

BEFORE THE TEXAS BOARD OF NURSING



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Registered Nurse License Number 529688 § AGREED
issued to MICHAEL JAMES ARVIN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL JAMES ARVIN, Registered Nurse License Number 529 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 29, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received an Associate Degree in Nursing from St. Mary's Junior College, St. Paul, Minnesota, on November 1, 1985. Respondent was originally licensed to practice professional nursing in the State of Texas on March 21, 1986.
5. Respondent's professional nursing employment history includes:

1985 - 1981	Staff Nurse	University of Texas Medical Branch Galveston, TX
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Respondent's professional nursing employment history (continued):

1987 to 1990	Agency Nurse	Favorite Nurses St. Paul, MN
1987 to 1990	Staff Nurse	Hennepin County Medical Center Minneapolis, MN
1988	Agency Nurse	Star Med Staffing St. Paul, MN
1987 to 1990	Staff Nurse	Health East Midway Hospital St. Paul, MN
1990 to 1994	Assistant Head Nurse	University of Texas Medical Branch Galveston, TX
1994 - Present	Unknown	

6. On or about April 12, 1995, Respondent voluntarily surrendered his license to practice professional nursing in the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 12, 1995, is attached and incorporated, by reference, as part of this Order.
7. On or about September 11, 2001, Respondent was issued a Reinstatement Agreed Order by the Board of Nurse Examiners for the State of Texas, Austin, Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 11, 2001, is attached and incorporated, by reference, as part of this Order.
8. On or about December 2, 2010, Respondent's license to practice professional nursing in the State of Minnesota was Suspended by the Minnesota Board of Nursing, Minneapolis, Minnesota. A copy of the Stipulation and Consent Order dated December 2, 2010, is attached and incorporated, by reference, as part of this Order.
9. In response to Finding of Fact Number Eight (8), Respondent admits to the two (2) Driving While Intoxicated convictions. However, Respondent states that he did not divert the medications. Respondent states that he had participated in the Health Professional Service Program (HPSP), until September of 2010, when he learned of the intent to suspend his license to practice. Respondent stated that his intention was to continue participation for the purpose of documenting his sobriety but was informed that he needed to have an active license to participate in the program. Additionally, Respondent states that he has been participating in the Mental Illness Chemical Dependency Program (MICD) since July 12, 2010.

10. Respondent states June 15, 2010, as his date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove a violation of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 529688, heretofore issued to MICHAEL JAMES ARVIN, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 529688, previously issued to MICHAEL JAMES ARVIN, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL pay a monitoring fee in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:* <http://learningext.com/hives/a0f6f3e8a0/summary>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(6) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and

predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(11) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(12) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(13) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(14) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(15) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

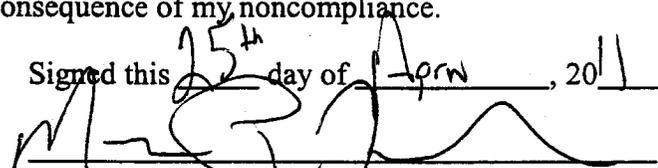
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RESPONDENT'S CERTIFICATION

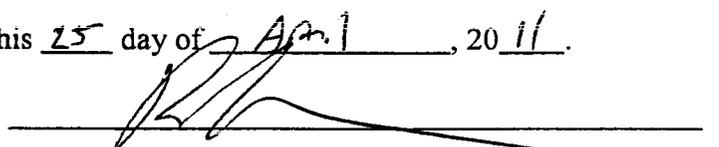
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

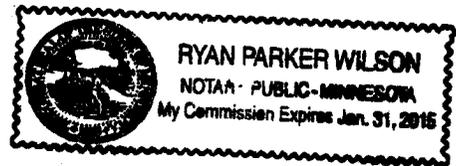
Signed this 15th day of Apr, 2011.


MICHAEL JAMES ARVIN, Respondent

Sworn to and subscribed before me this 25 day of Apr., 2011.

