

**STATE OF VERMONT
BOARD OF NURSING**

In re: Shannon Goddeau
License No. 026-27410

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Docket No. 2010-484(RN)
follow up No. (M2011-50)

**DECISION ON
PRELIMINARY DENIAL OF
REQUEST FOR REINSTATEMENT**

Participating Board Members:

Jeanine Carr, RN, Chair
Alan Weiss, Public Member
Donna Rae Metcalf, LPN
Sandra Norton, LNA
William G. White, Jr., Public Member
John Todd, APRN
Douglas Sutton, RN
Ellen Watson, APRN
Sheila Davis, LPN

Appearances:

for Petitioner, State of Vermont: Gabriel Gilman
for Respondent: Pro se

Presiding Officer: Larry S. Novins

**Findings of Fact, Conclusions of Law,
and Order**

The Board of Nursing held a hearing in the above matter on September 10, 2012 at the Capital Plaza Hotel Conference Room in Montpelier, Vermont pursuant to 3.V.S.A. § 129(e). Ms. Goddeau appeared before the Board after its preliminary denial of her request for reinstatement of her license to practice as a registered nurse.

As the individual seeking reinstatement, Ms. Goddeau bears the burden to persuade the Board that the preliminary denial should be reversed and that her license should be reinstated. 3 V.S.A. § 129(e).

Findings of Fact

1. Ms. Goddeau is an applicant for reinstatement of her license as a registered nurse. The Board of Nursing has jurisdiction to determine her application. 3 V.S.A. §§ 129, 129a, 26 V.S.A. §§ 1574, 1575, the Administrative Rules of the Board of Nursing, and the

Rules of the Office of Professional Regulation.

2. Ms. Goddeau's license was suspended indefinitely by Stipulation and Consent Order dated April 11, 2011. Her license had been previously summarily suspended. The Stipulation and Consent Order provided that Ms. Goddeau must meet certain prerequisites before her license may be reinstated. Among them were conditions that she "must obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse, pre-approved by the Board, who has verified receipt of this Order and will address the Ms. Goddeau's ADD diagnosis in his or her assessment and the results of which must indicate that the Ms. Goddeau does not present a risk to the safety, health or welfare of her potential patients, and 2) submit to the Board the results of a minimum of three (3) random urine analyses, collected in an observed setting, administered by a person or entity that has been pre-approved by the Board; ... the results of which shall be negative... The Respondent's license shall not be reinstated until these prerequisites are met."
3. Ms. Goddeau requested that her license be reinstated. The request was preliminarily denied by letter dated July 18, 2012. Ms. Goddeau filed a timely request for a hearing so that the full Board could consider her application.
4. Ms. Goddeau testified that she has remained clean and sober since November of 2011. She has been steadily employed. She is enrolled at Plattsburgh State University studying biology.
5. As required, Ms. Goddeau submitted to three random urinalyses. The tests covered drug and alcohol use. One on May 11, 2012 showed a positive result indicating alcohol use.
6. Ms. Goddeau submitted a letter dated September 4, 2012 from Jay Bhasin, MD from Plattsburgh, New York. Dr. Bhasin reported that Ms. Goddeau worked in his office between January, 2011 and October, 2011. He reported that during that time, Ms. Goddeau had been through drug rehabilitation. He states that while there she displayed a steady improvement in her nursing skills. We note that Ms. Goddeau reports that her period of sobriety did not begin until November, 2011. We do not give Dr. Bhasin's report much weight.
7. Ms. Goddeau submitted documentation of treatment provided by Sarah Marlow, CASAC, NCC showing that as of July 1, 2012 Ms. Goddeau's opioid dependence was in "early partial remission." That report shows that Ms. Goddeau had a history of "alcohol dependence and XTC abuse."
8. In a September 7, 2012 letter Ms. Marlow reported that Ms. Goddeau was being treated for "Opioid dependence (Early Full Remission.)" Her report did not mention the positive alcohol test or address Ms. Goddeau's history or risk of alcohol abuse or the urinalyses showing alcohol use. Her report states that, "At this point in time, it does not appear that the client's substance use is impacting her ability to return to employment. *This clinic cannot assess the individual's ability to return to nursing duties as it is beyond on [sic] the scope this clinic's practice.*" (emphasis added).
9. Ms. Marlow's report does not address Ms. Goddeau's ADD. It refers to her primary care Doctor who, the report says, is addressing those concerns.
10. An earlier (February, 2012) report from Sarah Gerdeman, LCSW-R reported that Ms. Goddeau had been treated in the past for alcohol dependence. She wrote that Ms. Goddeau last used alcohol in November of 2011 and that she reported drinking only two

to three times per year. Ms. Goddeau testified at the hearing that she has two or three drinks once per month. Ms. Goddeau's testimony and Ms. Gerdeman's report make more significant Ms. Goddeau's May 2012 positive alcohol test result.

11. Ms. Gerdeman's evaluation includes mention of Ms. Goddeau's ADD but does not address whether she can resume nursing practice safely.
12. Both Ms. Gerdeman and Ms. Marlow are both associated with Clinton County Mental Health and Addiction Services, the clinic which Ms. Marlow reported could not assess whether Ms. Goddeau presents a risk to patient safety.

Conclusions of Law

Ms. Goddeau has not met the requirements for reinstatement. Her submissions do not fully meet the requirements of the Stipulation and Consent Order.

Order

The preliminary denial of Ms. Goddeau's request for reinstatement is **affirmed**.

Ms. Goddeau should obtain another pre-approved independent evaluation as previously set forth by Paragraph A of the Stipulation and Consent Order. Since Ms. Goddeau's previous evaluators indicate that an opinion on whether or not she presents a risk to the safety, health or welfare of her potential patients is beyond the scope of the Clinic's practice, Ms. Goddeau is strongly advised to find a different evaluator. If needed, Board staff will provide Ms. Goddeau with names of evaluators who have provided the Board full evaluations in the past. Ms. Goddeau shall make appropriate releases so that all treatment records will be available to her new evaluator.

Ms. Goddeau shall submit the results of three random urinalyses, as specified in the Stipulation and Consent Order. To be acceptable, the tests must be negative for alcohol as well as the other substances tested for. Ms. Goddeau shall cause her medical providers to write on the provider's letterheads a listing of all drugs/controlled substances/scheduled drugs prescribed to her.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2 Montpelier, VT 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the

record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

Board of Nursing

By:

Jeanine Carr
Jeanine Carr, RN, Chair

September 11, 2012

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9-19-12