

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DIMITRIY V. PAPKOV, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003462

Division of Legal Services and Compliance Case No. 14 NUR 402

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

Dimitriy V. Papkov
433 Agua Vista Drive
Chula Vista, CA 91914-5326

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Dimitriy V. Papkov, R.N., (dob January 10, 1970) is licensed in the State of Wisconsin as a professional nurse, having license number 172150-30, first issued on April 5, 2010 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 433 Agua Vista Drive, Chula Vista, California 91914-5326.

2. At all times relevant to this proceeding, Respondent was the owner and president of a home health care agency in Minnesota.

3. On June 4, 2014, the Minnesota Board of Nursing (Minnesota Board), issued an Order imposing discipline against Respondent's Minnesota professional nursing license and practical nursing license based on allegations that he used the title of an advanced practice registered nurse when he was not qualified to do so and advertised telemonitoring services by his home health care agency in a misleading manner. The Minnesota Board imposed an \$8,000.00 civil penalty and placed the following conditions on Respondent's professional nursing license: completion of a one-on-one consultation with an advanced practice nurse prior to offering telemonitoring services; compliance with any recommendations by the consultant; and a written report by Respondent about the consultation.

4. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § 7.04(7)¹ by having discipline taken against his license in another jurisdiction.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(c) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Dimitriy V. Papkov, R.N., is REPRIMANDED.

3. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$100.00.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

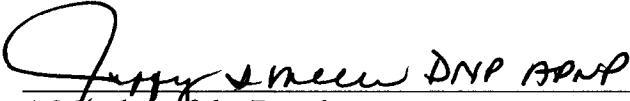
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

¹ All references to Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (no. 172150-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs.

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

WISCONSIN BOARD OF NURSING

by:  J. J. McNeil DNP APRN
A Member of the Board

10-9-14
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DIMITRIY V. PAPKOV, R.N.,
RESPONDENT.

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:
:

STIPULATION

0003462

Division of Legal Services and Compliance Case No. 14 NUR 402

Respondent Dimitriy V. Papkov, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (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 then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Dimtiry V. Papkov, R.N., Respondent
433 Agua Vista Drive
Chula Vista, CA 91914-5326
License no. 172150-30

9-3-14
Date



Kim Kluck [ATTORNEY], Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

9/10/14
Date