

## VIRGINIA:

## BEFORE THE BOARD OF NURSING

IN RE:

**THERESA L. SETELIN, L.P.N.**

## CONSENT ORDER

Pursuant to § 9.6-14:11 and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on August 19, 1997, in Henrico County, Virginia, to receive and act upon evidence that Theresa L. Setelin, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Setelin was present and was represented by Steven Michael Marks, Esquire.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

## FINDINGS OF FACT

1. Theresa L. Setelin, L.P.N., holds License No. 0002-020987 issued by the Virginia Board of Nursing.
2. Between on or about December 13, 1993, and on or about June 15, 1996, Ms. Setelin uttered, or attempted to utter, numerous fraudulent prescriptions for Tylenol #4 (acetaminophen with codeine, Schedule III) for her personal and unauthorized use, and/or the personal and unauthorized use of Individual A, her husband. She accomplished these forgeries by telephoning the prescription into at least two pharmacies in either her name or in the names of her husband or Individual B, her son, and using the names of either Gary R. Zeevi, M.D., her former employer, or Ben Bradenham, M.D., her former treating physician, as the prescribing physicians.
3. On March 1, 1997, in the Circuit Court of the City of Richmond, Virginia, Manchester Courthouse, Ms. Setelin was charged before a multi-jurisdictional grand jury with four (4) felony counts, to wit: "obtain or attempt to obtain a Schedule III controlled substance, to wit: Tylenol #4, by fraud, deceit, or misrepresentation, embezzlement, or subterfuge; or by the

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concealment of a material fact.” At the informal conference on August 19, 1997, Ms. Setelin’s attorney reported that on August 6, 1997, two (2) of these charges were ordered to be *nolle prosequi*, and two (2) charges were taken under advisement by the court until May 1998, with Ms. Setelin placed on supervised probation with certain terms and conditions, to include drug education.

4. At the informal conference on August 19, 1997, Ms. Setelin reported that she was last employed as a nurse in December 1995, with Dr. Zeevi, and is currently running a small business with her husband, a gunsmith.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes Theresa L. Setelin, L.P.N., has violated § 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300(A)(2)(a) and (c) [formerly §§ 4.1(A)(2)(a) and (c)] of the Regulations of the Board of Nursing.

### **CONSENT**

Theresa L. Setelin, L.P.N., by affixing her signature hereon, agrees to the following:

1. Ms. Setelin acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. Ms. Setelin acknowledges that she is fully aware that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 9-6.14:1, *et seq.*, of the Code of Virginia, 1950, as amended;
3. Ms. Setelin acknowledges that she has the following rights among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
4. Ms. Setelin waives all such right to a formal hearing;
5. Ms. Setelin admits to the above Findings of Fact;
6. Ms. Setelin consents to the entry of the following Order affecting her practice of practical nursing in the Commonwealth of Virginia.

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**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS that License No. 0002-020987 issued to Theresa L. Setelin, L.P.N., be and hereby is INDEFINITELY SUSPENDED. Ms. Setelin may petition the Board after not less than three (3) years from the date of entry of this Order for reinstatement of her license to practice practical nursing, at which time a meeting will be convened to receive evidence satisfactory to the Board that Ms. Setelin is able to resume the safe and competent practice of nursing.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

Isabelita M. Paler  
Isabelita M. Paler, R.N., M.S.N.  
President, Board of Nursing

ENTERED: September 23, 1997

SEEN AND AGREED TO:

Theresa L. Setelin  
Theresa L. Setelin, L.P.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Henrico, TO WIT:

Subscribed and sworn to before me, Steven M. M...er, a Notary Public, this  
3<sup>d</sup> day of September, 1997.

My commission expires the 31 day of August, 1997.

Steven M. M...er  
NOTARY PUBLIC

Certified True Copy

By [Signature] 12/17/13  
Virginia Board of Nursing