

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION
LEGAL UNIT
1515 Clay Street, Suite 1700
Oakland, California 94612
Tel (510) 286-7100 Fax (510) 286-0687



July 20, 2018

Karen Margaret Setterfield
5675 Thille Street, #18
Ventura, CA 93003

NOTICE OF PROVIDER SUSPENSION – WORKERS' COMPENSATION

Dear Ms. Setterfield:

The Administrative Director of the Division of Workers' Compensation (DWC) is required by Labor Code section 139.21(a)(1)(C) to suspend you from participation in the California workers' compensation system because your license, certification, or approval to provide health care services has been surrendered or revoked. Enclosed are copies of the documents relied upon by the Administrative Director as the basis for taking this action.

Your suspension will start 30 calendar days after the date of mailing of this notice, unless you submit a written request for a hearing, which will stay the suspension pending the outcome of the hearing. Your request must be made within 10 calendar days of the date of mailing of this notice. If you do not request a hearing within the 10-day time limit, you will be suspended from participation in the California workers' compensation system pursuant to California Code of Regulations, title 8, section 9788.2(b).

Your request for a hearing must contain:

- Your current mailing address;
- The legal and factual reasons as to why you do not believe Labor Code section 139.21(a)(1) is applicable to you; and
- Your original signature or the original signature of your legal representative.

The scope of the hearing is limited to whether or not Labor Code section 139.21(a)(1) is applicable to you. The Administrative Director is required to suspend you unless you provide proof in the hearing that Labor Code section 139.21(a)(1) does not apply.

Your original request for a hearing and one copy of the request must be filed with the Administrative Director. Additionally, you must also serve one copy of the request for a hearing on the DWC Legal Unit. The addresses for the Administrative Director and the Legal Unit are:

Karen Margaret Setterfield
July 20, 2018

Hearing Request
Administrative Director
Division of Workers' Compensation
1515 Clay Street, Suite 1800
Oakland, California 94612

and

Hearing Request
Department of Industrial Relations
Officer of the Director
Anti-Fraud Unit
1515 Clay Street, Suite 1700
Oakland, CA 94612

The original and all copies of the request for hearing must have a proof of service attached. A sample proof of service, containing all necessary elements, can be found on the DWC website at <https://www.dir.ca.gov/dwc/forms.html>, under the category "Court Forms," and then "Proof of Service." The Administrative Director is required to hold your hearing within 30 days of the receipt of your written request. The hearing will be conducted by a hearing officer appointed by the Administrative Director. You will be notified shortly after the receipt of your request of the date and time of the hearing.

For more information about the suspension procedure, please refer to Provider Suspension Regulations, California Code of Regulations, title 8, sections 9788.1 - 9788.4, which can be found on the DWC website at <http://www.dir.ca.gov/dwc/DWCPropRegs/Provider-Suspension-Procedure/Clean-Version/Text-of-Regulations.pdf>.

Sincerely,



George Parisotto
Administrative Director
Division of Workers' Compensation

Encls:

- Stipulated Surrender of License and Order (Decision and Order) – *In the Matter of the Stipulated Surrender of License and Order Against Karen Margaret Setterfield, a.k.a. Karen Margaret McKeown* (Case No. 2016-953) Before the Board of Registered Nursing, California Department of Consumer Affairs, with accompanying: Stipulated Surrender of License and Order, dated July 27, 2017
- Decision and Order - *In the Matter of the Accusation Against Karen Margaret Setterfield, a.k.a. Karen Margaret McKeown* (Case No. 2016-953), dated June 20, 2017, with accompanying Stipulated Settlement and Disciplinary Order, dated January 27, 2017; and Accusation, dated March 28, 2016
- Declaration of Socorro Tongco in Support of Notice of Provider Suspension
- Proof of Service

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

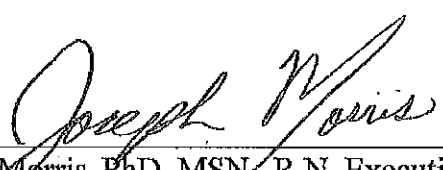
**STIPULATED SURRENDER
OF LICENSE AND ORDER**

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 July 27, 2017.

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

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**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**

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

PARTIES

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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.

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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.

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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

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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

reference.

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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 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

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.

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

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

6 4. Respondent fully understands and agrees that if she ever files an
7 application for licensure or a petition for reinstatement in the State of California, the Board shall
8 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
9 and procedures for reinstatement of a revoked or surrendered license in effect at the time the
10 petition is filed, and all of the charges and allegations contained in Accusation No. 2016-953
11 shall be deemed to be true, correct and admitted by Respondent when the Board determines
12 whether to grant or deny the petition.

