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

KAREN MARGARET SETTERFIELD
AKA KAREN MARGARET MCKEOWN
5675 Thille St. #18
Ventura, CA 93003

Registered Nurse License No. 390386
Respondent

Case No. 2016-953
OAH No. 2016061012

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.


This Decision shall become effective on July 27, 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:

KAREN MARGARET SETTERFIELD
AKA KAREN MARGARET MCKEOWN
5675 Thille St. #18
Ventura, CA 93003
Registered Nurse License No. 390386

Respondent.

Case No. 2016-953
OAH No. 2016061012
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. Karen Margaret Setterfield, a.k.a. Karen Margaret McKeown (Respondent), is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 31, 1985, the Board of Registered Nursing issued Registered Nurse License No. 390386 to Karen Margaret Setterfield, a.k.a. Karen Margaret McKeown (Respondent). The Registered Nurse License No. 390386 will expire on April 30, 2019, unless renewed.

JURISDICTION

4. On June 20, 2017, the Board of Registered Nursing adopted Stipulated Settlement and Disciplinary Order No. 2016-953, OAH No. 2016061012, which became effective on July 20, 2017. The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to serve a 3-year probation term that includes Probation Conditions # 1-19. The Stipulated Settlement and Disciplinary Order is attached as exhibit A and incorporated herein by
5. 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 wallet 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

6. Respondent has carefully read and understands Stipulated Settlement and Disciplinary Order No. 2016-953, OAH No. 2016061012. 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.

7. Respondent understands that by signing this stipulation she enables the Board to accept the surrender of her Registered Nurse License without further process.
CONTINGENCY

8. 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.

9. 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.

10. 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.

11. 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. 390386, issued to Respondent Karen Margaret Setterfield, a.k.a. Karen Margaret McKeown is surrendered and the surrender is accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license 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 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, 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 or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2016-953 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 $11,529.00 which is the amount currently owed pursuant to Stipulated Settlement and Disciplinary Order No. 2016-953, OAH No. 2016061012 (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 one (1) year 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. 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.

DATED: __/__/____

[Signature]
Karen Margaret Setterfield
a.k.a. Karen Margaret McKeown
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.

DATED: __/__/____

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

Stipulated Settlement and Disciplinary Order No. 2016-953, OAH No. 2016061012
BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KAREN MARGARET SETTERFIELD
AKA KAREN MARGARET MCKEOWN
5675 Thille St. #18
Ventura, CA 93003

Registered Nurse License No. 390386
Respondent

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 July 20, 2017.

IT IS SO ORDERED June 20, 2017.

Michael D. Jackson, President
Board of Registered Nursing
Department of Consumer Affairs
State of California
XAVIER BECERRA
Attorney General of California

MARC D. GREENBAUM
Supervising Deputy Attorney General

MICHAEL A. CACCIOTTI
Deputy Attorney General

State Bar No. 129533
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2932
Facsimile: (213) 897-2804
Attorneys for Complainant

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

In the Matter of the Accusation Against:

KAREN MARGARET SETTERFIELD aka
KAREN MARGARET MCKEOWN
931 Brockton Lane
Ventura, CA 93001
Registered Nurse License No. 390386

Respondent.

Case No. 2016-953
OAH No. 2016061012
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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) was the Executive Officer of the Board
   of Registered Nursing (Board). She brought this action solely in her official capacity. Joseph
   Morris, PhD, MSN, RN is currently the Executive Officer of the Board and is represented in this
   matter by Xavier Becerra, Attorney General of the State of California, by Michael A. Cacciotti,
   Deputy Attorney General.

2. Respondent Karen Margaret Setterfield aka Karen Margaret McKown (Respondent)
   is represented in this proceeding by attorney Elizabeth Brady, whose address is: Law Office of
   Elizabeth M. Brady 8880 Rio San Diego Drive, Suite 800 San Diego, CA 92108-1642.

3. On or about August 31, 1985, the Board issued Registered Nurse License No. 390386
   to Respondent. The Registered Nurse License will expire on April 30, 2017, unless renewed.
JURISDICTION

4. Accusation No. 2016-953 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 28, 2016. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2016-953 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. 2016-953. 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 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 understands and agrees that the charges and allegations in Accusation No. 2016-953, if proven at a hearing, constitute cause for imposing discipline upon her Registered Nurse License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.
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.

RESERVATION

12. 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

13. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board 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.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary 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 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.

16. 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:

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STIPULATED SETTLEMENT (2016-953)
DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. RN 390386 issued to Respondent Karen Margaret Setterfield is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following conditions.

IT IS FURTHER ORDERED that any new certification(s) issued while Respondent remains on probation shall also be placed on probation subject to the same terms and conditions applicable to Respondent’s registered nurse license.

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, 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 in 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 $11,529.00. 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 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.

14. Physical Examination. Within 45 days of the effective date of this Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of suspension will not apply to the reduction
of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.

Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

16. Abstain from Use of Psychotropic (Mood-Altering) Drugs. Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

17. Submit to Tests and Samples. Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times.

Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not
reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

18. Mental Health Examination. Respondent shall, within 45 days of the effective date of this Decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by Respondent.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.
If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Elizabeth Brady. I understand the stipulation and the effect it will have on my Registered Nurse License. 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.

DATED: ____________________________

KAREN MARGARET SETTERFIELD aka KAREN MARGARET MCKEOWN
Respondent

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

DATED: ____________________________

ELIZABETH BRADY
Attorney for Respondent
If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for completion must be provided.

Only one such waiver or extension may be permitted.

19. Therapy or Counseling Program. Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

Acceptance

I have agreeably read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Elizabeth Brady. I understand the stipulation and the effect it will have on my Registered Nurse License. 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.

DATED: 12/7/17

KAREN MARGARET SETTERFIELD

DATED: January 27, 2017

ELIZABETH BRADY

Attorney for Respondent

STIPULATED SETTLEMENT (2016-053)
ENDORSEMENT

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

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

[Signature]

MICHAEL A. CACCIOTTI
Deputy Attorney General
Attorneys for Complainant

Dated: 1/27/17
Exhibit A

Accusation No. 2016-953
In the Matter of the Accusation Against: Case No. 2016-953

KAREN MARGARET SETTERFIELD aka KAREN MARGARET MCKEOWN
931 Brocket Lane
Ventura, CA 93001
Registered Nurse License No. 390386

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 August 31, 1985, the Board of Registered Nursing issued Registered Nurse License Number 390386 to Karen Margaret Setterfield aka Karen Margaret McKeown (Respondent). The Registered Nurse License will expire on April 30, 2017, unless renewed.

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(KAREN MARGARET SETTERFIELD) ACCUSATION
JURISDICTION

3. 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.

STATUTORY PROVISIONS

4. 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.

5. 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. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"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.

\[\ldots\]

\[\ldots\]

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

7. 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:

\[\ldots\]
"(b) Use 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, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

COST RECOVERY

8. 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.

REGULATIONS

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."

10. California Code of Regulations, title 16, 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:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(KAREN MARGARET SITTERFIELD) ACCUSATION
"(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.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the
subordinates and on the preparation and capability needed in the tasks to be delegated, and
effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical
condition and behavior, signs and symptoms of illness, and reactions to treatment and through
communication with the client and health team members, and modifies the plan as needed.

"(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."

FIRST CAUSE FOR DISCIPLINE
(Incompetence)

11. Respondent is subject to disciplinary action under section 2761 subdivision (a) (1)
and California Code of Regulations, title 16, sections 1443 and 1443.5 in that she was
incompetent while on duty as a staff Registered Nurse (RN) at Los Robles Medical Center (LRMC),
Critical Care Unit. Specifically, Respondent was determined to be under the influence of alcohol
during an assigned RN shift. The circumstances are as follows:

12. On July 12, 2012, Respondent telephoned LRMC's management prior to her
scheduled July 13, 2012 morning shift and requested that she be absent from her shift because she
was allegedly experiencing diarrhea. Respondent's request was denied by LRMC's management
as a result of required staffing needs for that shift.

13. When Respondent reported to work on July 13, 2012, she was observed by staff
exhibiting the following mannerisms and symptoms: (a) Nausea, (b) Vomiting, (c) Blank stares,
(d) Cold and sweaty palms, (e) Shaky hands, (f) Excessive sweating, and (g) Dizziness,

14. As a result of the aforementioned observations and per LRMC's drug and alcohol
policy, Respondent was ordered to submit to a drug and alcohol blood screening test that revealed a blood alcohol level of 0.128.

15. Respondent was interviewed by LRMC’s management and admitted to having consumed wine prior to her shift.

16. LRMC’s Administration terminated Respondent’s staff employment for unprofessional conduct and reported her on-duty impairment to the Board. Previously, Respondent had received verbal coaching from LRMC management for non-compliance with the Center’s Attendance and Absenteeism Policy. Respondent had (14) documented absences from her scheduled work shifts during the period beginning on June 10, 2011 and ending on May 11, 2012.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

17. Respondent is subject to disciplinary action under Code section 2761 subdivision (a) and California Code of Regulations, title 16, sections 1443 and 1443.5 in that Respondent exhibited unprofessional conduct while on duty as a staff Registered Nurse at Los Robles Medical Center, Critical Care Unit, in that Respondent was determined to be under the influence of alcohol during an assigned RN shift.

PRAYER

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

1. Revoking or suspending Registered Nurse License Number 390386, issued to Karen Margaret Setterfield aka Karen Margaret McKeown;

2. Ordering Karen Margaret Setterfield aka Karen Margaret McKeown 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;

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(KAREN MARGARET SETTERFIELD) ACCUSATION
3. Taking such other and further action as deemed necessary and proper.

DATED: March 28, 2016

Louise R. Bailey, M.B.D., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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(KAREN MARGARET SETTERFIELD) ACCUSATION