

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 :
: FINAL DECISION AND ORDER
ZAKARIA M. CHEGE, R.N., :
RESPONDENT. : **ORDER 0006740**

Division of Legal Services and Compliance Case No. 18 NUR 558

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

Zakaria M. Chege, R.N.
Eden Prairie, MN 55344

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 Zakaria M. Chege, R.N., (DOB: XX/XX/1978) is licensed in the state of Wisconsin as a registered nurse, having license number 160664-30, first issued on October 8, 2007, and current through February 29, 2020. Respondent’s most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Eden Prairie, Minnesota 55344.

2. At all times relevant to this proceeding, Respondent was employed as a registered nurse at a hospital (Hospital), located in Minneapolis, Minnesota.

3. On August 19, 2009, Respondent pled guilty to and was convicted of misdemeanor Traffic – DWI – Operate Motor Vehicle Under Influence of Alcohol, in violation of Minn. Stat. § 169A.20.1(1), in Hennepin County Case No. 27-CR-09-33801.

4. On August 11, 2010, Respondent submitted an application for renewal of his Minnesota registered nursing license and marked “No” when questioned if he had ever been convicted, entered a plea of guilty, nolo contendere, or no contest, for any felony, gross misdemeanor, or misdemeanor offense.

5. On August 14, 2012, Respondent submitted an application for renewal of his Minnesota registered nursing license and marked “No” when questioned if he had ever been convicted, entered a plea of guilty, nolo contendere, or no contest, for any felony, gross misdemeanor, or misdemeanor offense.

6. On December 6, 2012, Respondent pled guilty and was convicted of misdemeanor Traffic – DWI – Operate Motor Vehicle Under Influence of Alcohol, in violation of Minn. Stat. § 169A.20.1(1), in Hennepin County Case No. 27-CR-12-26132.

7. On September 4, 2014, Respondent submitted an application for renewal of his Minnesota registered nursing license and marked “No” when questioned if he had ever been convicted, entered a plea of guilty, nolo contendere, or no contest, for any felony, gross misdemeanor, or misdemeanor offense.

8. On or about October 12, 2015, Respondent was terminated from his position as a registered nurse at Hospital after it was discovered that Respondent stole a credit card belonging to an elderly patient and used the card to make personal purchases totaling \$5904.00.

9. On October 17, 2016, Respondent submitted an application for renewal of his Minnesota registered nursing license and marked “No” when questioned if he had ever been convicted, entered a plea of guilty, nolo contendere, or no contest, for any felony, gross misdemeanor, or misdemeanor offense.

10. On January 4, 2017, Respondent pled guilty to felony Financial Transaction Card Fraud Use - No Consent, in violation of Minn. Stat. § 609.821.2(1), in Hennepin County Case No. 27-CR-16-13202.

11. On January 25, 2017, the Minnesota Board of Nursing was notified of Respondent’s guilty plea to the charges in Hennepin County Case No. 27-CR-16-13202.

12. On March 9, 2017, Respondent was convicted of felony Financial Transaction Card Fraud Use - No Consent, in violation of Minn. Stat. § 609.821.2(1), in Hennepin County Case No. 27-CR-16-13202.

13. On January 25, 2018, Respondent submitted an application for renewal of his Wisconsin registered nurse license and marked “No” when questioned if “[s]ince your last renewal *or* initial licensure (if this is your first renewal, do you have any pending charges, and/or have you

violated any federal or state laws, or any local ordinances (Does not include minor traffic violations that do not involve alcohol or drugs, such as speeding, running stoplights, and seatbelt violations)?

14. Respondent has not reported any of the above convictions to the Board.

15. On August 10, 2018, the Minnesota Board of Nursing found Respondent in violation by committing the following acts; having a felony conviction reasonably related to the practice of nursing, unprofessional conduct, unethical conduct, obtaining property from a patient through deception or fraud, false statement to the Minnesota Board, and violations of the nurse practice act.

16. Due to these findings, Respondent's Minnesota registered nurse license was revoked for a minimum of five (5) years.

17. On September 5, 2018, the Department sent a letter to Respondent's address of record requesting a response regarding the discipline imposed by the Minnesota Board of Nursing.

18. On September 19, 2018, Respondent replied via email to the Department requesting an extension of time. The Department approved a time extension and gave Respondent a deadline of September 29, 2018.

19. Respondent did not furnish a response to this request.

20. On March 19, 2019, the Department sent a second letter to Respondent's address of record requesting a response regarding the discipline imposed by the Minnesota Board of Nursing.

21. On April 15, 2019, Respondent replied via email to the Department requesting an extension of time. The Department denied the request for extension and gave Respondent a deadline of April 19, 2019 to respond.

22. Respondent did not furnish a response to this request.

23. On August 16, 2019, the California Board of Registered Nursing revoked Respondent's California registered nurse license due to the discipline imposed by the Minnesota Board of Nursing.

24. 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, Zakaria M. Chege, R.N., violated Wis. Admin. Code § N 7.03(1)(b), by having a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state, territory, or country.

3. By the conduct described in the Findings of Fact, Zakaria M. Chege, R.N., violated Wis. Admin. Code § N 7.03(1)(c), by failing to cooperate in a timely manner with the board's investigation.

4. By the conduct described in the Findings of Fact, Zakaria M. Chege, R.N., violated Wis. Admin. Code § N 7.03(1)(h), by failing to notify the board of a felony or misdemeanor in writing within 48 hours after the entry of judgment of conviction.

5. By the conduct described in the Findings of Fact, Zakaria M. Chege, R.N., violated Wis. Admin. Code § N 7.03(2), by violating or aiding and abetting a violation of any law substantially related to the practice of nursing or being convicted of any crime substantially related to the practice of nursing.

6. As a result of the above conduct, Zakaria M. Chege, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The license of Zakaria M. Chege, R.N., (license no. 160664-30) to practice as a registered nurse in the state of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Enhanced Nurse Licensure Compact is REVOKED. Respondent may not petition for reinstatement of his registered nursing license pursuant to Wis. Stat. § 441.07(2), earlier than one (1) year from the date of revocation.

3. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,107.00

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

You may also submit this information online via the Department's Monitoring Case Management System at

<https://app.wi.gov/DSPSMonitoring>

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.

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

WISCONSIN BOARD OF NURSING

by: Peter Kallio
A Member of the Board

4/9/2020
Date

RECEIVED

MAR 16 2020

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ZAKARIA M. CHEGE, R.N.,
RESPONDENT.

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:
:

STIPULATION

ORDER 0006740

Division of Legal Services and Compliance Case No. 18 NUR 558

Respondent Zakaria M. Chege, 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.

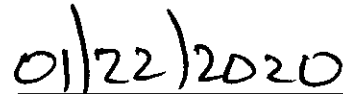
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

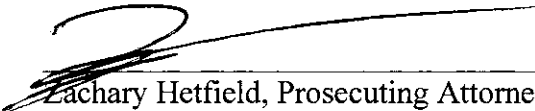
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.




Zakaria M. Chege, R.N., Respondent
Eden Prairie, MN 55344
License No. 160664-30



Date



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



Date