BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Surrender of License and Order Against:

KATHERINE A. MCSTRAVICK
AKA KATHERINE ANNE MCSTRAVICK
5614 Highland Ave.
Richmond, CA 94804

Registered Nurse License No. 517187
Public Health Nurse Certificate No. 61658

Respondent

Case No. 2013-1071

STIPULATED SURRENDER OF LICENSE AND ORDER

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

IT IS SO ORDERED March 15, 2017.

This Decision shall become effective on March 15, 2017.

Joseph L. Morris, PhD, MSN, R.N. Executive Officer
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
BEFORE THE 
BOARD OF REGISTERED NURSING 
DEPARTMENT OF CONSUMER AFFAIRS 
STATE OF CALIFORNIA

In the Matter of the Stipulated Surrender of 
License and Order Against:

KATHERINE A. MCSTRAVICK 
a.k.a. KATHERINE ANNE MCSTRAVICK 
5614 Highland Avenue 
Richmond, CA 94804 
Registered Nurse License No. 517187 
Public Health Nurse Certificate No. 61658 
Respondent.

Case No. 2013-1071

STIPULATED SURRENDER OF LICENSE AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the parties that
the following matters are true:

PARTIES

1. Joseph L. Morris PhD, MSN, RN. (Complainant) is the Executive Officer
   of the Board of Registered Nursing, who brought this action solely in his official capacity.

2. Katherine A. McStravick a.k.a. Katherine Anne McStravick (Respondent),
   is representing herself in this proceeding and has chosen not to exercise her right to be
   represented by counsel.

3. On or about October 24, 1995, the Board of Registered Nursing issued
   Registered Nurse, License No. 517187 to Katherine A. McStravick a.k.a. Katherine Anne
   McStravick (Respondent). The Registered Nurse, License No. 517187 will expire on September
   30, 2017, unless renewed.

4. On or about January 12, 2000, the Board of Registered Nursing issued
   Public Health Nurse Certificate No. 61658 to Katherine A. McStravick a.k.a. Katherine Anne
   McStravick (Respondent). The Public Health Nurse Certificate will expire on September 30, 
   2017, unless renewed.
5. On November 19, 2013, the Board of Registered Nursing adopted Stipulated Settlement and Disciplinary Order No. 2013-1071, which became effective on December 19, 2013. The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to serve a 3-year probation term that includes Probation Conditions # 1-13. On or about June 17, 2016, the Board extended Respondent’s probation one year without further hearing in order to comply with Condition 6. The completion date for Respondent’s period following this extension was December 18, 2017. The Stipulated Settlement and Disciplinary Order is attached as exhibit A and incorporated herein by reference.

6. At all times after the effective date of Respondent’s probation, Condition 13 states,

“License Surrender. During Respondent’s term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent’s request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent’s license shall be considered a disciplinary action and shall become a part of Respondent’s license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.”
ADVISEMENT AND WAIVERS

7. Respondent has carefully read and understands Stipulated Settlement and Disciplinary Order No. 2013-1071. Respondent has carefully read, and understands the effects of this Stipulated Surrender of License and Order and understands that this Stipulated Surrender, if accepted by the Board, is considered as formal discipline of her license and certificate.

8. Respondent understands that by signing this stipulation she enables the Board to accept the surrender of her Registered Nurse License and Public Health Nurse Certificate without further process.

CONTINGENCY

9. This stipulation shall be subject to approval by the Board of Registered Nursing. The Respondent understands and agrees that by signing this Stipulated Surrender of License and Order, she may not withdraw her agreement or seek to rescind the stipulation prior to the date it becomes effective. If the Board declines to accept this stipulation as its Decision and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

10. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
12. In consideration of the foregoing stipulations, the parties agree that the
Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 517187 and
Public Health Nurse Certificate No. 61658 issued to Respondent Katherine A. McStravick
a.k.a. Katherine Anne McStravick is surrendered and the surrender is accepted by the Board of
Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and Public
Health Certificate and the acceptance of the surrendered license and certificate by the Board
shall constitute the imposition of discipline against Respondent. This stipulation constitutes a
record of the discipline and shall become a part of Respondent's license history with the
Board.

2. Respondent shall lose all rights and privileges as a Registered Nurse and
Public Health Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her pocket
license and wall certificate, if one was issued, and her Public Health Nurse certificate on or
before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if she ever files an
application for licensure or a petition for reinstatement in the State of California, the Board shall
treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
and all of the charges and allegations contained in Accusation No. 2013-1071 shall be deemed
to be true, correct and admitted by Respondent when the Board determines whether to grant or
deny the petition.