SEAL


Notary Public in and for the State of Minnesota



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of April, 20 11, by MICHAEL JAMES ARVIN, Registered Nurse License Number 529688, and said Order is final.

Effective this 14th day of June, 2011.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 529688 issued to §
MICHAEL J. ARVIN §

ORDER OF THE BOARD

To: Michael J. Arvin
 234 Barracuda
 Bayou Vista, Texas 77563

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of professional nurse license number 529688, issued to MICHAEL J. ARVIN, hereinafter referred to as Respondent. This action was taken in accordance with Article 4525.1(c), Revised Civil Statute of Texas, as amended.

Respondent waived representation by counsel, informal conference, notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice, hearing, and consented to the entry of this Order.
3. That MICHAEL J. ARVIN is currently licensed to practice professional nursing in the State of Texas.
4. That MICHAEL J. ARVIN submitted a notarized statement and professional nurse license number 529688 to the Board voluntarily surrendering the right to practice professional nursing in Texas.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. That, under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of license number 529688, heretofore issued to MICHAEL J. ARVIN, to practice professional nursing in the State of Texas is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following condition(s):

1. MICHAEL J. ARVIN shall not submit an application for reinstatement until one (1) year has elapsed from the date of this Order.

Effective this 12th day of April, 1995.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:



Louise Waddill, Ph.D. R.N.
Executive Director on behalf
of said Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 529688 § REINSTATEMENT
issued to MICHAEL J. ARVIN § AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 529688, held by MICHAEL J. ARVIN, hereinafter referred to as Petitioner.

An informal conference was held on May 15, 2001, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Sandra Owen, RN, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, Director of Enforcement; Sunny McShan, RN, Investigator; and Noemi Leal, Senior Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
2. Petitioner received an Associate Degree in Nursing from St. Mary's Junior College, St. Paul, Minnesota, on November 1, 1985. Petitioner was originally licensed to practice professional nursing in the State of Texas on March 21, 1986.
3. Petitioner's professional employment history included:

1985 to 1981	GN/Staff Nurse University of Texas Medical Branch Galveston, Texas
1987 to 1990	Agency Nurse Favorite Nurses St. Paul, Minnesota

Petitioner's professional employment history continued:

1987 to 1990	Staff Nurse Hennepin County Medical Center Minneapolis, Minnesota
1988	Agency Nurse Star Med Staffing St. Paul, Minnesota
1987 to 1990	Staff Nurse Health East Midway Hospital St. Paul, Minnesota
1990 to 1994	Assistant Head Nurse University of Texas Medical Branch Galveston, Texas

4. The Board accepted the voluntary surrender of Petitioner's license to practice professional nursing on April 12, 1995. A copy of the April 12, 1995 Order accepting the surrender of Petitioner's license is attached and incorporated by reference as a part of this Order.
5. On or about April 9, 2001, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.
6. Petitioner presented the following in support of his petition:
 - 6.1. Letter of support dated March 28, 2001, submitted by Patty Grow, RN. Ms. Grow worked with Petitioner and has known him for over ten (10) years.
 - 6.2. Letter of recommendation and support dated January 25, 2001, submitted by Jeanette Bailey, RN, Kohfeldt Elementary, Texas City, Texas. Ms. Bailey verified Petitioner's employment at Kohfeldt Elementary, Texas City, Texas, from August 1985 through August 1998 as a Substitute Teacher. In October 1996, Petitioner accepted a position as Paraprofessional for the Special Education Department at Kohfeldt Elementary. Ms. Bailey states that Petitioner is committed to excellence and is accountable in respect to all the aspects of his job.
 - 6.3. Letter of reference dated August 23, 2000, submitted by Linda G. Campbell, La Marque, Texas. Ms. Campbell has known Petitioner for over two (2) years and is currently his supervisor at General Motors Acceptance Corporation, League City, Texas.

