

Certified True Copy

By 
Virginia Board of Nursing



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
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January 20, 2016

Kathleen Sue Keating
2009 Ferguson Street
Schnectady, NY 12303

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-256362

DATE 1/20/16

Dear Ms. Keating:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered January 20, 2016. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

RECEIVED

JAN 26 2016

VA BD OF NURSING

Enclosures
Case # 171107

Sincerely,



David E. Brown, D.C., Director
Department of Health Professions

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: KATHLEEN SUE KEATING, R.N.
License No.: 0001-256362

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the Minnesota Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, from Kathleen Sue Keating, R.N., of her license to practice nursing in the State of Minnesota by a Stipulation and Consent Order dated December 3, 2015. A certified copy of the Stipulation and Consent Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Kathleen Sue Keating, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Kathleen Sue Keating, R.N., will be recorded as suspended. Should Ms. Keating seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 1/20/16



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director


Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Stipulation and Consent Order dated December 3, 2015, regarding Kathleen Sue Keating, R.N., is a true copy of the records received from the State of Minnesota Board of Nursing.



David E. Brown, D.C.

Date: 1/20/16

**BEFORE THE MINNESOTA
BOARD OF NURSING**

In the Matter of
Kathleen S. Keating, RN
License No. 222585-4

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Kathleen S. Keating, RN ("Licensee"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate advanced practice registered nurses, registered nurses, and licensed practical nurses and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice professional nursing in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

3. By letter dated June 3, 2015, the Board requested Licensee's written response to allegations regarding her nursing licensure. On June 12, 2015, the Board received Licensee's written response. Following a thorough review of all available information, the Review Panel, composed of Steven Strand, Board member, and Marney Halligan, Nursing Practice Specialist for the Board, determined the matter could be resolved by mail with a Stipulation and Consent Order for a voluntary surrender of Licensee's registration.

4. Licensee was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation.



Andrew Pettit, Assistant Attorney General, represents the Review Panel.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:
- a. On August 11, 2014, the Board issued Licensee a license to practice professional nursing in the State of Minnesota.
 - b. On May 11, 1992, Licensee was found guilty of misdemeanor theft in Cook County Circuit Court, Illinois.
 - c. On May 21, 2014, the Georgia Board of Nursing issued Licensee a license to practice as a registered nurse in Georgia. Enclosed with Licensee's Georgia license, the Georgia Board sent Licensee a non-disciplinary letter of concern for failure to disclose her May 11, 1992, conviction on her application for licensure in Georgia and a copy of documents related to Licensee's May 11, 1992, conviction.
 - d. On August 8, 2014, the Board received Licensee's *Registered Nurse by Endorsement Application*. On this application Licensee answered "No" to the following question:
 - 1) #3 Have you ever been convicted, entered a plea of guilty, nolo contendere, or no contest, for any felony, gross misdemeanor or misdemeanor offense? The fact that a conviction has been pardoned, expunged, dismissed, stayed, or deferred, or that your civil rights have been restored, does not mean that you answer 'NO'; you should answer 'YES.'
 - e. Although Licensee had received a copy of her Illinois criminal conviction and a letter from the Georgia Board expressing concern about her failure to disclose her Illinois criminal conviction when applying for licensure in Georgia, by letter dated June 12, 2015, Licensee claimed she could not confirm her Illinois criminal conviction when she applied for licensure by endorsement in Minnesota.

f. Subsequently, Licensee contacted the Board's attorney indicating she would be willing to surrender her nursing license for purposes of settling this matter.

IV.

LAWS

g. The Review Panel concludes that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261 for purposes of this Stipulation and Consent Order only and justifies the action described in section V. below. Licensee agrees that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261 if proven by the Review Panel but agrees to enter into this Stipulation and Consent Order for purposes of settlement.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Voluntary Surrender

h. The Board accepts Licensee's **VOLUNTARY SURRENDER** of her registration to practice professional nursing. Licensee must not engage in any act which constitutes the practice of nursing as defined in Minnesota Statutes section 148.171 and must not imply by words or conduct that Licensee is authorized to practice nursing in the State of Minnesota.

B. Reinstatement

i. Licensee may petition for reinstatement of her registration to practice professional nursing when Licensee is able to demonstrate by a preponderance of the evidence that she is capable of practicing professional nursing in a fit and competent manner. At the time of Licensee's petition, Licensee may be required to meet with a Board Review Panel. The meeting with the Board Review Panel will be scheduled after Licensee has complied with, at a minimum, the following:

a. **Self-Report.** Licensee must submit a report to the Board at the time Licensee petitions for reinstatement of her registration. The report must provide and address:

1) Licensee's job title, dates of employment, work schedule, and the employer's name for every employment Licensee has held while this Order has been in effect;

2) Licensee's future plans in nursing and the steps she has taken to prepare herself to return to nursing practice; and

3) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

b. **Report From Employer.** During the petition process, if requested by Board staff, Licensee must cause to be submitted to the Board a report from any employer who has employed Licensee while this Order is in effect. The report(s) are due within two months of any such request from the Board. The report(s) must provide and address:

1) Licensee's ability to perform assigned tasks, and if any performance deficiencies are identified, the actions taken to address them;

2) Licensee's attendance and reliability;

3) Licensee's typical work schedule;

4) Any other information reasonably requested by the Board; and

5) Any other information the employer believes would assist the Board in its ultimate review of this matter.

c. **Additional Information.** Licensee must provide any additional relevant information reasonably requested by the Board. The Board will consider all competent evidence of rehabilitation presented by Licensee.

d. **Reregistration Requirements.** Licensee must meet all reregistration requirements in effect at the time of her petition to reinstate her registration, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

j. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 8 above, take any of the following actions:

- a. Grant nursing registration to Licensee;
- b. Grant nursing registration to Licensee with limitations upon Licensee's scope of practice, conditions for Licensee's practice, or both; or
- c. Deny Licensee's request for issuance of nursing registration based upon her failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

k. If Licensee fails to comply with or violates this Stipulation and Consent Order the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel will schedule a hearing before the Board. At least 20 days prior to the hearing, the Review Panel will mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice will designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee must submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with the Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument will not refer to matters outside the record. The evidentiary record will be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent

Order, the Review Panel will have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but will not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including revocation of Licensee's license.

f. Nothing herein will limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein will limit the Review Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

VII.

ADDITIONAL INFORMATION

1. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

m. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

n. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter will constitute the entire record and may be reviewed by the Board in its consideration of this matter.

o. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

p. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

q. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

r. This Stipulation and Consent Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein.

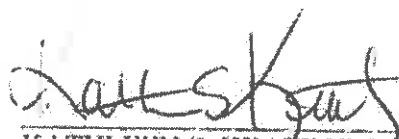
VIII.

DATA PRACTICES NOTICES


s. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

t. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:


KATILEEN S. KEATING, BN
Licensee
Dated: NOV 17th, 2015

BOARD OF NURSING
REVIEW PANEL


STEVEN STRAND
Board Member
Dated: 12/3, 2015

ORDER

Upon consideration of the Stipulation, the Board accepts the **VOLUNTARY SURRENDER** of Licensee's registration and adopts all of the terms described above on this 3rd day of December, 2015.

MINNESOTA BOARD
OF NURSING


SHIRLEY A. BREKKEN
Executive Director