

MAINE STATE BOARD OF NURSING

IN RE: Ethel Marie Landolt, R.N.)
) DECISION AND ORDER
Licensure Disciplinary Action)

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S.A. Sec. 2105-A(1-A)(D), *et seq.*, 5 M.R.S.A. Sec. 9051, *et seq.* and 10 M.R.S.A. Sec. 8001, *et seq.*, the Maine State Board of Nursing (Board) met in public session at the Board's offices located in Augusta, Maine on December 11, 2003 for the purpose of determining whether Ethel Marie Landolt, R.N., engaged in unprofessional or incompetent conduct as a registered nurse while licensed in Maine as more specifically stated in the Notice of Hearing dated October 23, 2003. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairwoman Jeanne B. Delicata, R.N.C., Therese B. Shipps, R.N., Jody Deegan, R.N., Charyl Doughty, L.P.N., Bruce O'Donnell, C.R.N.A. and Karen Tripp (public representative). Robert Perkins, Ass't. Attorney General, presented the State's case. James E. Smith, Esq. served as Presiding Officer.

Ms. Landolt did not appear and neither was she represented by counsel. Service of the Notice of Hearing was duly made on her by first class mail sent October 23, 2003 to both her Maine and Nova Scotia addresses. Neither was returned. In correspondence dated November 3, 2003, the Respondent stated that she wished to surrender her Maine registered nurse's license. She also phoned the Board and stated that she would sign the Board's proffered Consent Agreement and therefore to cancel the December 11, 2003 hearing.

Following the determination that none of the Board had conflicts of interest which would bar them from participating in the hearing, and subsequent to the opening statement by counsel, State's Exhibits 1-3 were admitted into the Record. The Board then reviewed the submission of exhibits and considered counsel's closing argument after which it deliberated and made the following findings of fact by a preponderance of the credible evidence regarding the violations alleged in the Complaint.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ethel Marie Landolt, R.N., was first licensed to practice nursing in the State of Maine on June 26, 1995. She was also licensed in Nova Scotia. The College of Registered Nurses of Nova Scotia (The College) held disciplinary hearings regarding Ms. Landolt's license on December 19, 2002 and May 23, 2003. They considered, among other violations, that she had pled guilty to 14 counts of defrauding the Shubenacadie Band Council by misappropriating more than sixteen thousand dollars from the Council during the period from April 2001-August 2002 and suspended her license on July 14, 2003. The College forwarded its Decision to the Maine Board by letter dated July 21, 2003.

The Board, by a vote of 5-0, found the above noted facts to be true. The Board further concluded that the above illegal activity violated the provisions of 32 M.R.S.A. Sec. 2105-A.2. G. which reads as follows:


“Grounds for discipline. The board may suspend or revoke a license pursuant to Title 5 section 10004. The following are grounds for an action to issue, modify, suspend, revoke or refuse to renew the license of an individual licensed under this chapter:

G. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed.”

WHEREFORE, The Board, by a vote of 5-0, based on the above recited facts and its training and expertise, then voted 5-0 to **revoke her license** to practice as a registered nurse pursuant to 10 M.R.S.A. Sec. 8003. The Board further ordered her to **pay the costs** related to the hearing which total \$175 (Hearing officer – 1 hour and 45 mins. @ \$100 per hour = \$175). The check or money order shall be made payable to: Maine Board of Nursing and mailed to Myra Broadway, Exec. Director, 158 State House Station, Augusta, Maine 04333-0158.

SO ORDERED.

Dated: December 23, 2003


Jeanne B. Delicata, R.N.C, Chairwoman
Maine State Board of Nursing

IV.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the District Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.