- 6.4. Letter of support dated March 28, 2001, submitted by John Madden. Mr. Madden has been Petitioner's sponsor in the program of Narcotics Anonymous since August 1998. Mr. Madden states that Petitioner is working the twelve (12) steps of Narcotics Anonymous and has developed a strong support group consisting of members and friends.
- 6.5. Letters from five member of the Texas City Here & Now Group of Narcotics Anonymous, Texas City, Texas, verifying that Petitioner attends meetings on a regular basis.
- 6.6. Verification of successful completion of twenty (20) hours of Continuing Education Units as required by the Board.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of MICHAEL J. ARVIN, license number 529688, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, 301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. The refresher course shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to MICHAEL J. ARVIN, shall be subject to the following agreed post-licensure conditions for such a time as is required for PETITIONER to successfully complete the

Texas Peer Assistance Program for Nurses (TPAPN):

(6) PETITIONER SHALL, within forty-five (45) days following the issuance of a license to practice professional nursing in the State of Texas, apply to and be accepted into the TPAPN.

(7) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(8) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(9) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Petitioner's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate privileges, if any, to practice professional nursing in the State of Texas.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petitioner for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

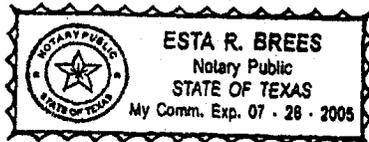
Signed this 8th day of August, 2001.

Michael J. Arvin
MICHAEL J. ARVIN, Petitioner

Sworn to and subscribed before me this 8th day of July, 2001.

SEAL

Esta R Brees
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 8th day of August, 2001, by MICHAEL J. ARVIN, license number 529688, and said Order is final.

Effective this 11th day of September, 2001.



Katherine A. Thomas, MN, RN
Executive Director on behalf of said Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 529688 issued to §
MICHAEL J. ARVIN §

ORDER OF THE BOARD

To: Michael J. Arvin
 234 Barracuda
 Bayou Vista, Texas 77563

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of professional nurse license number 529688, issued to MICHAEL J. ARVIN, hereinafter referred to as Respondent. This action was taken in accordance with Article 4525.1(c), Revised Civil Statute of Texas, as amended.

Respondent waived representation by counsel, informal conference, notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice, hearing, and consented to the entry of this Order.
3. That MICHAEL J. ARVIN is currently licensed to practice professional nursing in the State of Texas.
4. That MICHAEL J. ARVIN submitted a notarized statement and professional nurse license number 529688 to the Board voluntarily surrendering the right to practice professional nursing in Texas.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. That, under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.

ORDER

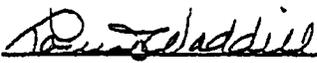
NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of license number 529688, heretofore issued to MICHAEL J. ARVIN, to practice professional nursing in the State of Texas is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following condition(s):

1. MICHAEL J. ARVIN shall not submit an application for reinstatement until one (1) year has elapsed from the date of this Order.

Effective this 12th day of April, 1995.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:


Louise Waddill, Ph.D. R.N.
Executive Director on behalf
of said Board

**BEFORE THE MINNESOTA
BOARD OF NURSING**

In the Matter of
Michael J. Arvin, R.N.
License No. 112295-8

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Michael J. Arvin, R.N. ("Licensee"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate registered nurses and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice professional nursing in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On September 23, 2010, Licensee appeared before the Review Panel, composed of Kathleen Haberman, Board member, and Kimberly S. Miller, Nursing Practice Specialist, to discuss allegations contained in a Notice of Conference dated September 8, 2010. Geoffrey Karls, Assistant Attorney General, represents the Review Panel in this matter.

