

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
TODD M. SCHLEEF, R.C.P., :
RESPONDENT. :

ORDER 0007047

Division of Legal Services and Compliance Case No. 19 MED 383

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

Todd M. Schleef, R.C.P.
Waterloo, WI 53559

Wisconsin Medical 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 Medical 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 Todd M. Schleef, R.C.P., (DOB XX/XX/1964), is licensed in the state of Wisconsin to practice respiratory care, having license number 3746-28, first issued on July 15, 2008. Respondent's license expired on August 30, 2020, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until August 29, 2025.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Waterloo, Wisconsin 53559.

3. At all times relevant to these proceedings, Respondent was employed as a respiratory care practitioner at a medical center in Watertown, Wisconsin (Center).

4. On July 17, 2019, Respondent's co-worker told Respondent that she had a Continuous Positive Airway Pressure (CPAP) machine ready to be set up for Resident A which needed an exhalation port installed. The next morning, the co-worker discovered that the exhalation port on Resident A's CPAP was installed but capped. Resident A had only worn the CPAP mask for about an hour the night before and complained of not being able to breath.

5. On July 18, 2019, Respondent incorrectly placed a bilevel positive airway pressure (BiPAP) machine for Resident B, including making the following errors:

- a. The pressures he set were not adequate.
- b. The inspiratory times were not appropriate.
- c. The alarm limits were not realistic.
- d. The high leak of the mask was not addressed.
- e. The tidal volumes Resident B was getting were not appropriate and dangerously low.
- f. The mask did not fit Resident B appropriately (which could account for the high leak and low tidal volumes).

6. The Center's documentation referenced prior incidents in which Respondent's care of residents was inappropriate including:

- a. On June 13, 2019, Respondent had documented completing an overnight oximetry test on a resident but did not change the times to reflect real time testing, causing invalid testing for the resident.
- b. On June 13, 2019, Respondent left the ventilator settings for an Intensive Care Unit (ICU) resident on default which could cause significant harm to the resident.

7. Respondent's employment was terminated by the Center on July 19, 2019, for the aforementioned care issues.

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 Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), 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 § Med 10.03(2)(b), by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Respondent's right to renew his license to practice respiratory care (license number 3746-28) is LIMITED as follows:
 - a. Prior to the Board or its designee acting upon Respondent's renewal application, Respondent shall complete the following:
 - i. Respondent shall successfully complete at his own expense, five (5) hours of education on the topic of use and management of ventilators including CPAP and BiPAP.
 - ii. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Board, or its designee, prior to commencement of the course(s).
 - iii. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - v. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - vi. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - vii. This limitation shall be removed from Respondent's right to renew his license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
 - viii. None of the education completed pursuant to this requirement may be used to satisfy any other 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.

4. Within 120 days from the date of this Order, Respondent, shall pay COSTS of this matter in the amount of \$863.00.

5. Requests for 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

Respondent may also submit this information online via DSPTS' Monitoring Case Management System, here: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 3746-28), or Respondent's right to renew license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wacker, MD
A Member of the Board

21 October 2020
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TODD M. SCHLEEF, R.C.P.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER U007047

Division of Legal Services and Compliance Case No. 19 MED 383

Respondent Todd M. Schleef, R.C.P., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

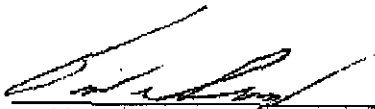
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 Medical Examining Board (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.



Todd M. Schleef, R.C.P., Respondent
Waterloo, WI 53559
License No. 3746-28

10/07/2020
Date



Carley Peich Kiesling, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/08/2020
Date