

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 709968	§	
issued to BARBARA ANN DYKEMAN	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BARBARA ANN DYKEMAN, Registered Nurse License Number 709968, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(8), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 15, 2021.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Lansing Community College, Lansing, Michigan, on May 8, 2001. Respondent was licensed to practice professional nursing in the State of Texas on September 17, 2004.
5. Respondent's nursing employment history is unknown.
6. On or about August 17, 2020, Respondent's Michigan Registered Nurse license was Summarily Suspended through an Order of Summary Suspension issued by the State of Michigan Board of Nursing, Lansing, Michigan. On or about November 5, 2020, the Order

of Summary Suspension was Dissolved, and Respondent's Michigan Registered Nurse license was Suspended through a Consent Order and Stipulations issued by the State of Michigan Board of Nursing, Lansing, Michigan. Copies of the Michigan Board of Nursing's Order of Summary Suspension dated August 17, 2020, and Consent Order and Stipulations dated November 5, 2020, are attached and incorporated, by reference, as part of this Order.

7. In response to the conduct outlined in Finding of Fact Number Six (6), Respondent sent a copy of a monitoring agreement she entered into with the State of Michigan's Health Professional Recovery Program on January 7, 2021.
8. Respondent by her signature expresses her desire to voluntarily surrender the licenses.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 709968, heretofore issued to BARBARA ANN DYKEMAN.
4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 709968 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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RESPONDENT'S CERTIFICATION

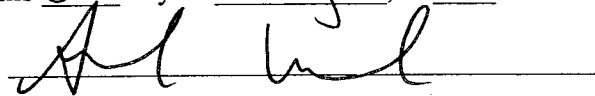
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of May, 2021.


BARBARA ANN DYKEMAN, RESPONDENT

Sworn to and subscribed before me this 20 day of May, 2021.

SEAL



Notary Public in and for the State of MI

AMANDA VOGEL
Notary Public, State of Michigan
County of Mecosta
My Commission Expires 10-06-2027
Acting in the County of Mecosta

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of May, 2021, by BARBARA ANN DYKEMAN, Registered Nurse License Number 709968, and said Agreed Order is final.

Effective this 25th day of May, 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

BARBARA ANN DYKEMAN, R.N.
License No. 47-04-232057,
Respondent.

File No. 47-20-001807

ORDER OF SUMMARY SUSPENSION

The Department filed an Administrative Complaint against Respondent, as provided by the Public Health Code, MCL 333.1101 *et seq*; the rules promulgated under the Code; and the Administrative Procedures Act, MCL 24.201 *et seq*.

MCL 333.16233(5) requires that the Department find that the public health, safety, or welfare require emergency action, if a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum of two years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; and

Based on MCL 333.16233(5) and Respondent's conviction, as set forth in the Administrative Complaint, the Department finds that the public health, safety, or welfare requires emergency action.

Therefore, IT IS ORDERED that Respondent's license to practice as a registered nurse in the state of Michigan is SUMMARILY SUSPENDED, commencing the date this Order is served.

Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of the *Order* by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department by email to LARA-BPL-RegulationSection@michigan.gov.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 08/17/2020


By: Debra Gagliardi, Director
Bureau of Professional Licensing

LFM

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

BARBARA ANN DYKEMAN, R.N.
License No. 47-04-232057,
Respondent.

File No. 47-20-001807

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Debra Gagliardi, Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Nursing is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a registered nurse in the state of Michigan.

3. Pursuant to MCL 333.16233(5):

If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action and, in accordance with section 92 of the

administrative procedures act of 1969, MCL 24.292, shall summarily suspend the licensee's license or the registrant's registration.

4. On March 9, 2019, law enforcement was dispatched to the scene of a vehicle stuck in a roadway median with the driver believed to be intoxicated. At the scene, law enforcement observed that the driver of the vehicle, identified as Respondent, had bloodshot eyes, slurred speech, and smelled of intoxicants. Respondent failed multiple field sobriety tests and submitted to a preliminary breath test which revealed a bodily alcohol content (BAC) of 0.18. Respondent was arrested for driving while intoxicated third offense. At the jail, a chemical test revealed BACs of 0.16 and 0.17.

5. On September 30, 2019, in the 20th Circuit Court in Grand Haven, Michigan, Respondent was convicted of "OWI/Impaired/Alcohol or CT SUB 3RD¹," a felony, in case number 19-043061-FH. Respondent was sentenced to serve 60 days in jail (with two days credit), followed by probation for 24 months, with specified terms and ordered to pay fines and costs. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

6. Respondent failed to notify the Department of the September 30, 2019 conviction within 30 days after the date of the conviction.