4. Licensee was advised by the Board's representatives that he may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On June 1, 2004, the Board received Licensee's application for reregistration of his nursing license. Licensee answered "Yes" to question #2, i.e. *Have you ever violated a state or federal law or rule relating to narcotics or controlled substances, or similar regulations?* Licensee submitted a written explanation stating he had been participating in the Texas peer-monitoring program but had difficulty maintaining sobriety. He relapsed and diverted narcotics, second occurrence, for personal use. In 1995 he was issued a disciplinary order by the Board of Nurse Examiners for the State of Texas and surrendered his Texas nursing license. Licensee stated he completed a chemical dependency program, actively participated in Narcotics Anonymous, and maintained sobriety from mood-altering chemicals, including alcohol, during the seven years he was out of practice in Texas.

b. On June 5, 2008, Licensee was convicted in Ramsey County District Court of misdemeanor driving while intoxicated ("DWI"), and on February 26, 2009, he was convicted of gross misdemeanor DWI. Both sentences included incarceration, the majority of which was stayed, based on compliance with terms of probation. In both sentences, Licensee was ordered to obtain a chemical dependency evaluation and follow recommendations. On April 2, 2009, Licensee's probation for the June 5, 2008 DWI conviction was revoked.

c. While Licensee was employed as a registered nurse ("RN") in the float pool in a hospital, the following occurred:

1) In 2010, discrepancies were noted in Licensee's narcotic administration practices. An investigation revealed that on May 22, 2010, while working from 3:00 p.m. until 7:30 a.m., Licensee was assigned to care for an 85-year-old female patient with limited ability to communicate. Licensee documented administering hydromorphone to the patient on multiple occasions during his shift and documenting the same pain assessment for each administration. The time intervals from when Licensee signed out the hydromorphone until he actually documented on the patient's medication administration record ("MAR") were widely varied. The patients had not received hydromorphone at any other time while she was hospitalized.

2) A review of records from March 8, through April 17, 2010, revealed an additional 28 discrepancies in Licensee's withdrawal, administration, and documentation of either Ativan or hydromorphone. The discrepancies included, among other things, the following: 1) at least six instances of failure to document wasting or documenting administration on the MAR; 2) at least seven instances of wasting all or the majority of the withdrawn amount; 3) at least two instances of administration exceeding the total ordered dose; and 4) one instance of administration of pain medication with no pain assessment documented.

3) On May 27, 2010, Licensee's employment was involuntarily terminated for a pattern of narcotic/controlled substances administration discrepancies, failing to follow policy for witnessed wasting, and deviating from dispensing medication as ordered. During a meeting with management and human resources staff preceding Licensee's termination, Licensee denied he diverted from the facility.

d. At the conference and in his written response to the Board, Licensee denied diverting Ativan and hydromorphone from the facility. Licensee was unable to offer an explanation as to why the discrepancies involved only Ativan or hydromorphone. Licensee acknowledged his documentation and clinical decision making were substandard. Licensee stated he previously abused Demerol, which he diverted from his employer in Texas. Licensee completed chemical dependency treatment and began treatment for depression. In 2004, Licensee's depression symptoms exacerbated and he attempted to overdose on his medication. Licensee reported he began abusing alcohol in 2007. He continued to use alcohol following his DWIs and re-entered a chemical dependency treatment program in 2009. In summer 2009, Licensee was administered Dilaudid for post-surgical pain. Licensee admitted the Dilaudid triggered cravings similar to those he experiences with his Demerol use. Licensee reported he continued to use alcohol and his depression symptoms exacerbated. Following the termination of his employment, Licensee attempted suicide and he is currently participating in a mental illness/chemical dependency treatment program for alcohol and cocaine abuse. In June 2010, Licensee began participation in monitoring with the Health Professionals Services Program ("HPSP"). Licensee stated that he is too ill to practice as a nurse and should probably never return to practice.

e. On September 27, 2010, Licensee withdrew from monitoring with the HPSP.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(3) (5) (9) (11) (16) and (18), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Suspension

7. The Board **SUSPENDS** Licensee's license to practice professional nursing. Licensee shall not engage in any act which constitutes the practice of nursing as defined in Minnesota Statutes section 148.171 and shall not imply by words or conduct that Licensee is authorized to practice nursing.