5. Upon reinstatement of the license by the Board, Respondent shall pay to
the Board costs associated with its investigation and enforcement pursuant to Business and
Professions Code section 125.3 in the amount of $2211.76 which is the amount currently
owed pursuant to Stipulated Settlement and Disciplinary Order No. 2013-1071 (Exhibit A). If
the reinstatement of Respondent's license is granted, Respondent shall be permitted to pay
these costs in a payment plan approved by the Board.

6. Respondent shall not apply for licensure or petition for reinstatement for
2 years from the effective date of the Board of Registered Nursing's Decision and Order.
ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License and Public Health Nurse Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.


KATHERINE A. MCSTRAVICK
a.k.a. KATHERINE ANNE MCSTRAVICK
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Joseph L. Morris PhD, MSN, RN. (Complainant) as the Executive Officer for the Board of Registered Nursing.


Joseph L. Morris PhD, MSN, RN.
Executive Officer
BOARD OF REGISTERED NURSING
Exhibit A

Stipulated Settlement and Disciplinary Order No. 2013-1071
BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHERINE A. MCSTRAVICK
a.k.a. KATHERINE ANNE MCSTRAVICK
5614 Highland Avenue
Richmond, CA 94804

Registered Nurse License No. 517187
Public Health Nurse Certificate No. 61658

Respondent

Case No. 2013-1071

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 19, 2013.

IT IS SO ORDERED November 19, 2013.

Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California
KAMALA D. HARRIS  
Attorney General of California
DIANN SOKOLOFF  
Supervising Deputy Attorney General
KIM M. SETTLES  
Deputy Attorney General
State Bar No. 116945  
1513 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2138
Facsimile: (510) 622-2270
Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:  
Case No. 2013-1071
KATHERINE A. MCSTRAVICK, a.k.a.
KATHERINE ANNE MCSTRAVICK  
5614 Highland Avenue  
Richmond, California 94804
Registered Nurse License No. 517187  
Public Health Nurse Certificate No. 61658
Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
Registered Nursing. She brought this action solely in her official capacity and is represented in
this matter by Kamala D. Harris, Attorney General of the State of California, by Kim M. Settles,
Deputy Attorney General.

2. Respondent Katherine A. McStravick, a.k.a. Katherine Anne McStravick
(Respondent) is represented in this proceeding by attorney Kathleen A. McCormac, whose
address is: Kathleen A. McCormac, Esq., McCormac & Associates, 655 Montgomery Street,
Suite 1200, San Francisco, California 94111-2630.
3. On or about October 24, 1995, the Board of Registered Nursing issued Registered Nurse License No. 517187 to Katherine A. McStravick, a.k.a. Katherine Anne McStravick (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-1071 and will expire on September 30, 2013, unless renewed.

4. On or about January 12, 2000, the Board of Registered Nursing issued Public Health Nurse Certificate No. 61658 to Katherine A. McStravick, a.k.a. Katherine Anne McStravick (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-1071 and will expire on September 30, 2013, unless renewed.

JURISDICTION

5. Accusation No. 2013-1071 was filed before the Board of Registered Nursing (Board) Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 15, 2013. Respondent timely filed her Notice of Defense contesting the Accusation.


ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2013-1071. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration.
and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

**CULPABILITY**

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-1071.

11. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

**CONTINGENCY**

12. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order are intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following
Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 517187 and Public Health
Nurse Certificate No. 61658 issued to Respondent Katherine A. McStravick, a.k.a. Katherine
Anne McStravick (Respondent) are revoked. However, the revocations are stayed and
Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and
distinct condition. If any condition of this Order, or any application thereof, is declared
unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
applications thereof, shall not be affected. Each condition of this Order shall separately be valid
and enforceable to the fullest extent permitted by law.

1. Obey All Laws. Respondent shall obey all federal, state and local laws. A full and
detailed account of any and all violations of law shall be reported by Respondent to the Board in
writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
45 days of the effective date of the decision, unless previously submitted as part of the licensure
application process.

Criminal Court Orders: If Respondent is under criminal court orders, including
probation or parole, and the order is violated, this shall be deemed a violation of these probation
conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. Comply with the Board's Probation Program. Respondent shall fully comply with
the conditions of the Probation Program established by the Board and cooperate with
representatives of the Board in its monitoring and investigation of the Respondent's compliance
with the Board's Probation Program. Respondent shall inform the Board in writing within no
more than 15 days of any address change and shall at all times maintain an active, current license
status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent’s probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

    Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent’s compliance with all the conditions of the Board’s Probation Program.

    Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

    Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

   For purposes of compliance with the section, “engage in the practice of registered nursing” may include, when approved by the Board, volunteer work as a registered nurse, or work in any
non-direct patient care position that requires licensure as a registered nurse,

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. Employment Approval and Reporting Requirements. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. Supervision. Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.
Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. Employment Limitations. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses.

The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined.
1. Worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course(s). Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s).

Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. Cost Recovery. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $4,961.76. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. Violation of Probation. If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent’s license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent’s license or the Attorney General’s Office has been requested to prepare an accusation or petition to revoke probation against Respondent’s license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has...
been acted upon by the Board.

13. License Surrender. During Respondent's term of probation, if she ceases practicing
due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
Respondent may surrender her license to the Board. The Board reserves the right to evaluate
Respondent's request and to exercise its discretion whether to grant the request, or to take any
other action deemed appropriate and reasonable under the circumstances, without further hearing.
Upon formal acceptance of the tendered license and said certificate, Respondent will no longer be
subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall
become a part of Respondent's license history with the Board. A registered nurse whose license
has been surrendered may petition the Board for reinstatement no sooner than the following
minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other
than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
discussed it with my attorney, Kathleen A. McCormac. I understand the stipulation and the effect
it will have on my Registered Nurse License, and Public Health Nurse Certificate. I enter into
this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 8/15/2013

KATHERINE ANNE MCSTRAVICK
Respondent

STIPULATED SETTLEMENT (2013-1071)
I have read and fully discussed with Respondent Katherine A. McStravick, a.k.a. Katherine Anne McStravick the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/15/13

KATHLEEN A. MCCORMAC
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order are hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 8/15/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

KIM M. SETTLES
Deputy Attorney General
Attorneys for Complainant
BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHERINE ANNE MCSTRAVICK
5614 Highland Avenue
Richmond, California 94804

Registered Nurse License No. 517187
Public Health Nurse Certificate No. 61658

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about October 24, 1995, the Board of Registered Nursing issued Registered Nurse License Number 517187 to Katherine Anne McStravick (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on September 30, 2013, unless renewed.

3. On or about January 12, 2000, the Board of Registered Nursing issued Public Health Nurse Certificate Number 61658 to Katherine Anne McStravick (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on January 11, 2012, unless renewed.
Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on September 30, 2013, unless renewed.

**JURISDICTION**

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

**STATUTORY/REGULATORY PROVISIONS**

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

9. California Code of Regulations, title 16, section 1443, states:
"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

11. "Albuterol" is a bronchodilator that is used to relax muscles in the airways and increase air flow to the lungs. It is a dangerous drug pursuant to Business and Professions Code section 4022.

12. "Ritalin" (brand name "Methylphenidate") is a psychostimulant drug used to treat attention-deficit hyperactivity disorder. It is a Schedule II controlled substance and a dangerous drug pursuant to Business and Professions Code section 4022.

13. "Baclofen" is a muscle relaxer that is used to treat spasticity. It is a dangerous drug pursuant to Business and Professions Code section 4022.

14. "Propranolol" is a beta blocker that is used to treat hypertension, anxiety, and panic. It is a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Grossly Incorrect and/or Grossly Inconsistent Entries in Patient Records)

15. Respondent has subjected her licenses to disciplinary action under section Code section 2761, subdivision (a) on the grounds of unprofessional conduct in that on or between January 26, 2008, and April 26, 2008, while employed as a registered nurse at George Mark Children's House (GMCH), a pediatric palliative care center, in San Leandro, Respondent...
administered Albuterol to a patient without a physician's order and failed to administer medications as ordered, in the following respects:

A. Patient A

On or about January 26, 2008, between 7:00 a.m. and 3:00 p.m., Respondent administered an Albuterol Inhaler to Patient A, because the patient was experiencing respiratory distress and wheezing. There was no physician's order for the Albuterol Inhaler. The Albuterol Inhaler was from the patient's "home medical supply," and had been prescribed to the patient prior to admission at GMCH. The patient's mother had brought the inhaler when the patient was admitted to GMCH, and placed it in the patient's bedside drawer. Respondent failed to obtain a physician's order for the Albuterol Inhaler prior to or after the administration. Respondent failed to perform medication reconciliation at the time the patient was transferred to GMCH. Respondent failed to document the administration of the Albuterol Inhaler.