¹ Respondent was previously convicted of "Operated While Impaired" on or about March 19, 1993, in St. Johns, Michigan, which occurred prior to licensure as a registered nurse in the state of Michigan. Respondent was also convicted of "Operated While Impaired" on or about November 28, 2001, in Lansing, Michigan.

COUNT I

Respondent's conviction, as set forth above, constitutes a felony conviction, in violation of MCL 333.16221(b)(v).

COUNT II

Respondent's conduct, as set forth above, evidences a failure to notify the Department of Respondent's conviction within 30 days from the date of the conviction, as required by MCL 333.16222(3), in violation of MCL 333.16221(f).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16233(5), the Department states that the public health, safety, or welfare requires emergency action and, accordingly, Respondent's license to practice as a registered nurse shall be summarily suspended, pending a hearing and final determination of this matter.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained in it. Pursuant to section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in the attached proof of service. The written response shall be submitted by email to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing to LARA-BPL-RegulationSection@michigan.gov. If unable to submit a response by email, Respondent may submit by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 08/17/2020


Debra Gagliardi, Director
Bureau of Professional Licensing

Attachment

LFM

STATE OF MICHIGAN JUDICIAL DISTRICT 20TH JUDICIAL CIRCUIT	JUDGMENT OF SENTENCE <input checked="" type="checkbox"/> COMMITMENT TO JAIL Page 1 of 1	CASE NO. 19-043061-FH
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ORI
MI- 700025J
Police Report No. 432-190309001

Court address:
414 Washington, Grand Haven, MI 49417

Court telephone no.
616/846-8315

THE PEOPLE OF ☒ The State of Michigan
☐ _____
City of Grand Haven

Defendant's name, address, and telephone no.
BARBARA ANN DYKEMAN
[REDACTED]
CTN/TCN SID DOB
7019-001336-01 [REDACTED] [REDACTED]

THE COURT FINDS

1. The defendant was found guilty on September 30, 2019 of the crime(s) stated below:
Date

Count	CONVICTED BY		DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court			
1	GP			OWI/IMPAIRED/ALCOHOL OR CT SUB 3RD	257.62560

*Insert "G" for guilty plea, "NC" for not contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

2. Defendant ☒ was represented by an attorney: JOHN HAYES, P-57357
☐ was advised of right to counsel and appointed counsel and knowingly, intelligently, and voluntarily waived that right.
- ☒ 3. Conviction reportable to Secretary of State**. The defendant's driver license number is: _____
- ☐ 4. Sanctions are reportable to State Police**. ☐ Revoked ☐ Suspended _____ days. ☐ Restricted _____ days.
- ☐ 5. HIV testing and sex offender registration are completed. FOC, MSP, OCSO, GHPS, HAYES, JDEF, CLERK
- ☒ 6. The defendant has been fingerprinted according to MCL 28.243.
- ☒ 7. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required

IT IS ORDERED:

- ☐ 8. Probation is revoked. 9. ☐ Deferred status is revoked. ☐ HYTA status is revoked.
- ☒ 10. The defendant is sentenced to jail as follows: ☐ Report at _____ (time)

Count	Date Sentence Begins	Sentenced		Credited		To Be Served		Release Authorized for the Following Purpose	Release Period	
		Mos.	Days	Mos.	Days	Mos.	Days		From	To
1	12/06/19		60		2		58	<input type="checkbox"/> Upon payment of fine and costs <input type="checkbox"/> To work or seek work <input type="checkbox"/> For attendance at school <input type="checkbox"/> For medical treatment <input type="checkbox"/> Other:		

11. The defendant shall pay:

State Minimum	Crime Victim	Restitution	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$ 68.00	\$ 130.00	\$	\$ 500.00	\$	\$ 1000.00	\$ 105.00	\$ 1803.00

The due date for payment is 12/06/19. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail.

☐ The defendant shall serve _____ days in jail for failure to pay on time, as part of a conditional sentence. Prior enforcement of jail time for failing to pay, the court must determine the defendant's ability to pay.

- ☐ 12. The defendant shall be placed on probation for 24 months and abide by the terms of probation. (See separate order.)

- ☐ 13. The defendant shall complete the following rehabilitative services.

☐ Alcohol Highway Safety Education
Specify:

- ☐ 14. The vehicle used in the offense shall be immobilized or forfeited. (See separate order.)