8. Licensee shall surrender to the Board his nursing registration certificate. Licensee shall personally deliver or mail the certificate to the Minnesota Board of Nursing, c/o Shirley A. Brekken, Executive Director, 2829 University Avenue S.E., Suite 200, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

B. Reinstatement of License

9. Licensee may petition for reinstatement of his license following 12 months from the date of the Order and 12 months of documented, uninterrupted sobriety. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of practicing professional nursing in a fit and competent manner, is successfully participating in a program of chemical dependency rehabilitation, is compliant with mental health rehabilitation, and has been sober and free from mood-altering chemicals during the 12 months immediately preceding his petition. At the time of Licensee's petition, Licensee shall meet with a Review Panel and comply with, at a minimum, the following:

a. Self-Report. Licensee shall submit to the Board a report from Licensee himself. The report shall be submitted at the time Licensee petitions and shall provide and address:

1) Licensee's sobriety, including the date Licensee last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Stipulation and Consent Order is in effect;

2) Licensee's treatment and participation in a chemical dependency rehabilitation program, including weekly attendance at a chemical dependency support group such as Alcoholics Anonymous ("AA") or Narcotics Anonymous ("NA") during the 12 months preceding the petition; evidence of participation shall include, but need not be limited to, attendance sheets on a form provided by the Board which have been legibly signed or initialed and dated by a participant who attended the weekly meeting;

3) Licensee's work schedule and the type of employment in which Licensee has been involved;

4) Licensee's physical and mental health status, treatment plan, medications, and compliance with treatment;

5) Licensee's compliance with any recommendation from his chemical dependency and mental health evaluators.

6) Licensee's future plans in nursing and the steps he has taken to prepare himself to return to nursing practice; and

7) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

b. Reports Verifying Sobriety. Licensee shall cause to be submitted to the Board reports from two adult persons, at least one of whom is not related to Licensee by blood or marriage, who can attest to Licensee's sobriety. These reports shall be submitted at the time Licensee petitions and shall provide and address:

1) Licensee's regular participation in a chemical dependency support group such as AA or other structured chemical dependency rehabilitation program;

2) Licensee's sobriety, including the date he last used mood-altering chemicals, including alcohol; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

c. Report From Employer. Licensee shall cause to be submitted to the Board a report from Licensee's employer. The report shall be submitted at the time Licensee petitions and shall provide and address:

- 1) Licensee's sobriety;
- 2) Licensee's ability to perform assigned tasks;
- 3) Licensee's attendance and reliability;
- 4) Licensee's ability to handle stress;
- 5) Licensee's typical work schedule; and
- 6) Any other information the employer believes would assist the Board in its ultimate review of this matter.

d. Report From Mental Health Treatment Professional. Licensee shall cause to be submitted to the Board a report from any mental health treatment professional whom Licensee consults while this Stipulation and Consent Order is in effect. The reports shall be submitted to the Board at the time Licensee petitions and shall provide and address:

- 1) Verification the mental health professional has reviewed this Stipulation and Consent Order;
- 2) Identification of a plan of treatment, including any medications, devised for Licensee;
- 3) A statement of the involvement between Licensee and the mental health professional, including the number and frequency of meetings;
- 4) Licensee's progress with therapy and compliance with the treatment plan;
- 5) Licensee's awareness of his personal problems;
- 6) The mental health professional's conclusion as to the need for continuing therapy and Licensee's discontinuance of therapy; and

7) Any other information the mental health professional believes would assist the Board in its ultimate review of this matter.

e. Report From Health Care Professional. Licensee shall cause to be submitted to the Board a report from any health care professional whom Licensee consults for physical health, mental health or chemical dependency treatment while this Stipulation and Consent Order is in effect. The reports shall be submitted to the Board at the time Licensee petitions and shall provide and address:

1) Verification the health care professional has reviewed this Stipulation and Consent Order;