B. Patient B

On or about April 25 and 26, 2008, Respondent failed to administer the noon dosage of Ritalin, Baclofen, and Propanolol to Patient B. The physician's orders were as follows: (1) 7.5 mg of Baclofen four times per day to be administered at 8:00 a.m., 12:00 p.m., 4:00 p.m., and 8:00 p.m. (2) 2.5 mg of Ritalin two times per day to be administered at 8:00 a.m. and 12:00 p.m. (3) 10 mg of Propanolol four times per day to be administered at 8:00 a.m., 12:00 p.m., 4:00 p.m., and 8:00 p.m. Respondent failed to review the Medication Administration Record during change of shift to determine that all medications were administered pursuant to physician orders.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Incompetence)

16. Respondent has subjected her license to disciplinary action under section 2761, subdivision (a)(1) on the grounds of incompetence based on the acts and/or omissions set forth in paragraph 15, above.

1 The patient names will be released to Respondent pursuant to a request for discovery.
DISCIPLINARY MATTERS

17. In a disciplinary action entitled "In the Matter of the Accusation Against: Katherine A. McStravick," Case No. 2007-56, the Board issued a decision, effective April 2, 2007, in which Respondent's Registered Nurse License and Public Health Nurse Certificate were revoked. However, the revocations were stayed and Respondent was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as exhibit A and is incorporated by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 517187, issued to Katherine Anne McStravick;

2. Revoking or suspending Public Health Nurse Certificate Number 61658, issued to Katherine Anne McStravick;

3. Ordering Katherine Anne McStravick to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: May 15, 2013

LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant
BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHERINE A. MCSTRAVICK
5614 Highland Avenue
Richmond, CA 94804

Registered Nurse License No. 517187
Public Health Nurse Certificate No. 61658

Respondent

Case No. 2007-56

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on April 2, 2007.

IT IS SO ORDERED March 1, 2007.

[Signature]
Vice-President
Board of Registered Nursing
Department of Consumer Affairs
State of California
IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing. She brought this action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Rebecca Heinsein, Deputy Attorney General.

2. Respondent Katherine A. McStravick (Respondent) is represented in this proceeding by attorney Deborah Phillips, whose address is Anthony & Carlson, LLP 1999 Harrison Street, Oakland, CA 94612.
3. On or about October 24, 1995, the Board of Registered Nursing issued Registered Nurse License No. 517187 to Katherine A. McStravick (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-56 and will expire on September 30, 2007, unless renewed.

4. On or about January 12, 2000, the Board of Registered Nursing issued Public Health Nurse Certificate No. 61658 to Katherine A. McStravick (Respondent). The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-56 and will expire on September 30, 2007, unless renewed.

JURISDICTION

5. Accusation No. 2007-56 was filed before the Board of Registered Nursing, Department of Consumer Affairs (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 6, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-56 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2007-56. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.
CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in the Second Cause for Discipline in Accusation No. 2007-56.

10. Respondent understands that the charges and allegations in the First and Third Causes for Discipline in Accusation No. 2007-56, if proven at a hearing, constitute cause for imposing discipline upon her Registered Nurse License.

11. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 517187 and Public Health Nurse Certificate No. 61658 issued to Respondent Katherine A. McStravick are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.
Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. Submit Written Reports. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent’s compliance with all the conditions of the Board’s Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. Function as a Registered Nurse. Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent’s probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.
7. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent’s level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent’s level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has
person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients’ homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse’s registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

   Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

   Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

   Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

   Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

   If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.
Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $4800.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent’s probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent’s license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent’s license or the Attorney General’s Office has been requested to prepare an accusation or petition to revoke probation against Respondent’s license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. **License Surrender.** During Respondent’s term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent’s request and to exercise its discretion whether to grant the request, or to
take any other action deemed appropriate and reasonable under the circumstances, without
further hearing. Upon formal acceptance of the tendered license and bond certificate, Respondent
will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and
shall become a part of Respondent's license history with the Board. A registered nurse whose
license has been surrendered may petition the Board for reinstatement no sooner than the
following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any
reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and
have fully discussed it with my attorney, Deborah Phillips. I understand the stipulation and the
effects it will have on my Registered Nurse License and Public Health Nurse Certificate. I enter
into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 12/13/06

KATHERINE A. MCSTAVICK
Respondent

I have read and fully discussed with Respondent Katherine A. McStavick the
terms and conditions and other matters contained in the above Stipulated Settlement and
Disciplinary Order. I approve its form and content.

DATED: 12/14/06

DEBORAH PHILLIPS
Attorney for Respondent
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing, Department of Consumer Affairs.