- ☒ 15. Other: 60 DAYS COMMUNITY SERVICE MUST COMPLY W/ TERMS OF PROBATION: WORK RELEASE
DENIED: VEHICLE IMMOBILIZED 1 YEAR

CERTIFICATION OF ORIGINAL ON FILE

copy of the original on file with the office
JUSTIN F. ROEBUCK

CLERK OF COURT

12/10/2019

9:45 AM

Date
12/06/19

12/06/19 11:14:18

JON HULSING 44682 - 20TH CIRCUIT COURT JUDGE
12/07/2019 - 9:45 AM - OTTAWA COUNTY - E-SIGNATURE
Judge Magistrate JON H. HULSING

44682
Bar Nu

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

BARBARA ANN DYKEMAN, R.N.
License No. 47-04-232057

Complaint No. 47-20-001807

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Nursing on August 17, 2020, charging Barbara Ann Dykeman (Respondent) with having violated sections 16221(b)(v) and (f) of the Public Health Code, MCL 333.1101 *et seq.*

Based on Respondent's conviction alleged in the administrative complaint and pursuant to section 16233(5) of the Public Health Code, the Department summarily suspended Respondent's license to practice as a nurse by order dated August 17, 2020.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(b)(v) and (f) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

The order of summary suspension previously issued is DISSOLVED.

Respondent's license to practice as a nurse in the State of Michigan is SUSPENDED for a minimum of one day commencing on the effective date of this order.

Respondent's nursing license shall be automatically reinstated when the Department receives satisfactory evidence from the Health Professional Recovery Program (HPRP) verifying either: (1) that Respondent has entered into a disciplinary non-confidential monitoring agreement and that HPRP has endorsed Respondent as safe to practice, or (2) that HPRP has determined that Respondent does not require monitoring. It is Respondent's responsibility to contact HPRP by telephone at 1-800-453-3784 and to comply with HPRP's requests regarding entry into a disciplinary, non-confidential monitoring agreement, if required. Respondent shall provide a copy of this order and the administrative complaint dated August 17, 2020, to HPRP for review. All costs associated with this process shall be the responsibility of Respondent.

Respondent shall ensure a copy of the signed and fully executed monitoring agreement along with confirmation that HPRP has endorsed Respondent as safe to practice, or written confirmation from HPRP that monitoring is not needed, is submitted to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, by email to BPL-Monitoring@michigan.gov.

If Respondent's license remains suspended for more than six months, reinstatement of the license shall not be automatic, and Respondent will have to petition for reinstatement of the license. If Respondent petitions for reinstatement

of her license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and Mich Admin Code, R 792.10711. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character, (2) the ability to practice the profession with reasonable skill and safety, (3) satisfaction of the guidelines on reinstatement adopted by the Department, and (4) that it is in the public interest for the license to be reinstated.

Respondent is placed on PROBATION for a minimum period of one year, not to exceed three years, commencing on the date license is reinstated, provided reinstatement occurs within six months. Reduction of the period of probation shall occur only while Respondent is employed as a nurse. Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within three years. If Respondent fails to complete any term or condition of probation as set forth in this order within three years of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

- A. **CONTINUING EDUCATION CREDITS.** Within 90 days of the commencement of the probationary period, Respondent shall successfully complete the **Disciplinary Actions: What Every Nurse Should Know; Professional Accountability & Legal Liability for Nurses; and Understanding Substance Use Disorder in Nursing** courses offered by the National Council of State Boards of Nursing, available at www.learningext.com, or a comparable continuing education course, which shall be pre-approved by the Chairperson of the Michigan Board of Nursing or the Chairperson's designee. This continuing education shall

be completed during the probationary period and **shall not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall submit proof of successful completion of the continuing education courses to the Department of Licensing and Regulatory Affairs by email to BPL-Monitoring@michigan.gov.

- B. **EMPLOYER REPORTS.** In the event Respondent is employed in any capacity as a nurse, she shall immediately provide copies of this order and the complaint dated August 17, 2020, to her employer and supervisor. Respondent's immediate supervisor at the place of employment shall be knowledgeable of Respondent's history and file reports with the Department, as further provided below, advising of Respondent's work performance. For purposes of these reports, Respondent's immediate supervisor shall be a licensed health professional. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, her supervisor shall immediately notify the Department.

Respondent is responsible to ensure that the employer submits quarterly reports.