2) Identification of diagnoses and any plans of treatment, including medications, devised for Licensee;

3) Licensee's progress with therapy and compliance with the treatment plan;

4) A statement regarding Licensee's mental health status;

5) A statement regarding Licensee's sobriety;

6) Recommendations for additional treatment, therapy, or monitoring;

and

7) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

f. Report of Prescribed Mood-Altering Chemicals. Licensee shall cause to be submitted to the Board a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Licensee during the period this Stipulation and Consent Order is in effect. Each report is due at the time of petition and shall provide and address:

1) The name, dosage, frequency, and purpose of the mood-altering chemicals for Licensee;

2) Confirmation the physician, dentist, or other health care professional has been informed of Licensee's chemical dependency history; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

g. Report From Probation Officer. Licensee shall cause to be submitted to the Board a report from his probation officer, if applicable. The report shall be submitted to the Board at the time Licensee petitions for reinstatement of his license. The report shall provide information regarding Licensee's compliance with all terms of his probation including results of random drug testing and any criminal charges against him.

h. Chemical Dependency Evaluation. Within 60 days prior to petitioning, Licensee shall complete a chemical dependency evaluation performed by a chemical dependency treatment professional. Licensee shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Consent Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation.

i. Compliance with Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

j. Mental Health Evaluation. Within 60 days prior to petitioning, Licensee shall complete a mental health evaluation performed by a psychiatrist or a licensed psychologist. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. The evaluation shall include the Minnesota Multiphasic Personality Inventory ("MMPI"). Licensee is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

1) Verification the evaluator has reviewed a copy of this Stipulation and Consent Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation;

2) Diagnosis and any recommended treatment plan;

3) Interpretation of Licensee's MMPI test;

4) Licensee's ability to handle stress;

5) Recommendations for additional evaluation or treatment; and

6) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

k. Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

l. Random Alcohol and Drug Screens. At any time during the petition process, the Board may direct Licensee, without prior notice, to submit to laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. Licensee shall arrange with his employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The Board may contact Licensee by telephone, letter, or through personal contact by an agent to direct him to submit to the tests within two hours after he is contacted by the Board. The hair, blood, and urine screens shall be: (1) observed in their drawing; (2) handled through legal chain-of-custody methods; and (3) paid for by Licensee. The results of the screens shall be reported directly to the Board. The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415. If Licensee is farther than 30 miles from Hennepin County Medical Center and the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of the toxicology supervisor at Hennepin County Medical Center.

m. Waivers. If requested by the Board at any time during the petition process, Licensee shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all of Licensee's health, mental health, or chemical dependency records from his physician, mental health professional/therapist, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance.

n. Additional Information. Licensee shall provide any additional information relevant to his petition reasonably requested by the Board.

o. Reregistration Requirements. Licensee shall meet all reregistration requirements in effect at the time of his petition for reinstatement, including but not limited to completing the appropriate application, payment of requisite fees, and completion of any necessary continuing education requirements.

10. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

- a. Issue a nursing registration certificate to Licensee;
- b. Issue a nursing registration certificate to Licensee with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or
- c. Continue the suspension of Licensee's license upon his failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

11. It is Licensee's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports on or before their due date is a violation of this Stipulation and Consent Order. The information

contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

12. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing

before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

VII.

ADDITIONAL INFORMATION

13. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

14. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

15. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

16. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

17. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

18. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee

or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

19. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

20. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

21. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

22. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF NURSING
REVIEW PANEL


MICHAEL J. ARVIN, R.N., L.P.N.
Licensee

Dated: 11/16, 2010


KATHLEEN HABERMAN
Board Member

Dated: 12/2, 2010

ORDER

Upon consideration of the Stipulation, the Board places Licensee's license in a **SUSPENDED** status and adopts all of the terms described above on this 2nd day of December, 2010.

MINNESOTA BOARD
OF NURSING


SHIRLEY A. BREKKEN
Executive Director

