



Paul R. LePage
GOVERNOR

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

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

IN RE: KATHLEEN GOODMAN, RN
of East Machias, ME
License No. RN46909

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CONSENT AGREEMENT
FOR REPRIMAND
AND
VOLUNTARY SURRENDER

Board Complaints 2011-158 & 2012-100

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Kathleen Goodman's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Kathleen Goodman ("Ms. Goodman"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(C) and 10 M.R.S. §8003(5)(B) in order to resolve Board Complaints 2011-158 and 2012-100.

FACTS

1. Kathleen Goodman has been licensed as an RN to practice in Maine since December 21, 2001.
2. On February 2, 2011, the Board received a provider report from Down East Community Hospital ("DECH") reporting that Ms. Goodman, who was hired on July 12, 2004, resigned her position as an RN during DECH's investigation regarding her administration and documentation of patients' narcotics. Ms. Goodman was originally suspended by DECH on January 26, 2011, subsequent to the start of the investigation on January 21, 2011 at 9:20AM, when medications prescribed for one of Ms. Goodman's patients ("Pt. A") were discovered in the trash in the patient's bathroom at 9:15AM. A review of Pt. A's chart showed that 11 of the medications prescribed for Pt. A were charted by Ms. Goodman as "given" between 9:40AM and 9:42AM. Nine of the 11 medications found in the trash were either in a medicine cup or in the original medication package; medication packages for three of the nine were found empty. One of the medications charted as "given" was not removed from Pyxis and one medication package that contained a narcotic, Hydrocodone/Acet (Vicodin) was removed from Pyxis, but could not be found.

DECH continued its investigation by reviewing Ms. Goodman's Pyxis narcotic removals for a 30-day period prior to January 24, 2011, which included a review of patient charts pertaining to narcotic use and documentation. Ms. Goodman resigned her position from DECH when she was confronted with the results of the investigation, which disclosed a substantial number of serious discrepancies in Ms. Goodman's narcotic administration and documentation, for example:

- Ms. Goodman's pain assessment values were disparately higher for the same patients who were assessed by other nurses on comparative shifts who did not assess the need to administer pain medication. In one case, Ms. Goodman assessed a patient's pain on a scale of 0-10 as a level "5" (10 being the highest degree of pain), compared to an assessed pain value of "0" by nurses who assessed this patient on the shift prior to and following Ms. Goodman's shift. Ms. Goodman repeated this pattern of dissimilar assessment and documentation with many other patients found during DECH's investigation, patients who purportedly received pain medication administered by Ms. Goodman.



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- Ms. Goodman removed narcotics from Pyxis on many occasions with insufficient, inaccurate or no documentation in the patient's medical record. In one case, the patient denied she received any pain medication (Oxycodone).
- Ms. Goodman administered pain medication to patients more often than the prescribed scheduled dose, without any supporting or accurate documentation.
- Ms. Goodman administered PRN pain medication to patients, disparately more often than other nurses for the same patients, without any supporting or accurate documentation.
- Ms. Goodman removed pain medications (Hydrocodone, Morphine and Percocet) from Pyxis with no documentation of administration or wasting.

When confronted with these discrepancies, Ms. Goodman stated that it was very difficult to document correctly because of all the work the nurses were required to do. A subsequent review of patient records showed that Ms. Goodman's documentation of non-narcotic medication had an accuracy of 95 percent. The Board initiated Complaint 2011-158 on April 8, 2011.

3. On January 22, 2012, Ms. Goodman was employed as an RN at the Corrections Division of the Washington County Sheriff's Office where an investigation implicated her in an incident at the correctional facility involving her alleged forgery of a doctor's signature, who also worked at the correctional facility, for prescribing Hydrocodone to herself. On May 2, 2012, the Board initiated Complaint 2012-100 against Ms. Goodman. After reviewing Ms. Goodman's written response to Complaint 2012-100, the Board voted to invite her to attend an informal conference to address both of the above-captioned Board Complaints.
4. After initially denying that she diverted the above-described pain medications from DECH and that she attempted to divert Hydrocodone with a forged prescription for herself, Ms. Goodman admitted to the Board during her informal conference, conducted in public session, that she was addicted to pain medication and that she did indeed divert the pain medications from DECH and forged a prescription to obtain Hydrocodone, as respectively described in Complaints 2011-158 and 2012-100.
5. Kathleen Goodman has agreed to voluntarily surrender her RN license and enter into this Agreement based upon the above-stated facts and thereby waives her rights to an adjudicatory hearing.