13 5. Upon reinstatement of the license by the Board, Respondent shall pay to
14 the Board costs associated with its investigation and enforcement pursuant to Business and
15 Professions Code section 125.3 in the amount of \$11,529.00 which is the amount currently
16 owed pursuant to Stipulated Settlement and Disciplinary Order No. 2016-953, OAH No.
17 2016061012 (Exhibit A). If the reinstatement of Respondent's license is granted, Respondent
18 shall be permitted to pay these costs in a payment plan approved by the Board.


19 6. Respondent shall not apply for licensure or petition for reinstatement
20 for one (1) year from the effective date of the Board of Registered Nursing's Decision and
21 Order.
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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: 7/19/17

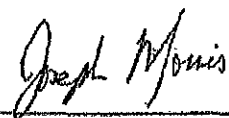


Karen Margaret Setterfield,
a.k.a. Karen Margaret McKeown
Respondent

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: 7/27/17



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**

Case No. 2016-953
OAH No. 2016061012

Registered Nurse License No. 390386

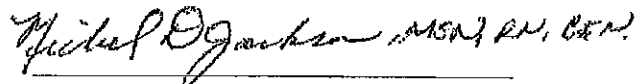
Respondent

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

1 XAVIER BECERRA
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHAEL A. CACCIOTTI
Deputy Attorney General
State Bar No. 129533
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2932
Facsimile: (213) 897-2804
6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2016-953

11 **KAREN MARGARET SETTERFIELD aka**
12 **KAREN MARGARET MCKEOWN**
13 931 Brockton Lane
Ventura, CA 93001

OAH No. 2016061012

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Registered Nurse License No. 390386

15 Respondent.

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

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) was the Executive Officer of the Board
20 of Registered Nursing (Board). She brought this action solely in her official capacity. Joseph
21 Morris, PhD, MSN, RN is currently the Executive Officer of the Board and is represented in this
22 matter by Xavier Becerra, Attorney General of the State of California, by Michael A. Cacciotti,
23 Deputy Attorney General.

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

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

1 JURISDICTION

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

6 5. A copy of Accusation No. 2016-953 is attached as exhibit A and incorporated herein
7 by reference.

8 ADVISEMENT AND WAIVERS

9 6. Respondent has carefully read, fully discussed with counsel, and understands the
10 charges and allegations in Accusation No. 2016-953. Respondent has also carefully read, fully
11 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
12 Order.

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

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

21 CULPABILITY

22 9. Respondent understands and agrees that the charges and allegations in Accusation
23 No. 2016-953, if proven at a hearing, constitute cause for imposing discipline upon her Registered
24 Nurse License.

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

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

3 RESERVATION

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

7 CONTINGENCY

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

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

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

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

1 DISCIPLINARY ORDER

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

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

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

13 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
14 detailed account of any and all violations of law shall be reported by Respondent to the Board in
15 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
16 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
17 45 days of the effective date of the decision, unless previously submitted as part of the licensure
18 application process.

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

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

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

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

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

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

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

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

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

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

28 The Board may require that advanced practice nurses engage in advanced practice nursing.

1 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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

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

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

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

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

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

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

28 (a) Maximum - The individual providing supervision and/or collaboration is present in

1 the patient care area or in any other work setting at all times.

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

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

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

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

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

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

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

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

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

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

4 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
5 Respondent shall submit to the Board the original transcripts or certificates of completion for the
6 above required course(s). The Board shall return the original documents to Respondent after
7 photocopying them for its records.

8 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
9 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$11,529.00. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the end
12 of the probation term.

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

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

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

27 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
28 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,

1 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
2 Respondent's request and to exercise its discretion whether to grant the request, or to take any
3 other action deemed appropriate and reasonable under the circumstances, without further hearing.
4 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
5 subject to the conditions of probation.

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

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

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

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

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

1 of this probationary time period.

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

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

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

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

26 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
27 completely abstain from the possession, injection or consumption by any route of all controlled
28 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same

1 are ordered by a health care professional legally authorized to do so as part of documented
2 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
3 days, by the prescribing health professional, a report identifying the medication, dosage, the date
4 the medication was prescribed, the Respondent's prognosis, the date the medication will no
5 longer be required, and the effect on the recovery plan, if appropriate.

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

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

16 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
17 random, biological fluid testing or a drug screening program which the Board approves. The
18 length of time and frequency will be subject to approval by the Board. Respondent is responsible
19 for keeping the Board informed of Respondent's current telephone number at all times.
20 Respondent shall also ensure that messages may be left at the telephone number when she is not
21 available and ensure that reports are submitted directly by the testing agency to the Board, as
22 directed. Any confirmed positive finding shall be reported immediately to the Board by the
23 program and Respondent shall be considered in violation of probation.

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

28 If Respondent has a positive drug screen for any substance not legally authorized and not

1 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
2 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
3 practice pending the final decision on the petition to revoke probation or the accusation. This
4 period of suspension will not apply to the reduction of this probationary time period.

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

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

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

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

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

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Elizabeth Brady. I understand the stipulation and the effect it will
15 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary
16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
17 of the Board.

