

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
BRADLEY T. SIVAK, JR., L.P.N., :
RESPONDENT. : ORDER 0002423

Division of Legal Services and Compliance¹ Case No. 12 NUR 505

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

Bradley T. Sivak, Jr., L.P.N.
1808 West Meyer Lane #5206
Oak Creek, Wisconsin 53154

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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 Bradley T. Sivak, Jr., L.P.N., (dob June 29, 1984) is licensed in the State of Wisconsin as a practical nurse, having license number 31-312187, first issued on March 24, 2010 and current through April 30, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1808 West Meyer Lane #5206, Oak Creek, Wisconsin 53154.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this matter, Respondent worked as a practical nurse in South Milwaukee, Wisconsin.

3. Resident refused to take medication when administered by Respondent's co-worker (L.P.N.). Instead of swallowing the medication, Resident pocketed the medication.

4. The L.P.N. asked Respondent for guidance in the administration of Resident's medication.

5. Respondent informed the L.P.N. that Resident needed to take the medication due to cerebral inflammation.

6. Respondent told the L.P.N. that he could get the Resident to swallow the medication.

7. Respondent instructed the L.P.N. to hold the Resident's hands down while Respondent held Resident's nose until she swallowed the medication. Respondent was terminated as a result of this incident.

8. 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, Bradley T. Sivak, Jr., L.P.N., engaged in unprofessional conduct as defined in Wis. Admin. Code. § N 7.04(4).

3. Therefore, Bradley T. Sivak, Jr., L.P.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Bradley T. Sivak, Jr., L.P.N., is REPRIMANDED.

3. The practical nursing license issued to Bradley T. Sivak, Jr., L.P.N., (license number 31-312187) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

a. Bradley T. Sivak, Jr., L.P.N., shall, at his own expense, within 90 days of the date of this Order, successfully complete eight (8) hours of education on the topic of medication administration and four (4) hours 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. Bradley T. Sivak, Jr., L.P.N., 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.

4. Within 120 days from the date of this Order, Bradley T. Sivak, Jr., L.P.N., shall pay COSTS of this matter in the amount of \$400.00.

5. Request of approval of courses, proof of successful course completion and 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 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 31-312187) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted proof of completion of the ordered education.

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

WISCONSIN BOARD OF NURSING

by: Julian Nelson, RN
A Member of the Board

5/9/13
Date