

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

DOH 18-08

RE: DEENA ROJERO, LPN,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF SUSPENSION**

License No. P011236,

Licensee.

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The South Dakota Board of Nursing's ("Board") hearing on the summary suspension of Deena Rojero, LPN, license number P011236 ("Licensee") came on for hearing before the Board at its office in Sioux Falls, South Dakota, on June 28, 2018, at 9:30 a.m.

Licensee, having been served with the Order of Summary Suspension and Notice of Hearing and the Affidavit of Francie Miller at her last known address, did not appear in person or by any other means to present evidence on her behalf or to confront witnesses. The Board appeared by and through its attorney, Kristine K. O'Connell. Administrative Law Judge Catherine Duenwald presided over the hearing. The proceeding was transcribed by a court reporter.

The Board considered the evidentiary testimony of Board Investigator, Francie Miller. The Board also considered the Board's exhibit numbered 1, which constituted the public documents on file in this case. The Board, being charged with the statutory obligation to protect the public health, safety and welfare as set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

FINDINGS OF FACT COMPLAINT ONE

1. That Deena Rojero is licensed to practice as a practical nurse in the State of South Dakota and holds license number P011236.

2. That on or about February 9, 2018, that on or about December 18, 2017, the Licensee smelled of alcohol when reporting for her morning shift at work. It was also noted that her coat pocket had two bottles of alcohol in it.

3. Leadership at the clinic approached the Licensee and noted the smell of alcohol.

4. Licensee denied that she had been drinking at work.

5. Licensee did admit to her supervisors that she had a very difficult year and that she was drinking quite a bit after work.

6. At that meeting, Licensee refused alcohol testing and was terminated from her employment.

7. During her informal interview with the Board's Investigator, Licensee, when asked whether she came into work drunk, stated "I go to bed at 9 o'clock every night."

8. When asked about the bottles of alcohol in her coat, Licensee admitted to having two small bottles in her coat and stated that about mid-way through her day she realized that they were there and went out and put them in her car.

9. Licensee admitted to the Board's Investigator that she had been having a lot of problems with anxiety and had missed three months of work citing a number of family issues and losses within her family, and that she "had not been herself."

10. Licensee denied drinking prior to her shifts but stated she drinks on the weekends and may have a glass of wine during the week.

11. Licensee has not had any drug/alcohol assessment and stated to the Board's Investigator that she was happier as she had less stress than she had previously been experiencing.

FINDINGS OF FACT COMPLAINT TWO

12. That on or about March 13, 2018, the Board received a second complaint regarding the Licensee.

13. The Licensee had been employed at a retirement center in which she tested positive for alcohol while on duty.

14. The Board Investigator, upon receiving this complaint, contacted the Licensee and she affirmed the above statement.

From the foregoing findings of fact, the Board draws the following:

CONCLUSIONS OF LAW

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.

2. That the Licensee's conduct as identified in the findings of fact are in violation of SDCL §§ 36-9-49 (10) in that the Licensee has engaged in unprofessional conduct.

THEREFORE, let an order be entered accordingly.

ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That the Licensee's license to practice nursing in the State of South Dakota is hereby indefinitely suspended.
2. That the Licensee is hereby notified that any practice of or holding herself out as a practical nurse during the term of this suspension is in violation of SDCL § 36-9-68.
4. That Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57.

Dated this 10th day of July, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director

The South Dakota Board of Nursing, at the hearing on the 28th day of June, 2018,
approved this Order of Suspension as written by a vote of 7-0, and issues its Order of Suspension
consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of
the South Dakota Board of Nursing on this 10th day of July, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director