



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 GOODALE, JR., R.N.**) **DECISION AND ORDER**
 of Wells, Maine) **OF SUSPENSION**
 License #R047637)

INTRODUCTION

On June 7, 2006, the Maine State Board of Nursing (“Board”) met at the Board’s offices located at 161 Capital Street, Augusta, Maine. The Board reviewed the certified copy of a Judgment and Commitment dated December 16, 2005 in the matter of United States of America v. Frank Goodale, Jr., United States District Court, District of Maine, Case Number: 2:05-Cr-75-001, USM Number: 04704-036. A copy of that Judgment and Commitment is attached hereto and marked as Exhibit A.

FACTS

1. Frank Goodale, Jr. has been licensed as a registered professional nurse in Maine since 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, Jr. was committed to the custody of the United States Bureau Of Prisons to be imprisoned for a total term of TEN (10) months, to be satisfied by FIVE (5) months imprisonment and FIVE (5) months community confinement as a condition of release. Upon release from imprisonment, Mr. Goodale, Jr. will be on supervised release for a term of THREE (3) years. Exhibit A.
3. Pursuant to 5 M.R.S.A. § 5302 the Board concludes, based upon the recent convictions and serious nature of the underlying criminal conduct that Mr. Goodale, Jr.’s behavior fails to conform to legal standards and accepted standards of the nursing profession, which could reflect adversely on the health and welfare of the public.

APPLICABLE LAW

1. Pursuant to 32 M.R.S.A. § 2105-A (2), “The Board may suspend or revoke a license pursuant to Title 5, section 10004.”
2. Pursuant to 32 M.R.S.A. § 2105-A (2)(G), the Board may suspend or revoke an individual’s nurse license when the ground for discipline is a “conviction of a crime that involves dishonesty or false statement or that relates directly to the



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practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed.”

3. Pursuant to 5 M.R.S.A. § 10004(1), “an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when the decision to take that action rests solely upon a finding or conviction in a court of any violation which by statute is expressly made grounds for revocation.”

CONCLUSIONS OF LAW

The Board has the authority to suspend or revoke Frank Goodale, Jr.’s registered professional nurse license Pursuant to 5 M.R.S.A. § 10004 (1) and 32 M.R.S.A. § 2105-A (2) (G). The criminal convictions described in the above-stated facts are grounds for discipline because Mr. Goodale, Jr. was convicted of a crime that is a criminal conviction for which incarceration for one year or more could have been imposed.

DECISION AND ORDER

A motion was made and seconded to immediately suspend Frank Goodale, Jr.’s registered professional nurse license. By a unanimous vote of the Board, Frank Goodale, Jr.’s registered professional nurse license is suspended effective immediately.

RECORD VOTE

THERESE B. SHIPPS	Affirmative
RICHARD L. SHEEHAN	Affirmative
SUSAN BRUME	Affirmative
KAREN L. TRIPP	Affirmative
BETTY-A. KENT-CONANT	Affirmative
DOROTHY MELANSON	Affirmative
BRUCE R. O’DONNELL	Affirmative

DATED: 6/29/2006



THERESE B. SHIPPS, Chair
FOR THE MAINE STATE
BOARD OF NURSING

NOTICE OF APPEAL RIGHTS

Frank Goodale Jr. may appeal this Decision and Order summarily revoking her license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. 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 date of this Decision and Order.