18 DATED: _____

19 KAREN MARGARET SETTERFIELD aka KAREN
20 MARGARET MCKBOWN
Respondent

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

24 DATED: _____

25 ELIZABETH BRADY
Attorney for Respondent

26 ///

27 ///

28 ///

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

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

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Elizabeth Brady. I understand the stipulation and the effect it will
15 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary
16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
17 of the Board.

18 DATED: 1/27/17


19 KAREN MARGARET SATTERFIELD aka KAREN
20 MARGARET MCKEOWN
Respondent

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

24 DATED: January 27, 2017


25 ELIZABETH BRADY
Attorney for Respondent

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ENDORSEMENT

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

Dated: 1/27/17

Respectfully submitted,

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


MICHAEL A. CACCIOTTI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2016-953

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHAEL A. CACCIOTTI
Deputy Attorney General.
4 State Bar No: 129533
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2932
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS.**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2016-953

11 **KAREN MARGARET SETTERFIELD aka**
12 **KAREN MARGARET MCKEOWN**
13 **931 Brockton Lane**
Ventura, CA 93001

ACCUSATION

14 **Registered Nurse License No. 390386**

15 Respondent.
16
17

18 Complainant alleges:

19 **PARTIES**

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

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

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1 JURISDICTION

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

5 STATUTORY PROVISIONS

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

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

14 6. Section 2761 of the Code states:

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

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

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

20
21 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
23 Act] or regulations adopted pursuant to it.

24 7. Section 2762 of the Code states:

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

28

1 policy, Respondent was ordered to submit to a drug and alcohol blood screening test that revealed
2 blood alcohol level of 0.128.

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

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

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct)

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

18 **PRAYER**

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

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

23 2. Ordering Karen Margaret Setterfield aka Karen Margaret McKeown to pay the Board
24 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
25 pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper,

DATED: March 28, 2016

Louise R. Bailey
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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**Declaration of Socorro Tongco
(in Support of Notice of Provider Suspension)**

I, Socorro Tongco, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge and if called to testify, I could and would testify competently to the matters stated herein.
2. I am employed by the State of California, Department of Industrial Relations (“Department”), Office of the Director, as a Special Investigator. I have been an investigator with the Department since 2006. I make this Declaration in support of the “Notice of Provider Suspension – Workers’ Compensation” issued by the Acting Administrative Director of the Division of Workers’ Compensation, attached herein.
3. As part of my duties as a Special Investigator, I have access to investigative tools and internet-based information databases such as Thomson Reuters Clear, and LexisNexis Accurint. These database resources provide access to public and non-public records that we use as necessary, for purposes of our legal work and representation of the Department in workers’ compensation cases and in other litigation, to locate individuals, uncover assets, and verify identities.
4. On or about June 5, 2018, I noted the address of record for Karen Margaret Setterfield with the State of California, Department of Consumer Affairs, Board of Registered Nursing as: 5675 Thille Street #18, Ventura, CA 93003.
5. On or about June 29, 2018, I ran a search on Ms. Setterfield in the Lexis Nexis Accurint database. The searches provided the following information: Karen Margaret Setterfield aka Karen McKeown is associated with an address in Ventura, CA (I will not state the address so as to not reveal Ms. Setterfield’s home address).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 29th day of June, 2018, in Oakland, California.

Socorro Tongco

Socorro Tongco

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CERTIFICATE OF SERVICE BY MAIL
(C.C.P. section 1013(a), 2015.5)

I am over the age of 18 years and not a party to the entitled action. My business address is 1515 Clay Street, 18th Floor, Oakland, California 94612.

I served the following document(s):

- **Notice of Provider Suspension – Workers’ Compensation**
- **Stipulated Surrender of License and Order (Decision and Order) – *In the Matter of the Stipulated Surrender of License and Order Against Karen Margaret Setterfield, a.k.a. Karen Margaret McKeown (Case No. 2016-953) Before the Board of Registered Nursing, California Department of Consumer Affairs, with accompanying: Stipulated Surrender of License and Order, dated July 27, 2017***
- **Decision and Order - *In the Matter of the Accusation Against Karen Margaret Setterfield, a.k.a. Karen Margaret McKeown (Case No. 2016-953), dated June 20, 2017, with accompanying Stipulated Settlement and Disciplinary Order, dated January 27, 2017; and Accusation, dated March 28, 2016***
- **Declaration of Socorro Tongco in Support of Notice of Provider Suspension**

on the following person(s) at the following address(es):

Karen Margaret Setterfield
5675 Thille Street, #18
Ventura, CA 93003

Karen Margaret Setterfield
931 Brockton Lane
Ventura, CA 93001

The document(s) was/were served by the following means:

(BY U.S. CERTIFIED MAIL) I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed above and:

Placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm’s practice for collection and processing correspondence for mailing. Under that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of State of California that the above is true and correct.

Executed on July 20, 2018, at Oakland, California.



CATHY FUJITA-LAM