

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DAVID E. GOODWIN : LS0711089NUR  
RESPONDENT. :

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[Division of Enforcement Case # 06 NUR 180]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

David E. Goodwin  
10040 Alabama Hwy 17  
York, AL 36925

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Board of Nursing  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

#### PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

#### FINDINGS OF FACT

1. David E. Goodwin, Respondent, date of birth November 4, 1962, is not, and never has been, licensed as a registered nurse (RN) in Wisconsin. However, from September 2005 to May 2006, Respondent practiced as an RN in Wisconsin pursuant to the Nurse Licensure Compact (Compact) by using his Arkansas RN license, #R65736.

2. Wisconsin, pursuant to Wis. Stat. § 441.50, and Arkansas are party states of the Compact which provides for multistate licensure privileges and allows a nurse with a license from a “home state” to engage in the practice of nursing in all other party states, which are called “remote states.”

3. The Division of Enforcement has determined that Respondent’s most recent address is 10040 Alabama Hwy 17, York, AL 36925.

4. From approximately 2001 to 2006, Respondent was employed as an RN by Nursing Options, LLC, a staffing agency in Fort Collins, Colorado. That agency entered into a contract with Flambeau Hospital in Park Falls, Wisconsin, and placed Respondent as a nurse at that hospital in September 2005.

5. On February 14, 2006, while Respondent was working as an RN in the emergency department (ED) at Flambeau Hospital, Ms. A, who was 28 years old, came to the ER with facial trauma from a fall. Respondent provided nursing services to Ms. A. After Ms. A’s boyfriend left the hospital to obtain some clothes for her, Respondent wrote his phone number on a piece of paper and gave it to Ms. A saying that if she needed someone to talk to or if things did not

work out with her boyfriend, she should call him. Ms. A did not respond to the note.

6. On May 8, 2006 at 7:40 p.m., Ms. A came to the ED with her fiancé with symptoms which were determined to be from a urinary tract infection. She was provided medications for the condition. Nursing services were provided to Ms. A by a different RN at this visit. Ms. A was discharged from the ED at 10:15 p.m.

7. At 11:50 p.m. on May 8, Ms. A returned to the ED because she was having a reaction to the medication she had been given for the urinary tract infection. Respondent was then working as an RN in the ED. He met Ms. A, had her fiancé stay in the waiting area, and took her to an examining room where he provided nursing services.

a. Respondent asked Ms. A to remove her clothing and watched as she undressed. She initially left on a tank top, but he had her remove it which exposed her bare breasts. Respondent then gave her a gown.

b. A physician came into the room and examined Ms. A. After the physician left, Respondent began to rub Ms. A's arms, face and hair. Respondent's actions made Ms. A uneasy and scared. When Ms. A asked Respondent to allow her fiancé to come into the examining room, he ignored her request.

c. Respondent told Ms. A to lie back so he could feel her stomach. He began to rub her stomach and then began rubbing and squeezing her breasts with both hands. Respondent then returned to rubbing her stomach and then rubbed her thighs. The touching of Ms. A's breasts and thighs was inappropriate and not necessary care.

d. Respondent also stroked Ms. A's cheek and kissed her cheek and forehead.

e. After Ms. A's IV treatment was complete, Respondent told her he was not working the next three days and asked her what she was doing those days. He said he would like to take her for a motorcycle ride. He put his telephone number on a piece of paper, put it in her pocket and said she should call him the next day.

8. On May 12, 2006, as a result of his conduct on May 8, Respondent was charged in Price County Wisconsin Circuit Court case number 2006CF000042 with one count of Second Degree Sexual Assault/Treatment Facility Employee, in violation of Wis. Stat. § 940.225(2)(g), a Class C felony. On July 23, 2007, Respondent pled no contest and was found guilty of an amended charge of 4<sup>th</sup> Degree Sexual Assault, in violation of Wis. Stat. § 940.225(3m), a Class A misdemeanor. Respondent was sentenced to 30 days in jail with Huber privileges.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stats. §§ 441.07 and 441.50(3)(b) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by having violated, and been convicted of, a law substantially related to the practice of professional nursing, has committed misconduct and unprofessional conduct, as defined by Wis. Admin. Code § N 7.04(1) and is subject to discipline pursuant to Wis. Stats. §§ 441.07(1)(d) and 441.50(3)(b).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The multi-state licensure privilege previously issued to David E. Goodwin, R.N., to practice as a registered nurse in Wisconsin under the Nurse Licensure Compact is **REVOKED**.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$790.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

Fax (608) 266-2264  
Telephone (608) 267-3817

Wisconsin Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

11/8/07  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
DAVID E. GOODWIN : LS \_\_\_\_\_ NUR  
RESPONDENT. :

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[Division of Enforcement Case # 06 NUR 180]

It is hereby stipulated and agreed, by and between David E. Goodwin, Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent by the Division of Enforcement (file 06 NUR 180). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

David E. Goodwin  
Respondent  
10040 Alabama Hwy 17  
York, AL 36925

Date

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John R. Zwiag  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date