

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS SLOTA, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:

LS9808264MED

Division of Enforcement
97 MED 414

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

Thomas Slota, M.D.
2350 W. Villard Ave., Ste. 104
Milwaukee, WI 53209

Wisconsin Medical Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

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

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Thomas Slota, M.D., personally, and by his attorney, Jeffrey S. Hynes; and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Thomas Slota, M.D., 2350 West Villard Avenue, Suite 104, Milwaukee, Wisconsin, 53209, was born on 4/7/50, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 7/14/78, licensee #21852.

2. Dr. Slota specializes in gastroenterology and internal medicine.

3. On 11/24/95, the patient, S.O., presented at Dr. Slota's office with a recurrent complaint of upper abdominal discomfort. On 11/8/95, prior to the patient's referral to Dr. Slota, an upper GI series had suggested some displacement of the stomach possibly due to a pancreatic mass. Dr. Slota ordered a CT scan to assess the patient for a possible pancreatic mass. A CT scan of the abdomen was performed on 12/6/95 and the report from the radiologist was submitted to Dr. Slota for his review. In reviewing the radiology report, Dr. Slota did not properly apprise himself of a statement by the radiologist regarding a soft tissue density within the cecal area or of the radiologist's recommendation for further evaluation.

4. Dr. Slota performed a colonoscopy on the patient on 3/6/97. He then made the diagnosis of a cecal carcinoma on 3/6/97.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.

2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

3. Dr. Slota's conduct in failing to review in its entirety the radiologist's report from the CT scan performed on 12/6/95 was negligence in treatment in violation of sec. 448.02(3), Stats.,

4. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Slota.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Thomas Slota, M.D., license #21852, is REPRIMANDED.

IT IS FURTHER ORDERED that Thomas Slota, M.D. will pay the costs of this proceeding in the amount of \$150.00 to the Department of Regulation And Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935, within 30 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Slota has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Slota to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 26th day of August, 1998.

WISCONSIN MEDICAL EXAMINING BOARD

Wanda Roever
Member, Wisconsin Medical Examining Board *W*

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
THOMAS SLOTA, M.D., :
RESPONDENT. :

Division of Enforcement
97 MED 414

It is hereby stipulated between Thomas Slota, M.D., personally, and by his attorney, Jeffrey S. Hynes; and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Thomas Slota, M.D., 2350 West Villard Avenue, Suite 104, Milwaukee, Wisconsin, 53209, was born on 4/7/50 and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 7/14/78, license #21852.
2. An investigation, 97 MED 414, is pending before the Wisconsin Medical Examining Board.
3. Dr. Slota consents to the entry of a Final Decision And Order, a copy of which is attached hereto and incorporated herein, as the full and final resolution of this matter.
4. Dr. Slota understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, the right to confront and cross-examine witnesses against him, the right to call witnesses on his behalf and to compel their attendance by subpoena, the right to testify on his 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 And Order, the right to petition for rehearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
5. The parties to this Stipulation and the Case Advisor, Sidney E. Johnson, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation. Any appearance by any party pursuant to this paragraph will be preceded by proper and timely notice to all parties to this proceeding.
6. This Stipulation is subject to approval by the Case Advisor, Sidney E. Johnson, M.D., and by the Supervisor of Attorneys in the Division of Enforcement, and acceptance by the Wisconsin Medical Examining Board.
7. If any term of this Stipulation or the incorporated Final Decision And Order is not approved by the Case Advisor and by the Supervisor of Attorneys, and accepted by the

Wisconsin Medical Examining Board, then no term of this Stipulation or the Final Decision And Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: 7/27/98 _____
Thomas Slota, M.D.

Dated: 7/28/98 _____
Jeffrey S. Hynes
Attorney for Thomas Slota, M.D.

Dated: 8/13/98 _____
Gilbert C. Lubcke
Attorney for the Department of Regulation and
Licensing, Division of Enforcement

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Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On August 26, 1998, the Medical Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$150.00 Case #: LS9808264MED

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$150.00

The costs and/or forfeitures are due: September 25, 1998

NAME: Thomas Slota LICENSE NUMBER: 21852

STREET ADDRESS: 2350 West Villard Avenue, Suite 104

CITY: Milwaukee STATE: WI ZIP CODE: 53209

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

For Receipting Use Only

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Thomas Slota, M.D.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On September 15, 1998, I served the Final Decision and Order dated August 26, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9808264MED, upon the Respondent Thomas Slota's attorney by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is Z 233 819 801.

Jeffrey S. Hynes, Attorney
308 E. Juneau Avenue
Milwaukee WI 53202

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 15th day of September 1998.

John Schweitzer

Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: JEFFREY S HYNES ATTY

You have been issued an Order. For purposes of service the date of mailing of this Order is 9/15/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935