

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

ROSEMARY F. RODGERS, M.D., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS 0607192MED

Division of Enforcement
03MED592

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Rosemary F. Rodgers, M.D.
8889 Lincoln Road
Fulton, IL 61252

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and formal Complaint with the Wisconsin Medical Examining Board on July 19, 2006. The parties to this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Rosemary F. Rodgers, M.D., date of birth July 10, 1945, is duly licensed to practice medicine and surgery in the state of Wisconsin, license # 29755. This license was first granted on August 25, 1988.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 8889 Lincoln Road, Fulton, Illinois 61252.
3. At all times relevant to this action, Respondent was practicing as a physician and surgeon in the state of Illinois.

4. On 1/28/02, Leonard A. Sherman, Director of the Department of Professional Regulation of the state of Illinois entered an order adopting in part the Recommendation of the Medical Disciplinary Board of the state of Illinois dated 1/5/00. The order found that the Respondent suffered from a medical condition which resulted in her inability to practice medicine pursuant to 225 Illinois Compiled Statutes, 1996, Section 60/22(A), paragraph 27; and indefinitely suspended Respondent's license to practice medicine and surgery in the state of Illinois. The order further provided that any petition filed by the Respondent for restoration of the license in Illinois shall require the Respondent to prove that she has been sufficiently rehabilitated to warrant the public trust in accordance with the factors set forth in Section 1285.255 of the Rules for the Administration of the Medical Practice Act in the state of Illinois.

5. Respondent is not currently practicing as a physician. Respondent, in consideration of her admissions to the violation of Wis. Admin. Code § Med 10.02(2)(q), has tendered the voluntary surrender of her license to practice medicine and surgery in the state of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Final Decision and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct as herein described in paragraph 4 of the Findings of Fact was unprofessional conduct contrary to Wis. Stat. § 448.02(3) and Wis. Admin. Code § MED 10.02(2)(q) in that her license to practice medicine and surgery in the state of Illinois was suspended by the Director of the Department of Professional Regulation of the state of Illinois.

3. The Wisconsin Medical Examining Board has the authority, pursuant to Wis. Stat. § 440.22, to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The voluntary surrender of Rosemary F. Rodgers' license to practice medicine and surgery, license #29755, in the state of Wisconsin is hereby accepted as the full and final resolution of the pending investigation, 03MED592, and the formal disciplinary proceeding, LS 0607192MED.

2. If Rosemary F. Rodgers makes reapplication for a license to practice medicine and surgery in the state of Wisconsin at any time in the future, she will have the burden to establish to the satisfaction of the Wisconsin Medical Examining Board that she has fully complied with all of the terms of this Order and that she can competently and safely practice medicine and surgery in the state of Wisconsin. The Wisconsin Medical Examining Board, at the time of her reapplication to practice medicine and surgery in the state of Wisconsin, may require her to submit to psychiatric testing to evaluate her medical status and to competence testing to evaluate her current state of medical knowledge.

IT IS FURTHER ORDERED that:

3. Respondent will, within 270 days from the date of this Order, pay costs of this proceeding in the amount of \$1,263.28. Payment will be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Bhupinder Saini MD
A Member of the Board

8/16/06

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST: :
 :
ROSEMARY F. RODGERS, M.D., : STIPULATION
RESPONDENT. : LS 0607192MED
 :

Division of Enforcement
03MED592

It is hereby stipulated between Rosemary F. Rodgers, M.D., and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending formal disciplinary proceeding involving Respondent's licensure by the Wisconsin Medical Examining Board, case 03MED592. Respondent consents to the resolution of this formal disciplinary proceeding by stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has conferred with attorney R. Sam Hoover, 582 North Oakwood Avenue, Suite 201, Lake Forest, Illinois, 60045 regarding this matter prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Wisconsin Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Rosemary F. Rodgers, M.D.
8889 Lincoln Road

Date

Gilbert C. Lubcke, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date

Case: 03MED592
Costs: \$ 1,263.28