- C. **EMPLOYMENT CHANGE.** Respondent shall report to the Department in writing any and all changes in her employment within 15 days of such change. Respondent shall provide copies of this order and the complaint dated August 17, 2020, to each successor employer in any position in which she is working as a nurse. The successor employer shall file reports with the Department advising of Respondent's work performance, as set forth above.
- D. **REPORT OF NON-EMPLOYMENT.** If, at any time during the period of probation, Respondent is not employed as a nurse, she shall file a report of non-employment with the Department. Respondent shall file this report within 15 days after becoming unemployed. Respondent shall continue to file reports of non-employment on a quarterly basis until she returns to practice as a nurse. If Respondent subsequently returns to practice as a nurse, she shall notify the Department of this fact within 15 days after returning to practice.
- E. **MONITORING AGREEMENT.** If the Health Professional Recovery Program (HPRP) determines that Respondent requires monitoring, and Respondent enters into a disciplinary

monitoring agreement as a prerequisite to reinstatement of her license, Respondent shall comply fully with the terms of the monitoring agreement. The duration of the monitoring agreement may exceed the period of probation. All information and documentation acquired by HPRP in developing and implementing a monitoring agreement shall be made available to the Department upon request to establish Respondent's compliance or noncompliance with the monitoring agreement and this order.

If Respondent fails to comply with the terms of the monitoring agreement, HPRP shall promptly notify the Department in writing.

Upon Respondent's successful completion of the monitoring agreement, HPRP shall promptly notify the Department in writing.

F. COMPLIANCE WITH THE PUBLIC HEALTH CODE.

Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.

- G. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. By accepting the terms of this consent order and stipulation, Respondent has authorized the release of all necessary records and information.

SKILLS ASSESSMENT. If Respondent is unable to maintain 1 year of employment demonstrating compliance with minimal standards of acceptable and prevailing practice, or the ability to practice with reasonable skill and safety during the 3 year period of probation, Respondent may demonstrate her safety to practice in the practice area by submitting to a skills assessment by a skills assessment program pre-approved by the Board Chairperson or the Chairperson's designee.

Respondent shall not be eligible to submit to the skills assessment sooner than 90 days prior to the expiration of the 3-year period of probation, provided Respondent has successfully complied with all other terms of the board order.

Respondent shall be automatically discharged from probation upon written verification from the pre-approved skills assessment program that she is safe to practice. Failure to meet the employment requirement or successfully complete a skills assessment evaluation within the 3-year period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$500.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 47-20-001807 clearly indicated on the check or money order), and shall be payable within 90 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

If Respondent fails to meet the probationary employment requirement or successfully complete a skills assessment evaluation within the 3 year period of probation, successfully complete the continuing education credits, timely pay the fine, or comply with the terms of the monitoring agreement (if applicable), her license shall be suspended a minimum of 1 day until successful completion of the

skills evaluation, successful completion of the continuing education credits, payment of the fine, and she is in compliance with the terms of the monitoring agreement (if applicable). If Respondent's license remains suspended for more than six months, reinstatement of the license shall not be automatic, and Respondent will have to petition for reinstatement of the license in the manner described above.

Respondent shall direct all communications, except fines, required by the terms of this Order to: BPL-Monitoring@michigan.gov.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

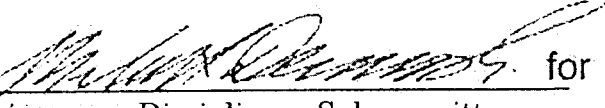
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on November 5, 2020

MICHIGAN BOARD OF NURSING

By  for
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.

2. Respondent understands and intends that, by signing this stipulation, she is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, MCL 24.201 et seq., to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above consent order, supported by Board conferee Donna Carnahan, C.R.N.A., D.N.A.P., MS. Ms. Carnahan or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Ms. Carnahan and the parties considered the following factors in reaching this agreement:

- A. Respondent advises that she is remorseful and that she takes full responsibility for her conduct.
- B. Respondent asserts that the reason she failed to report her conviction to the Department is because she was receiving inpatient treatment at a mental health facility from February 4, 2020 - February 11, 2020 and also due to financial hardship that she was experiencing.

- C. Respondent advises that she has been sober since March 9, 2019 and regularly attends alcoholics anonymous (AA) meetings.
- D. Respondent advises that she is currently seeing a therapist for substance abuse and receiving general mental health treatment from ACT (Assertive Community Treatment), a community mental health program.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

/s/ DeAnthony D. Shaw
DeAnthony Shaw (P82292)
Michele Wagner-Gutkowski (P44654)
Assistant Attorneys General
Attorney for Complainant
Dated: September 22, 2020

AGREED TO BY:

Barbara Ann Dykeman, R.N.
Barbara Ann Dykeman, R.N.
Respondent
Dated: 9/20/20

LF: 2020-0300054-A/Dykeman, Barbara Ann, R.N., 001807/Order – Consent Order and Stipulation – 2020-09-17