

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/wscca>

- 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 RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NATHAN KOTewa, R.T.,
RESPONDENT.

:
:
:
:
:
:
:

FINAL DECISION AND ORDER

0003175

Division of Legal Services and Compliance Case No. 13 RAD 008

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

Nathan Kotewa, R.T.
3704 Boardwalk St.
Eau Claire, WI 54701

Wisconsin Radiography Examining Board
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 Radiography Examining Board (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 Nathan Kotewa, R.T., (dob February 7, 1978) is licensed in the State of Wisconsin to practice radiography, having license number 4141-142, first granted on March 5, 2012 and current through August 31, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3704 Boardwalk Street, Eau Claire, Wisconsin 54701.

2. At all times relevant to this proceeding, Respondent was employed as a radiographer at a hospital located in Eau Claire, Wisconsin.

3. On July 19, 2013, Respondent was instructed to troubleshoot diagnostic x-ray equipment that was giving poor quality images.

4. In the course of troubleshooting the equipment, Respondent used a co-worker as a test patient. Respondent took four radiographs of the co-worker without a physician's order.

5. Respondent's conduct in taking radiograph images without legitimate medical justification unnecessarily exposed his colleague to unacceptable risks attendant to radiation exposure.

6. Respondent agrees that there are sufficient facts to support the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Radiography Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 462.07(2), 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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code. § RAD 6.01(9) by practicing in a manner that substantially departs from the standard of care ordinarily exercised by a licensed radiographer or limited x-ray machine operator, or any negligence, incompetence, or misconduct.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code. § RAD 6.01(6) by practicing outside the scope of practice or standards authorized by a license to practice as a radiographer.

4. As a result of the above violations, Nathan Kotewa, R.T., is subject to discipline pursuant to Wis. Stat. § 467.07(2)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Nathan Kotewa is REPRIMANDED.

3. The license to practice radiography in the state of Wisconsin issued to Nathan Kotewa, R.T., (license number 4141-142) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall, at his own expense, successfully complete three (3) hours of remedial education on radiation safety, and two (2) hours of remedial education on patient care, offered by a provider pre-approved by the Board's monitoring liaison. Successful completion requires Respondent to take and pass any exam offered for the remedial education courses.

b. Within 30 days of course completion, Respondent shall submit proof of successful completion in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

c. 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.

d. 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, Nathan Kotewa shall pay COSTS of this matter in the amount of \$300.00.

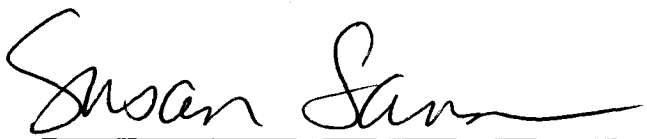
5. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

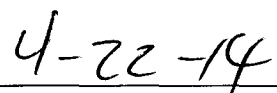
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including taking any radiograph without a physician's 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 4141-142) 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 and submitted proof of completion of the education.

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

WISCONSIN RADIOGRAPHY EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NATHAN KOTewa, R.T.,
RESPONDENT.

:
:
:
:
:
:
:

STIPULATION

0003175

Division of Legal Services and Compliance Case No. 13 RAD 008

Respondent Nathan Kotewa, R.T., 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.

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.

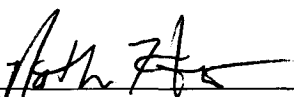
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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



Nathan Kotewa, R.T., Respondent
3704 Boardwalk St.
Eau Claire, WI 54701
License no. 4141-142

3-3-14

Date



Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

3/18/14

Date