AGREEMENT

6. Kathleen Goodman understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. The grounds for discipline are found under Title 32 M.R.S. §§ 2105-A(2)(A), (2)(B), (2)(E)(1), (2)(F) and (2)(H) and Chapter 4 §§1(A)(1), 1(A)(2), 1(A)(5)(a), 1(A)(6) and Chapter 4 §§ 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Kathleen Goodman is hereby **REPRIMANDED** and the Board accepts her offer to voluntarily surrender her license. Specifically, the violations are:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(A) for engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued. See also: Board Rule Chapter 4 §1.A.1.
 - b. Pursuant to 32 M.R.S. §2105-A (2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Goodman performing services in a manner that endangers the health or safety of patients. See also: Board Rule Chapter 4 §1.A.2.

- c. Pursuant to 32 M.R.S. §2105-A(2)(E)(1) for engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public. See also: Board Rule Chapter 4 §1.A.5.a.
 - d. Pursuant to 32 M.R.S. §2105-A (2)(F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed. See also: Board Rule Chapter 4 §1.A.6.
 - e. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4 §3(F) by failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
 - f. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4 §3(K) by inaccurately recording, falsifying, or altering a patient or health care provider record.
 - g. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4 §3(P) by diverting drugs, supplies, or property of a patient or health care provider.
 - h. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4 §3(Q) by possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
7. Kathleen Goodman understands and agrees that as a result of this Agreement, her license is surrendered and that she no longer has a license. Ms. Goodman understands and agrees that, upon receiving a written request from her to reinstate her Maine RN license, the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public.
 8. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Board Rules. The State of Maine is Ms. Goodman's "Home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "Remote states," which means Party states other than the Home state that have adopted the Compact. Ms. Goodman understands this Agreement is subject to the Compact.
 9. Kathleen Goodman understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
 10. Kathleen Goodman shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. §2502 (2), including in a veterinarian's office, or in any position holding herself out as a registered professional nurse or with the designation "RN" while her nursing license is surrendered. She is not to seek any employment where the handling or dispensing of drugs is part of the job responsibilities.
 11. This Agreement is a public record within the meaning of 1 M.R.S. §402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. §408.
 12. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
 13. Modification of this Agreement must be in writing and signed by all parties.

14. This Agreement is not subject to review or appeal by Ms. Goodman, but may be enforced by an action in the Superior Court.
15. Kathleen Goodman affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

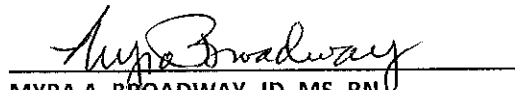
I, KATHLEEN GOODMAN, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, INTELLIGENTLY AND AGREE TO BE FOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

Dated: 3/15/13


KATHLEEN GOODMAN, RN

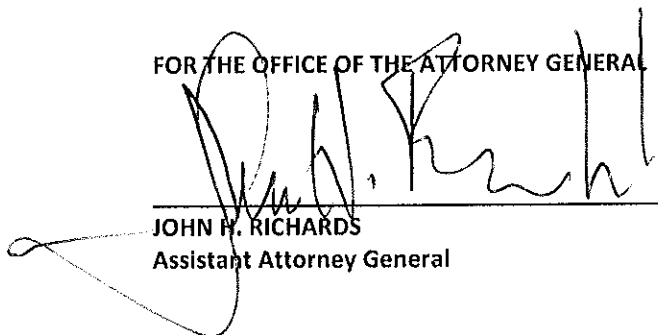
FOR THE MAINE STATE BOARD OF NURSING

Dated: 3/25/13


MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 3/26/13


JOHN H. RICHARDS
Assistant Attorney General