



STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

JOHN ELIAS BALDACCI
GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

In Re:)
Frank E. Goodale, Jr.) DECISION AND ORDER
)

INTRODUCTION

Pursuant to 32 M.R.S.A. § 2105-A, (1-A) *et seq.*, 5 M.R.S.A. § 9051 *et seq.*, and 10 M.R.S.A. § 8003(5), the Maine State Board of Nursing (“the Board”) met in public session at the Board’s offices located in Augusta, Maine on January 16, 2008 to hear Frank E. Goodale, Jr.’s appeal of the Board’s June 18, 2007 denial of Mr. Goodale’s application for reinstatement as a registered professional nurse. A quorum of the Board was in attendance during all stages of the proceeding. Participating and voting board members were Board Chair Therese B. Shippis, D.N.Sc., R.N., Dorothy Melanson, R.N., Susan Brume, L.P.N., Susan Baltrus, R.N., and Robin Brooks.

Mr. Goodale presented his case without counsel. In addition to his own testimony, Mr. Goodale presented the testimony of his fiancée Cynthia Blackwood. John H. Richards, Assistant Attorney General, presented the State’s case. The State presented no additional witnesses. Susan Sparaco, Assistant Attorney General, served as the Board’s Hearing Officer. Admitted into evidence without objection were State’s Exhibits 1, 2, 3, 4, 5, 6, 6(A), 7, 7(A), 7(B), 7(C), 7(D), 7(E), 7(F), 7(G), 7(H), 7(I), 7(J), and Goodale Exhibit 8.



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FINDING OF FACT

1. Frank Goodale, Jr. became licensed as a registered professional nurse in Maine in 2002.
2. On December 16, 2005, Frank Goodale, Jr. was adjudicated guilty of the offense "Possession of a Firearm By a Person Subject to a Qualifying Protection Order," 18 U.S.C. §§ 922(g)(8) and 924(a)(2). Mr. Goodale was sentenced to ten (10) months imprisonment to be satisfied by five (5) months imprisonment and five (5) months of community confinement. He was also sentenced to serve a three (3) year term of supervised release to follow his imprisonment.
3. As a result of Mr. Goodale's conviction, the Board suspended his license following a hearing on June 7, 2006.
4. Mr. Goodale has served his term of imprisonment and community service and is in the process of completing his three (3) year term of supervised release.
5. Mr. Goodale has a lengthy history of substance abuse dating back to at least 1975. His current diagnoses are general anxiety disorder, bipolar disorder 1, mixed, opioid dependence in sustained full remission, and alcohol dependence in sustained full remission.
6. His current treatment providers are Paul J. Sturmer, Ph.D. (psychotherapist), Ted McCarthy, M.D. (psychiatrist), Karen Heroux, L.C.S.W. (outpatient therapist and substance abuse group leader at Mercy Recovery Center) and Mark Cieniawski, M.D. (primary care physician). Mr. Goodale is also active in AA and in a dual recovery anonymous twelve step program.

7. For the past few months, Mr. Goodale has been working for Amistad as a peer specialist for the Maine Warm Line, an after-hours phone support service for mental health consumers, and for the Salvation Army as a health and nutrition coordinator.

8. Mr. Goodale displayed candor about his past behaviors and problems which culminated in his criminal conviction and subsequent loss of his nursing license. He offered no excuses for his past behavior and seemed sincerely committed to putting these problems behind him.

9. Mr. Goodale has been sober since October, 2005.

CONCLUSIONS OF LAW

The issue before the Board is whether Mr. Goodale is sufficiently rehabilitated to warrant the public's trust. Mr. Goodale's rehabilitation appears to have been successful thus far. However, given his lengthy history of substance abuse and past relapses, protection of the public demands that Mr. Goodale's return to nursing practice be accompanied by a lengthy probation and appropriate conditions to monitor and ensure his ongoing sobriety and fitness for the practice of nursing. Therefore, Frank E. Goodale, Jr.'s license as a registered professional nurse in the State of Maine is reinstated on a probationary status in accordance with the following terms and conditions.

1. The period of probation will commence on Mr. Goodale's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of **ten (10) years**, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this agreement, nursing employment is any employment during which Mr. Goodale

performs nursing services. Mr. Goodale's probationary license will be subject to the following conditions:

a. Frank E. Goodale, Jr. will abstain from drugs and alcohol with the exception of substances used in accordance with a valid prescription from a treatment provider(s) who is aware of Mr. Goodale's substance abuse history;

b. Frank E. Goodale, Jr. will advise any healthcare providers of his substance abuse history;

c. Frank E. Goodale, Jr. will continue in his aftercare treatment program(s) to such an extent and for as long as his treatment provider(s) recommend.

d. Frank E. Goodale, Jr. will arrange for and ensure the submission of quarterly reports to the Board by his treatment providers, and such reports shall continue until his probation is terminated. If Frank E. Goodale, Jr.'s treatment is terminated he shall notify the Board.

e. Frank E. Goodale, Jr. will immediately notify the Board in writing should he return to employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational program.

f. Frank E. Goodale, Jr. will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.

g. Frank E. Goodale, Jr.'s employment is restricted during the period of probation to structured settings with onsite supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.

h. Frank E. Goodale, Jr. will arrange for and ensure the submission of quarterly reports from his nursing employer and/or clinical faculty regarding his general nursing practice. If during the period of probation, Mr. Goodale's employment as a nurse terminates or should his educational program in the field of nursing terminate, he shall notify the Board of this change to ensure that he remains in compliance with his employment and/or educational quarterly reports.

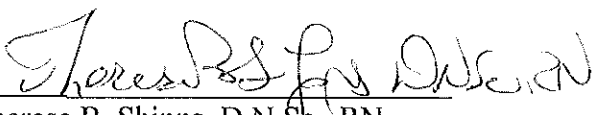
i. The Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to his treatment for substance abuse for which the Board deems necessary to evaluate Mr. Goodale's compliance with the Consent Agreement and his continued recovery. Mr. Goodale shall provide such information, shall authorize such the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in his care, counseling and employment as may be requested by the Board for the purpose of evaluating Mr. Goodale's compliance with the Consent Agreement and his continued recovery.

2. The State of Maine is Frank E. Goodale, Jr.'s home state of licensure for purposes of the Nurse Licensure Compact. During the pendency of this Consent Agreement his nursing practice is limited to the State of Maine. If Mr. Goodale wishes to practice in any other State within the Compact, he shall petition the Board for written authorization. In addition, Mr. Goodale will arrange to have the party state in which he intends to practice provide the Board with written authorization that he has been approved to practice in that state.

3. Mr. Goodale's license will remain on probationary status and subject to the terms of this agreement indefinitely beyond the ten (10) year probationary period until and unless the Board, at Mr. Goodale's written request, votes to terminate Mr. Goodale's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Goodale has complied with the conditions of his probation.

SO ORDERED.

Dated: 1/26/2008


Therese B. Shipps, D.N.Sc., RN,
Chair, Maine State Board of Nursing

APPEAL RIGHTS

Any party to this proceeding may appeal this Decision and Order by filing a petition for review within thirty (30) days of the receipt of this order with the Superior Court in accordance with Title 5, chapter 375, subchapter VII. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the decision was rendered.