

MAINE STATE BOARD OF NURSING

IN RE: Ethel Marie Landolt)
18 Eagle Feather Road) DECISION AND ORDER
Shubenacadie, Nova Scotia)
Canada BON 1 WO)

INTRODUCTION

Pursuant to the authority found in 32 M.R.S.A. § 2105-A (1-A)(D), *et seq.*, 5 M.R.S.A. § 9051, *et seq.* and 10 M.R.S.A. § 8001, *et seq.*, Maine State Board of Nursing (“Board”) met in public session at the Board’s offices located in Augusta, Maine, on March 15, 2007, at 2:00 P.M. to hold an adjudicatory hearing in the above referenced matter. The purpose of the hearing was to determine whether grounds exist to support the Board’s action, on October 3, 2006 to initially deny Ethel Marie Landolt’s application for licensure as a registered professional nurse in the State of Maine. Ms. Landolt filed a timely appeal. Pursuant to 5 M.R.S.A § 5301, *et seq.*, for the Board to grant Ms. Landolt’s application to practice as registered professional nurse, she had the burden of proof that there exists sufficient rehabilitation to warrant the public trust. Ms. Landolt was present and not represented by counsel. John H. Richards, Assistant Attorney General, advised the Board. Service of the Notice of Hearing was duly made on Ms. Landolt by first class and registered mail.

A quorum of the Board was present during all stages of the proceedings. Chairman, Therese B. Shipps, D.N.Sc., R.N., Karen L. Tripp, Public Member, Betty A. Kent-Conant, M.S.N., R.N., Susan L. Brume, L.P.N., Robin Brooks, Public Member and Carmen Christensen, R.N. participated and voted as Board members. Ethel Marie Landolt, testified and presented her own case. She presented one witness on her behalf, Gloria Marie Sack.

State Exhibit A and Ethel Landolt Exhibit 1 were admitted into the Record without objection. The Board took the testimony of Ethel Marie Landolt, and Gloria Marie Sack, reviewed the submission of exhibits after which it deliberated and made the following findings of fact by a preponderance of the credible evidence regarding Ms. Landolt’s application for licensure to practice as a registered professional nurse in the State of Maine.

FINDING OF FACT AND CONCLUSIONS OF LAW

On December 23, 2003, by Decision and Order, the Board revoked Ms. Landolt’s license to practice as a registered nurse, for the conviction of a crime that involved dishonesty and false statements, which the Board has authority to sanction pursuant 32 M.R.S.A. § 2105-A (2)(A), (2)(G) and 5 M.R.S.A. § 10004.

Since the revocation of Ms. Landolt's registered professional nurse license she has undergone an extensive period of rehabilitation, which involved and continues to involve counseling and therapy from the Indianbrook Wellness Program. For the past three years she has worked as a treatment counselor for the Eagle's Nest Recovery House and is currently working as an Outreach & Prevention Worker responsible for crisis intervention.

Ethel Marie Landolt is Micmac and a Native of Canada. As a Native person she was shunned and ostracized by her native community because of her transgressions which led to her conviction for theft and the revocation of her nursing licenses in Nova Scotia and the State of Maine. She persevered this period of tribulation amongst her peers and regained the respect of her community. Ms. Landolt submitted many letters of support from her community, which the Board adopted as highly credible in demonstrating her road to rehabilitation. Not to diminish any single letter of support it should be noted that she received a letter of endorsement addressed to the Board from the Shubenacadie Band Council, who was the victim of Ms. Landolt's theft. In addition, the Board received a letter of support for Ms. Landolt from Robert C. Hagell, Senior Crown Counsel at the Crown Attorney's Office who is employed with the Public Prosecution Service of the Province of Nova Scotia, and was responsible for Ms. Landolt's prosecution.

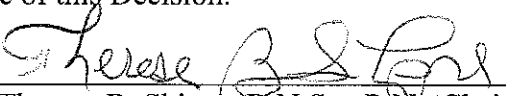
The Board determined that Ethel Marie Landolt has met her burden that there exists sufficient rehabilitation to warrant the public trust.

WHEREFORE, the Board, by a vote of 6-0, based on the above recited facts and its training and expertise, **grants the application** of Ethel Marie Landolt to practice as a registered professional nurse in the State of Maine.

NOTICE OF APPEAL RIGHTS

Any party to this proceeding may seek review of this Decision, to the extent such review is provided by law, by filing a petition for review in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision. Any other person aggrieved by this Decision may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision.

Dated: 04/16/07


Therese B. Shipp, D.N.Sc., R.N., Chair
Maine State Board of Nursing

cc: Members of the Maine State Board of Nursing
Myra A. Broadway, J.D., M.S., R.N., Executive Director
John H. Richards, AAG