

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
DEMETRIA S. ROGERS, L.P.N., :
RESPONDENT. :

ORDER 0006986

Division of Legal Services and Compliance Case No. 18 NUR 210

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

Demetria S. Rogers, L.P.N.
Racine, WI 53404

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 Demetria S. Rogers, L.P.N., (DOB XX-XX-1986) is licensed in the state of Wisconsin as a practical nurse, having license number 317746-31, first issued on January 9, 2014, and current through April 30, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Racine, Wisconsin 53404.

2. At all times relevant to this proceeding, Respondent was employed as a licensed practical nurse in Wisconsin.

3. On March 22, 2017, the Racine Police Department executed a no-knock search warrant of a residence containing Respondent, two (2) adult males, and four (4) minors.

4. Police found thirteen (13) baggies of crack cocaine on the person of one of the adult males. The other adult male had nine (9) baggies of crack cocaine on his person, with more baggies found in a dresser. Police also found eleven (11) baggies of marijuana in the same dresser and on a nearby shelf.

5. Police also found two (2) handguns, one of which was reported as stolen and was loaded, in a bedroom closet.

6. During questioning, one (1) of the adult males admitted that the crack cocaine and marijuana was his.

7. Respondent was initially charged, in Racine County case number 2017CF000410, with: felony Possession with Intent – THC (≤ 200 grams), as a Party to a Crime, in violation of Wis. Stat. § 961.31(1m)(h)1.; felony Possession with Intent – Cocaine ($> 1-5g$), as a Party to a Crime, in violation of Wis. Stat. § 961.41(1m)(cm)1r.; felony Maintaining a Drug Trafficking Place, in violation of Wis. Stat. § 961.42(1); felony Receiving Stolen Property $> \$5,000 - \$10,000$ or Firearm, in violation of Wis. Stat. § 943.34(1)(bm); and two (2) counts of misdemeanor Neglecting a Child, in violation of Wis. Stat. § 948.21(1)(a).

8. Respondent was convicted, in Racine County Case Number 2017CF000410, of felony Maintaining a Drug Trafficking Place, in violation of Wis. Stat. § 961.42(1) and two (2) counts of misdemeanor Neglecting a Child, in violation of Wis. Stat. § 948.21(1)(a); the judgment of conviction was entered on February 5, 2018.

9. In a July 18, 2019 statement to the Department, Respondent stated that the adult male who stated the crack cocaine and marijuana was his, was her boyfriend at the time and had stayed the night. Respondent stated he also was the individual who possessed the firearms.

10. Respondent did not report the felony and misdemeanor convictions to the Board within 48 hours after the entry of judgment of conviction.

11. 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, 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.

3. By the conduct described in paragraph ten (10) of the Findings of Fact, Respondent 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 the judgment of conviction.

4. By the conduct described in paragraph eight (8) of the Findings of Fact, Respondent shall not receive or possess a multistate license pursuant to Wis. Stat. §§ 441.51(3)(c)7 and (g)2.

5. As a result of the above conduct, Demetria S. Rogers, L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The multistate license of Demetria S. Rodgers, L.P.N., (license number 317746-31), issued under the Enhanced Nurse Licensure Compact, is REVOKED.

3. The license of Demetria S. Rogers, L.P.N., (license number 317746-31) to practice nursing in the State of Wisconsin is SUSPENDED for one (1) month, beginning fourteen (14) days from the date of this Order.

4. The license of Demetria S. Rogers, L.P.N., (license number 317746-31) to practice nursing in the State of Wisconsin is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$565.00.

6. 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

Or they may be submitted online via the Department's Monitoring Case Management System at:
<https://dpsmonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (317746-31), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN BOARD OF NURSING

by:



A Member of the Board

9/10/2020

Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEMETRIA S. ROGERS, L.P.N.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006986

Division of Legal Services and Compliance Case No. 18 NUR 210

Respondent Demetria S. Rogers, L.P.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.

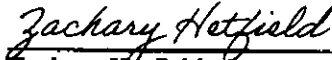
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Demetria S. Rogers, L.P.N., Respondent
Racine, WI 53404
License No. 317746-31

8/5/2020
Date


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

8/6/20
Date

PAGE 7/8 REC'D 8/6/2020 5:19:38 PM [Central Daylight Time] PRD 082837401