

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KYLE E. GOODMAN, L.P.N.
License No.: 0002-087627

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on January 6, 2016 in Henrico County, Virginia. Kyle E. Goodman, L.P.N. was present and was not represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Goodman was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Kyle E. Goodman, L.P.N. was issued License No. 0002-087627 to practice practical nursing in Virginia on August 14, 2012. The license is scheduled to expire on October 31, 2017. His primary state of residence is Virginia.
2. By letter dated December 7, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Goodman notifying him that an informal conference would be held on January 6, 2016. The Notice was sent by certified and first class mail to 5250 Redcort Drive, Apt. 3H, Roanoke, Virginia 24019, the address of record on file with the Board of Nursing.

3. On June 6, 2015, Mr. Goodman was hospitalized pursuant to Emergency Custody Order following an incident in which he was drinking, had an altercation with his girlfriend, and experienced a “flashback” to a combat experience in Iraq. He was found to have a blood alcohol level of 0.196%. Upon his discharge on June 10, 2015, his diagnoses included major depression, recurrent, severe versus substance induced mood disorder and alcohol dependence, episodic.

4. Mr. Goodman has a history of alcohol abuse and dependence. On numerous occasions since 2010, his treating physicians have advised him to abstain from alcohol and to accept referrals to substance abuse counseling, which he has declined. Mr. Goodman’s attending physician from his latest hospitalization indicated that she would have reservations about his continued practice as a nurse without treatment for his alcoholism.

5. Mr. Goodman was convicted of driving while intoxicated in January 2013 in the General District Court for the City of Roanoke, Virginia. In March 2007, he was convicted of being drunk in public in the General District Court for the City of Roanoke.

6. Mr. Goodman has been diagnosed with post-traumatic stress disorder and depression related to his service as a combat medic in the United States Army. He was honorably discharged from the Army in 2010.

7. At the informal conference, when asked if he considered himself an alcoholic, Mr. Goodman said “at times.” He stated that there were times when he struggled with alcoholism and times when he did not consider it a problem. He acknowledged being a binge drinker. He stated that his last drink was on the day before the informal conference. He stated that he was willing to enter into the Health Practitioners’ Monitoring Program and to stop drinking in order to keep his license.

8. Mr. Goodman stated that he has been on antidepressants for approximately ten years and that he sees a psychiatrist at the Veterans Administration Hospital every two to three months. His last visit

was three to four months prior to the informal conference. He did not have a next appointment scheduled. He does not receive counseling or attend any support groups.

9. Mr. Goodman is employed PRN at Friendship Manor Health and Rehabilitation Center, Roanoke, Virginia. His supervisor stated to an investigator for the Department of Health Professions that he works an average of two to four days per week. The supervisor stated that Mr. Goodman was a good nurse and there were no signs of his being impaired on duty. Mr. Goodman also is self-employed in a non-nursing related business. Since his initial licensure in 2012, he has had 3 nursing related employments. He denied any nursing practice-related problems or disciplinary actions at any of his employments.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 through 6 constitute a violation of § 54.1-3007(6) of the Code.
2. Mr. Goodman is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on the following conditions:
 - a. Kyle E. Goodman, L.P.N. shall enter into a contract with the Health Practitioners' Monitoring Program within 60 days of the entry of this Order.
 - b. Thereafter, Mr. Goodman shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Goodman, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Goodman shall be noticed to appear before the Board at such time as the Board is notified that:

- a. He has failed to make application to the HPMP;
- b. He is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against him involving a violation of law or regulation or any term or condition of this Order; or
- d. He has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Mr. Goodman's participation in and compliance with the HPMP, the Board, at its discretion, may waive his appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Mr. Goodman's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Mr. Goodman shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.


4. Mr. Goodman shall maintain a course of conduct in his capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Goodman may, not later than 5:00 p.m., on May 2, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of

Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:


Sr Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: March 30, 2016

This Order shall become final on May 2, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing