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By 
Virginia Board Of Nursing



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JUN 20 2017

COMMONWEALTH of VIRGINIA VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions
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Henrico, Virginia 23233-1463

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June 20, 2017

Timothy Michael Dubois, R.N.
24 South Front St
New Ulm, MN 56073

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 6/20/17

RE: License Number: 0001-256937
Case Number: 180847

Dear Mr. Dubois:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered June 19, 2017. You are hereby advised that you may not practice professional nursing or hold yourself out as a licensed professional nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,



Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing
Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: TIMOTHY MICHAEL DUBOIS, R.N.
License Number: 0001-256937
Case Number: 180847

ORDER OF MANDATORY SUSPENSION


In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Timothy Michael Dubois, R.N., to practice professional nursing in the State of Minnesota was revoked by Consent Order of the Minnesota Board of Nursing. A certified copy of the Stipulation and Consent Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Timothy Michael Dubois, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Timothy Michael Dubois, R.N., will be recorded as suspended and no longer current and valid. Should Timothy Michael Dubois, R.N., seek reinstatement of his license pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Mr. Dubois' multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.



David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

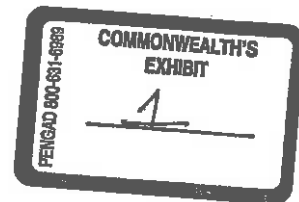

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Stipulation and Consent Order entered June 1, 2017, regarding Timothy Michael Dubois, R.N., is a true copy of the records received from the Minnesota Board of Nursing.



David E. Brown, D.C.

Date: 6/19/17



**BEFORE THE MINNESOTA
BOARD OF NURSING**

In the Matter of
Timothy M. Dubois, RN
License No. 210396-3

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Timothy M. Dubois, RN ("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 advanced practice registered nurses, registered nurses, and licensed practical 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.

BACKGROUND

3. On May 12, 2017, Licensee was served with an Order for Temporary Suspension and a Notice and Order for Hearing on Temporary Suspension.

4. On May 23, 2017, Licensee was scheduled to participate in the prehearing telephone conference at the Office of Administrative Hearings. Licensee failed to appear for the conference. On May 24, 2017, Licensee contacted the Board and expressed an interest in settling this matter. Following a thorough review of all available information, the Review Panel, composed of Michelle Harker, Board member, and Kimberly Miller, Nursing Practice Specialist for the

determined the matter could be resolved by mail with a Stipulation and Consent Order for revocation of Licensee's license.

5. 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. Nicholas Lienesch, Assistant Attorney General, represented the Review Panel.

III.

FACTS

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

a. During the months of January and February 2017, while Licensee was employed as a registered nurse at a transitional and long-term care facility in Coon Rapids, Minnesota, the following occurred:

1) Licensee withdrew 117 tablets of oxycodone from the medication dispensing system ("MDS") that Licensee did not document administering and are unaccounted for.

2) Of the unaccounted for tablets of oxycodone, 36 of the tablets were withdrawn from the MDS under the names of patients in the long-term care unit, where the Licensee never worked.

3) Licensee also documented administering oxycodone to patients at times that did not correspond with the withdrawal of the medication from the MDS.

4) On February 1, 2017, the discrepancies were discovered and Licensee's employment was terminated.

b. While Licensee was employed as a registered nurse at a home health agency in St. Cloud, Minnesota, the following occurred:

1) On April 15, 2017, Licensee began working at the home of a non-verbal vulnerable adult ("Patient") who relied on around the clock nursing care for his basic bodily functions.

2) At approximately 3:45 a.m., the Patient's mother was awoken by Licensee's presence in her bedroom. Licensee was making incoherent statements.

3) The Patient's mother observed the Patient's medications scattered across the kitchen. Four tablets of amitriptyline, four tablets of Seroquel, liquid Valium, and several needles and syringes, were missing from the Patient's medication supply.

4) Licensee had not changed the Patient's urine and fecal waste bags and had not given the Patient his intravenous ("IV") medications. The Patient's central line had also been shut off for a period of four hours, which could compromise the Patient's health and ability to receive care.

5) A bloody syringe with an uncapped needle and piece of IV tubing with teeth marks on it was discovered in a nearby room. Blood was spattered in multiple locations around the room. Used syringes were found throughout the house.

6) The Patient was discovered crying in his room. A rectal thermometer was discovered in the Patient's room. The thermometer was not something normally used in the Patient's care. Blood was later discovered in the Patient's underwear.

7) After Licensee left the Patient's residence he was involved in a single vehicle collision and was arrested on suspicion of driving while impaired. The missing amitriptyline and Seroquel along with a medication bottle, syringes, needles, and a syringe containing a red liquid were discovered in the Licensee's possession at the time of his arrest.

8) On April 17, 2017, Licensee's employment was terminated.

IV.

LAWS

7. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(5), (6), (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. Revocation

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

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

B. Application for Relicensure

10. Licensee may not apply for relicensure for a minimum of ten years from the date of this Order. The burden of proof will be on Licensee to provide clear and convincing evidence that he is fit to practice nursing in a safe, competent, and ethical manner. At the time of Licensee's application, Licensee may be required to meet with a Review Panel and comply with, at a minimum, the following:

a. Self-Report. Licensee must submit a report to the Board at the time Licensee petitions for reinstatement of his license. The report must provide and address:

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

2) Licensee's treatment and participation in a substance use disorder rehabilitation program, including weekly attendance at a chemical dependency support group during the 12 months preceding the petition; evidence of participation must include, but need not

be limited to, attendance sheets on a form provided by the Board and that have been legibly signed or initialed and dated by a participant who attended the weekly meeting;

3) Licensee's job title, dates of employment, work schedule, and the employer's name for every employment Licensee has held while this Order has been in effect;

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

5) Confirmation that Licensee has been released from probation, if applicable;

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. Waivers. If requested by the Board at any time during the petition process, Licensee must 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, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance.

c. Evidence of Rehabilitation. Licensee must provide any information relevant to his application reasonably requested by the Review Panel. The Board will consider all competent evidence of rehabilitation presented to the Board upon Licensee's application for relicensure.

d. Reexamination, Licensure Application, and Licensure Fee. Licensee must retake the National Council Licensure Examination for Registered Nurses ("NCLEX-RN"), submit a completed application for licensure, pay the licensure fee, and meet all other licensure

requirements in effect at the time of application, including submission of evidence of a passing score on the NCLEX-RN.

VI.

ADDITIONAL INFORMATION

11. 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.

12. 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.

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

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

15. 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.

16. 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.

17. This Stipulation and Consent Order will 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 herein.

18. Any complaints or grievances concerning violations of Minnesota Statutes sections 364.01 to 364.10 will be processed and adjudicated in accordance with the procedures set forth in Minnesota Statutes Chapter 14, the Administrative Procedure Act.

VII.

DATA PRACTICES NOTICES


19. 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.

20. 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



TIMOTHY M. DUBOIS, RN
Licensee



MICHELLE HARKER
Board Member


Dated: 5/29, 2017

Dated: 6/1, 2017

ORDER

Upon consideration of the Stipulation, the Board **REVOKES** Licensee's license and adopts all of the terms described above on this 1st day of June, 2017.

MINNESOTA BOARD
OF NURSING



SHIRLEY A. BREKKEN
Executive Director