DATED: 12/14/06

BILL LOCKYER, Attorney General of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General

REBECCA HEINSTEIN
Deputy Attorney General

Attorneys for Complainant
Exhibit A
Accusation No. 2007-56
BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Case No. 2007-56

KATHERINE ANNE MCSTRAVICK
5614 Highland Avenue
Richmond, CA 94804

Registered Nurse License No. 517187
Public Health Nurse Certificate No. 61658

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing,

Department of Consumer Affairs.

2. On or about October 25, 1995, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 517187 to Katherine Anne McStravick ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2007, unless renewed.

3. On or about January 12, 2000, the Board of Registered Nursing ("Board") issued Public Health Nurse Certificate Number 61658 to Katherine Anne McStravick ("Respondent"). The certificate was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2007, unless renewed.
4. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 provides, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

7. Title 16, California Code of Regulations, section 1442 provides:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

8. Title 16, California Code of Regulations, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."
9. Title 16, California Code of Regulations, section 1443.5, states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

11. On or about October 1, 2001, a 12-year-old female patient ("CC") was admitted to the Pediatric Intensive Care Unit at Children's Hospital in Oakland, California after developing an upper airway obstruction following a tonsillectomy/adenoidectomy. Patient CC was diagnosed with pneumonia, probably aspiration, cerebral palsy, developmental delay, and seizure disorder. On or about October 4, 2001, Patient CC's physician issued an order for 150 mg Clindamycin, an antibiotic, to be administered via a gastric tube.

12. On or about October 7, 2001, Respondent was assigned to care for Patient CC. At approximately 4:30 p.m., Respondent administered 250 mg Clindamycin to Patient CC via an intravenous device. Respondent charted that she administered 150 mg Clindamycin to Patient CC via a gastric tube.
13. On or about October 7, 2001, at a change of shift report for Patient CC, Respondent stated to Karen Garcia, R.N., that she administered Clindamycin to Patient CC via an intravenous device. On or about October 8, 2001, at approximately 10:30 a.m., Respondent stated to Robin Sisson, R.N., that she administered Clindamycin to Patient CC via a gastric tube. At approximately 12:30 p.m., Respondent admitted to Ms. Sisson that she administered Clindamycin to Patient CC via an intravenous device. At this time, Respondent asked Ms. Sisson to report the medication error to a physician.

14. On or about October 8, 2001, Patient CC had a fever, became "less active," and had an elevated white blood cell count.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

15. Respondent is subject to disciplinary action under section 2761(a)(1) of the Code on the grounds of unprofessional conduct in that on or about October 7, 2001 and/or October 8, 2001, while employed by Children's Hospital in Oakland, California, Respondent committed gross negligence, within the meaning of Title 16, California Code of Regulations section 1442, in her care of Patient CC, in the following respects:

a. Respondent administered Clindamycin intravenously to Patient CC rather than orally via a gastric tube, with resultant harm to Patient CC.

b. Respondent failed to give an accurate change of shift report regarding her administration of Clindamycin to Patient CC.

c. Respondent failed to accurately chart the route by which she administered Clindamycin to Patient CC.

SECOND CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

16. Respondent is subject to disciplinary action under section 2761(a) of the Code on the grounds of unprofessional conduct in that she violated Title 16, California Code of Regulations section 1443.5(6) as follows:

/ / /
a. On or about October 7, 2001 and/or October 8, 2001, while employed by Children's Hospital in Oakland, California, Respondent failed to advocate for Patient CC when she failed to timely notify a physician of her medication error, thus denying Patient CC timely medical attention, as set forth in paragraphs 11 through 14, above.

**THIRD CAUSE FOR DISCIPLINE**

(Incompetence)

17. Respondent is subject to disciplinary action under section 2761(a)(1) of the Code on the grounds of unprofessional conduct in that on or about October 7, 2001 and/or October 8, 2001, while employed by Children's Hospital in Oakland, California, Respondent was incompetent, within the meaning of Title 16, California Code of Regulations section 1443, in that she violated Title 16, California Code of Regulations section 1443.5(3) as follows:

a. Respondent transferred Clindamycin, which was ordered to be given by gastric tube, to a syringe, inserted the syringe into a syringe pump with tubing, and accessed Patient CC's hep lock so that this non-sterile mixture was infused into Patient CC, with the result that foreign matter and pathogens entered Patient CC's blood stream, with resultant harm to Patient CC.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 517187, issued to Katherine Anne McStravick;

2. Revoking or suspending Public Health Nurse Certificate Number 61658 issued to Katherine Anne McStravick;

3. Ordering Katherine Anne McStravick to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED: 6/29/06

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant