/PRN.
38. On or about December 26, 2013, you signed out one (1) Oxycodone 5mg tab at approximately 5:00pm.
39. You failed to properly document the administration on the MAR in that you:
- a. Failed to document the administration on the front of the MAR and
 - b. On the back of the MAR, noted the dose was delivered at 5:00pm for "generalized pain."
40. You failed to document the administration in the nurse's notes for Resident B complaining of pain.

RESIDENT C

41. On or before December 26, 2013, a physician's order issued for Resident C to receive one (1) Oxycodone 5mg tab PO for TID/PRN/pain.
42. On or about December 26, 2013, you signed out one (1) Oxycodone 5mg at approximately 9:00pm.
43. You failed to properly document the administration on the MAR in that you:
- a. Documented the dose on the front of the MAR and
 - b. On the back of the MAR, noted the dose was delivered at 9:00pm for "generalized discomfort."
44. On or about December 26, 2013, at approximately 11:00pm, you returned to the SPM facility where you were on duty and spoke with the nursing supervisor.
45. On or about December 26, 2013, you told the nursing supervisor that you left the facility for an unscheduled break and fell asleep in your car.
46. On or about December 26, 2013, you did not cover or attempt to have someone cover the residents under your care while you were away from the facility.
47. On or about December 26, 2013, The Director of Nursing notified the Agency that you would no longer be placed on the schedule due to abandonment of patients in your care.

* * * * *

GROUNDS FOR DISCIPLINE

- A. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as an LPN pursuant to G.L. c. 112, § 61 for deceit, malpractice and gross misconduct in the practice of the profession and for offenses against the laws of the Commonwealth relating thereto.
- B. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as an LPN pursuant to G.L. c. 112, § 74A for lack of good moral character required for initial licensure and license renewal.
- C. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as an LPN pursuant to Board regulation 244 CMR 9.03 for violation of Standards of Conduct for Nurses, namely:
 1. Your conduct as alleged violates 244 CMR 9.03(5) for failing to engage in the practice of nursing in accordance with accepted standards of practice;
 2. Your conduct as alleged violates 244 CMR 9.03(15) for abusing, neglecting, mistreating, abandoning, or otherwise harming a patient.
 3. Your conduct as alleged violates 244 CMR 9.03(35) for failing to maintain the security of controlled substances that are under your responsibility and control.
 4. Your conduct as alleged violates 244 CMR 9.03 (38) for unlawfully administering prescription or non-prescription drugs to any person in the course of nursing practice.
 5. Your conduct as alleged violates 244 CMR 9.03 (39) for failing to document the handling, administration, and destruction of controlled substances in accordance with all federal and state laws and regulations and in a manner consistent with accepted standards of nursing practice;
 6. Your conduct as alleged violates 244 CMR 9.03 (42) for failing to comply with all provisions contained in any agreement entered into with the Board.
 7. Your conduct as alleged violates 244 CMR 9.03(44) for failing to make complete, accurate, and legible entries in all records required by federal and state laws and regulations and accepted standards of nursing practice.
 8. Your conduct as alleged violates 244 CMR 9.03 (47) for engaging in any other conduct that fails to conform to accepted standards of nursing practice or in any other behavior that is likely to have an adverse effect upon the health, safety, or welfare of the public.

- D. Your conduct as alleged also constitutes unprofessional conduct, and conduct which undermines public confidence in the integrity of the nursing profession. *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); see also *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

* * * * *

You have a right to an adjudicatory hearing ("hearing") on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose other discipline against your license. G.L. c. 112, § 61. Your right to a hearing may be claimed by submitting a written request for a hearing *within twenty-one (21) days of receipt of this Order to Show Cause*. You must also submit an Answer to this Order to Show Cause in accordance with 801 CMR 1.01(6)(d) *within twenty-one (21) days of receipt of this Order to Show Cause*. The Board will give you prior written notice of the time and place of the hearing following receipt of a written request for a hearing.

Hearings shall be conducted in accordance with the State Administrative Procedure Act, G.L. c. 30A, §§ 10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03, under which you are granted certain rights including, but not limited to, the rights: to a hearing, to secure legal counsel or another agent to represent your interests, to call and examine witnesses, to cross-examine witnesses who testify against you, to testify on our own behalf, to introduce evidence, and to make arguments in support of your position.

The Board will make an audio recording of any hearing conducted in the captioned matter. In the event that you wish to appeal a final decision of the Board, it is incumbent on you to supply a reviewing court with a "proper record" of the proceeding, which may include a written transcript. *New Bedford Gas and Light Co. v. Board of Assessors of Dartmouth*, 368 Mass. 745, 749-750 (1975). Upon request, the Board will make available a copy of the audio recording of the proceeding at your own expense. Pursuant to 801 CMR 1.01(10)(i)(1), upon motion, you "may be allowed to provide a public stenographer to transcribe the proceedings at [your] own expense upon terms ordered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent promptly upon completion and on an ongoing basis directly to the Presiding Officer by the stenographer or transcription service. The transcript will be made available to the Prosecutor representing the Board. Please note that the administrative record of the proceedings, including but not limited to, the written transcript of the hearing is a public record and subject to the provisions of G.L. c. 4, § 7 and G.L. c. 66, § 10.

Your failure to submit an Answer to the Order to Show Cause within 21 days of receipt of the Order to Show Cause *shall result in the entry of default* in the captioned matter. Your failure to submit a written request for a hearing within 21 days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations herein and on any Board disciplinary action.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice as a Licensed Practical Nurse in the Commonwealth of Massachusetts, including any right to renew your license.

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Beth A. Oldmixon, Prosecuting Counsel at the following address:

Beth A. Oldmixon, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
239 Causeway Street, Fifth Floor
Boston, MA 02114

You or your representative may examine Board records relative to this case prior to the date of the hearing, during regular business hours at the office of the Prosecuting Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0923 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION
IN NURSING
Rula Harb, MSN, RN, Executive Director

By: Beth A. Oldmixon
Beth A. Oldmixon
Prosecuting Counsel
Department of Public Health

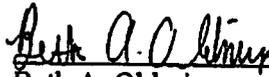
Date: April 15, 2015

CERTIFICATE OF SERVICE

I, Beth A. Oldmixon, hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause and Certificate of Service were served upon the Respondent, Alice Klaringa Gakuo, at the following address:

605 Broad Street, Apt. 18
Weymouth, MA 02189

By Certified Mail No. 7012 3460 0002 3703 0699 and by first class mail on this 15th day of April, 2015



Beth A. Oldmixon
Prosecuting Counsel