

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ADAM C. ZLOTOCHA, R.N.,	:	LS07100419NUR
RESPONDENT.	:	

[Division of Enforcement Case # 06 NUR 475]

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

Adam C. Zlotocha, R.N.
1528 East River Road
Grafton, WI 53024

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

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Adam C. Zlotocha, R.N., Respondent, date of birth January 10, 1977, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 148096, which was first granted June 24, 2004.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1528 East River Road, Grafton, WI 53024.

3. During 2006, Respondent was employed as a registered nurse by Partners in Care, a temporary staffing agency. From November 23 to December 9, 2006, Respondent was under contract to provide eight weeks of nursing services at Aurora Medical Center-Hartford (AMCH) in Hartford, Wisconsin.

4. AMCH audits of Acudose System records identified a number of discrepancies implicating Respondent, relating to hydromorphone 2mg/ml 2mg syringes and oxycodone HLC 5mg tablets, both of which are Schedule II controlled substances.

a. A comparison of Respondent's Acudose withdrawals to what he charted on the patients' Medication Administration Record (MAR), revealed:

1) Twenty occasions when Respondent failed to document on the patients' MAR that he had

administered the medication he had withdrawn for them.

2) Six occasions when Respondent withdrew a 2mg hydromorphone syringe and charted giving 1mg to the patient but did not document wasting the other 1mg.

3) Three occasions when Respondent withdrew 2mg syringes of hydromorphone for a patient who had no physician order for the drug.

b. An audit of all withdrawals of hydromorphone 2mg syringes and oxycodone HLC 5mg tablets by all nurses over the previous 40 days disclosed that Respondent had withdrawn those medications 42 times, twice as many as any other nurse, even though Respondent had only worked ten 8-hour shifts during that 40-day period.

5. On December 9, 2006, Loss Prevention staff met with Respondent and as a result, he was suspended from working at AMCH.

a. Respondent admitted he had failed to properly document the administration of medications in the patients' MAR's and failed to properly document the wasting of narcotics.

b. Respondent admitted to having an addiction to narcotic pain medications. Respondent admitted he had diverted controlled substances from other hospitals where he had worked, but denied diverting controlled substances from AMCH. He said he was not familiar enough with their system.

6. On December 13, 2006, Respondent entered inpatient treatment for narcotic withdrawal at Columbia-St. Mary's – Ozaukee Campus in Mequon, Wisconsin. Respondent was admitted with the diagnosis of opiate dependence and opiate withdrawal.

a. Respondent reported the following history:

1) At age 16, he began smoking cannabis regularly and drinking alcohol heavily on weekends. During high school, Respondent used LSD approximately 12 times and during college, also experimented with mushrooms and cocaine.

2) He began opiate abuse in his early 20's.

3) He was taking 80 to 120mg of Oxycodone daily.

4) He had experienced opiate withdrawal.

5) Two OWI's in his late teens and early 20's.

6) Depression.

b. Based on his history of opiate detoxification and relapse, Respondent was started on Suboxone, a partial opioid agonist used to suppress symptoms of opioid withdrawal, decrease cravings for opioids and block the effects of other opioids.

c. Respondent was discharged on December 15, 2006 to outpatient follow-up through the AODA Intensive Outpatient Program (IOP) at Columbia Hospital in Milwaukee. On February 20, 2007, Respondent was discharged to an aftercare alumni group until his life stabilized and they would be able to discontinue the Suboxone. His prognosis was poor.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by obtaining a drug other than in the course of legitimate practice and as otherwise prohibited by law as set out above, has committed misconduct and unprofessional conduct, as defined by Wis. Adm. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. Respondent, by engaging in the conduct set out above, has abused drugs as defined by Wis. Adm. Code § N 7.03(2), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Adam C. Zlotocha, R.N., Respondent, to practice as a registered nurse in the state of Wisconsin is hereby REVOKED.

2. Wis. Stat. § 441.07(2) provides that the Board may reinstate a revoked license, no earlier than one year following revocation, upon receipt of an application for reinstatement. If Respondent applies for reinstatement anytime after one year from the date of this Order:

a. He shall provide proof sufficient to the Board that he does not suffer from any alcohol or drug related condition or other psychological condition which impairs his ability to function under the credential.

b. The decision whether to grant Respondent a credential, with or without limitations, shall be in the sole discretion of the Board.

c. Prior to any reinstatement, he shall have paid the costs of this proceeding in the amount of \$545.00, pursuant to Wis. Stat. § 440.22(2). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

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

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

10/4/07
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ADAM C. ZLOTOCHA, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 06 NUR 475]

It is hereby stipulated and agreed, by and between Adam C. Zlotocha, R.N., Respondent; Richard Saks of Hawks Quindel, Ehlike & Perry, S.C., attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 06 NUR 475). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board accepts the Stipulation, upon issuance of an Order, Respondent's license may be reissued pursuant to the terms of the Order. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. 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.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Adam C. Zlotocha, R.N.
Respondent
1528 East River Road
Grafton, WI 53024

Date

Richard Saks
Hawks, Quindel, Ehlke & Perry, S.C.
Attorneys for Respondent
P.O. Box 442
Milwaukee, WI 53201-0442

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date