



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

PAUL R. LEPAGE
 GOVERNOR

KIM ESQUIBEL, PhD, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: ERIC ANTHONY BALKA)
 of Jasper, Indiana)
 License No. RN66253) **CONSENT AGREEMENT**
FOR
CENSURE & CIVIL PENALTY

Complaint No. 2018-287

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. § 8008, the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

This document is a Consent Agreement (“Agreement”) regarding Eric Balka’s license to practice nursing in the State of Maine. The parties to this Agreement are Eric Balka (“Mr. Balka”), the Maine State Board of Nursing (“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 and 10 M.R.S. § 8003(5) to resolve Complaint No. 2018-287.

FACTS

1. Mr. Balka was first licensed to practice in Maine as an RN on June 12, 2015.
2. On or around June 27, 2018, Mr. Balka renewed his Maine RN license online. On his application, Mr. Balka answered “no” to the question, “Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, ever fined, censured, reprimanded or otherwise disciplined you.
3. Mr. Balka has received the following professional licensing discipline:
 - a. In June 2011, the Indiana Board of Nursing placed Mr. Balka’s nursing license on probation.
 - b. In 2014, the Arizona Board of Nursing denied Mr. Balka a nursing license.
 - c. On or around October 28, 2016, Mr. Balka and the Alaska Board of Nursing entered into a disciplinary consent agreement for a civil fine and reprimand.
8. Board-staff initiated Complaint No. 2018-287 for failing to truthfully answer a question on a license application.
9. At its December 5-6, 2018 meeting, the Board reviewed this complaint and voted to offer Mr. Balka this Agreement.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

10. Absent Mr. Balka's acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before January 11, 2019, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action on this matter including fines or the suspension or revocation of Mr. Balka's license.

AGREEMENT

12. Mr. Balka admits to the Facts as stated above and admits that his conduct constitutes grounds for the Board to impose discipline against his Maine nursing license pursuant to:

32 M.R.S. § 2105-A(2)(A) for the practice of fraud or deceit in obtaining a license.
13. As discipline for the violation admitted to in Paragraph 12 above, Mr. Balka agrees he will receive a **CENSURE and pay a CIVIL PENALTY of \$500**. Payment must be by certified check or money order, made payable to "Treasurer, State of Maine," and must be remitted to the Board, attention Deanna Larsen, Probation/Compliance Officer, 158 State House Station, Augusta, Maine 04333-0158 within six (6) months of the execution of this Agreement.
14. Violation of any of the terms or conditions of this Agreement by Mr. Balka shall constitute unprofessional conduct and shall be grounds for discipline.
15. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only in writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Mr. Balka may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Mr. Balka's request; (b) grant Mr. Balka's request; and/or (c) grant Mr. Balka's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Mr. Balka's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
16. The Board and Mr. Balka agree that no further agency action will be initiated against his license by the Board based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Mr. Balka, and this Consent Agreement may be introduced as evidence in any future adjudicatory hearing involving Mr. Balka. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Mr. Balka.
17. The Board and the Attorney General may communicate and cooperate regarding Mr. Balka's practice or any other matter relating to this Agreement.
18. This Agreement is a public record within the meaning of M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.
19. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).

20. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
21. For the purposes of this Agreement, the term “execution” means that date on which the final signature is affixed to this Agreement.
22. Mr. Balka acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement.
23. Mr. Balka further acknowledges that he has executed this Agreement of his own free will, and that he agrees to abide by all the terms and conditions set forth in this Agreement.

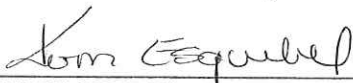
DATED: 1-2-19



ERIC A. BALKA, RN

FOR THE MAINE STATE BOARD OF NURSING


DATED: 1-7-2019



KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 1-9-19



MEGAN M. HUDSON
Assistant Attorney General