

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ADAM C. ZLOTOCHA, R.N.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0003105**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 NUR 597

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

Adam C. Zlotocha, R.N.  
9228 Millstone Drive  
Mount Pleasant, WI 53406

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 Adam C. Zlotocha, R.N., (dob January 10, 1977) is licensed in the State of Wisconsin as a professional nurse, having license number 148096-30, first issued on June 24, 2004 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 9228 Millstone Drive, Mount Pleasant, Wisconsin 53406.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a nursing home and rehabilitation center (Facility), located in Milwaukee, Wisconsin.

3. On or about July 29, 2012, Patient A had heart bypass surgery. During the surgery, Patient A suffered from a stroke that left her in a vegetative state.

4. On August 24, 2012, Patient A was admitted to Facility with a catheter. Patient A experienced elevated temperatures following her admission to Facility. Temperatures were lowered with Tylenol®.

5. On September 4, 2012, Patient A's temperature rose and staff contacted Patient A's physician. The physician ordered a chest x-ray, urinalysis, and blood work. The Physician also ordered vancomycin, an antibiotic, every 12 hours and vital signs taken every shift.

6. On September 6, 2012, Respondent was the charge nurse caring for Patient A.

7. On September 6, 2012, at 1:00 a.m., a L.P.N. took Patient A's temperature. Patient A's temperature was 102.5 degrees Fahrenheit.

8. The L.P.N. informed Respondent that Patient A's temperature was elevated at 1:00 a.m.

9. Respondent failed to follow up on Patient A's temperature or vital signs. Respondent failed to ensure that taking the vital signs and other delegated tasks were being completed by L.P.N. Respondent failed to supervise L.P.N.

10. At 2:00 a.m., the L.P.N. took Patient A's temperature. Patient A's temperature was 102.7 degrees Fahrenheit. The L.P.N. documented the temperature but did not contact the physician or take a complete set of vital signs.

11. At 3:00 a.m., the L.P.N. took Patient A's temperature. Patient A's temperature was 103 degrees Fahrenheit. The L.P.N. documented the temperature but did not contact the physician or take a complete set of vital signs.

12. Respondent did not document following up on Patient A's temperature or vital signs on September 6, 2012.

13. At 4:15 a.m., Patient A's temperature was 101.9 degrees Fahrenheit. The L.P.N. contacted the physician who ordered Patient A be sent to the emergency room.

14. When Patient A arrived at the emergency room she was in septic shock and respiratory distress. Patient A's temperature was 103.1 degrees Fahrenheit when she arrived at the emergency room and her blood pressure was dropping.

15. About one week later, Patient A passed away.

16. 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, Adam C. Zlotocha, R.N., violated Wis. Admin. Code § N 7.03(1)(b) by an act or omission demonstrating a failure to maintain competency in practice and methods of nursing care.

3. As a result of the above violations, Adam C. Zlotocha, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (c).

### ORDER

1. The attached Stipulation is accepted.

2. Respondent Adam C. Zlotocha, R.N., is REPRIMANDED.

3. The professional nursing license issued to Respondent Adam C. Zlotocha, R.N., (license number 148096-30) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Within 90 days of the date of this Order, Respondent shall at their own expense, successfully complete five (5) hours of education on the topic of professional accountability, four (4) hours on the topic of delegation and three (3) hours of education on the topic of atypical presentation of illness 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.

4. The professional nursing license issued to Respondent Adam C. Zlotocha, R.N., (license number 148096-30) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. Respondent shall provide his nursing employers with a copy of this Order before engaging in any nursing employment.
- b. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
- c. After two (2) years of working at least half-time as a nurse, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

5. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

6. Within 120 days from the date of this Order, Adam C. Zlotocha, R.N., shall pay COSTS of this matter in the amount of \$900.00.

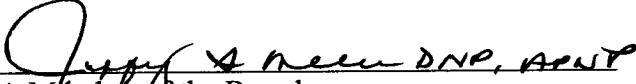
7. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

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

8. 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 the costs as ordered, fails to submit work reports or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 148096-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs, submitted work reports as ordered above and submit proof of completion of the education.

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

WISCONSIN BOARD OF NURSING

by:  J. Allen DNP, APRN  
A Member of the Board

3-13-14  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ADAM C. ZLOTOCHA, R.N.,  
RESPONDENT.

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STIPULATION

**0003105**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 NUR 597

Respondent Adam C. Zlotocha, R.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. Respondent  
is represented by Attorney Brian Purtell.

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.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

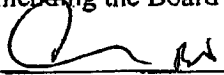
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

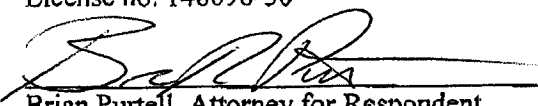
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

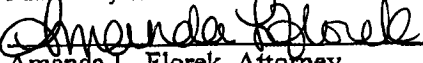
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Adam C. Zlotocha, R.N., Respondent  
1811 Arcturus  
Racine, WI 53404  
License no. 148096-30

2/18/14  
Date

  
Brian Purtell, Attorney for Respondent  
DeWitt, Ross & Stevens, S.C.  
2 East Mifflin Street, Suite 600  
Madison, WI 53703

2/19/14  
Date

  
Amanda L. Florek, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

2/21/14  
Date