

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: THERESA SETELIN, L.P.N.
License No.: 0002-020987

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 23, 2014 in Henrico County, Virginia. Theresa Setelin, L.P.N. was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Setelin was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Theresa L. Setelin, L.P.N. holds License No. 0002-020987 to practice practical nursing in Virginia. The license was suspended in 1997, reinstated in 2003, and is now set to expire on October 31, 2014. Ms. Setelin's primary state of residence is Virginia. The prior suspension of Ms. Setelin's license was based on her having fraudulently obtained prescriptions for narcotics for herself and her husband between 1993 and 1996.

2. By letter dated March 31, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Setelin notifying her that an informal conference would be held on April 29, 2014. The Notice was sent by certified and first class mail to 8319 Sherton Drive, Mechanicsville,

Virginia 23116, the address of record on file with the Board of Nursing. At Ms. Setelin's request, the informal conference was continued. By letter dated May 2, 2014, the Board notified Ms. Setelin that the informal conference would be held on July 23, 2014. This Notice was sent by certified and first class mail to the address of record on file with the Board of Nursing. Ms. Setelin signed the certified mail receipt on May 3, 2014. The Agency Subordinate concluded that adequate notice was provided to Ms. Setelin, and the informal conference proceeded in her absence.

3. During the course of her employment with Companion Extraordinaire Home Care Services, Ashland, Virginia, between January and October 2013, Ms. Setelin accepted monetary tips of \$100 to \$200 once or twice per month from her client's elderly husband.

4. Ms. Setelin admitted to the Director of Companion Extraordinaire that she had accepted these tips. The total amount of money that she received from her client's husband is unknown.

5. Ms. Setelin's employment with Companion Extraordinaire began in November 2011. She resigned in lieu of termination on October 24, 2013.

6. Ms. Setelin did not respond to requests for an interview with an investigator for the Department of Health Professions.

CONCLUSIONS OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(j) and (l) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

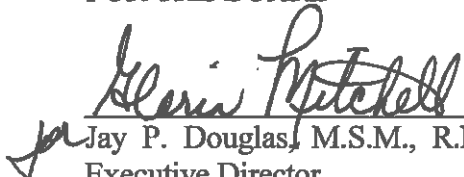
1. License No. 0002-020987 of Theresa Setelin, L.P.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Setelin shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Setelin shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice practical nursing.

Since Ms. Setelin failed to appear at the informal conference, this Order shall be considered final. Ms. Setelin has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Setelin has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD


Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: October 2, 2014

Certified True Copy

By Y. Robinson-Hawes
Virginia Board of Nursing
10-2-14