

JAN - 3 2024

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

DHHS Hearing Office

STATE OF NEBRASKA ex rel. MICHAEL T.)
HILGERS, Attorney General,)
)
Plaintiff,)
vs.)
)
ZOLCIK, WOJCIECH,)
)
Defendant.)

231499 MD
ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on December 28, 2023.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the Petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

Date:

January 3, 2024



Timothy Tesmer, MD
Chief Medical Officer
Division of Public Health
Department of Health and Human Services

Civil penalty, if imposed, should be mailed to: DHHS, Division of Public Health, Licensure Unit, ATTN: Diane Pearson, P.O. Box 94986, Lincoln, NE 68509.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was sent on the date below by certified United States Mail, postage prepaid, return receipt requested, and/or electronically to the following:

WOJCIECH ZOLICK 2635 E CEDAR AVE DENVER CO 80209
ABIGAIL NISSEN ASSISTANT ATTORNEY GENERAL AGO.HEALTH@NEBRASKA.GOV

Date:

January 3, 2024



DHHS Hearing Office
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376
dhhs.hearingoffice@nebraska.gov

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**STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH**

**STATE OF NEBRASKA ex rel. MICHAEL)
T. HILGERS, Attorney General,)**

Plaintiff,)

vs.)

WOJCIECH ZOLCIK, M.D.,)

Defendant.)

AGREED SETTLEMENT

The Plaintiff and the Defendant, Wojciech Zolcik, M.D., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Wojciech Zolcik, M.D., is the holder of a physician license (#28622) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").

2. The Defendant acknowledges receipt of a copy of the Petition for Disciplinary Action ("Petition") and waives the need for further service of the Petition upon him.

3. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant also waives any right to judicial review of a disciplinary order which approves the terms of this Agreed Settlement.

4. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.

5. The Defendant acknowledges that he is licensed to practice medicine in numerous other states.

6. The Defendant acknowledges that he has read the Petition filed by the Attorney General's Office and admits the allegations contained in the Petition.

7. The Plaintiff and the Defendant consent to the entry of a final disciplinary order by the Chief Medical Officer which a) finds the allegations in the Petition are true, b) finds that grounds exist to discipline the Defendant's license, and c) imposes a One Thousand Dollar (\$1,000.00) civil penalty. The civil penalty shall be payable in full within six (6) months from the date the Chief Medical Officer enters a disciplinary order in accordance with this Agreed Settlement. In the event the Defendant fails to pay the civil penalty in full by the stated deadline, the Chief Medical Officer may summarily suspend the Defendant's physician license, which suspension shall remain in effect until the civil penalty is paid in full.

8. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2016).

9. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

(SIGNATURES ON THE FOLLOWING PAGE)

AGREED TO:

BY:

Wojciech Zolcik, M.D.,
Defendant

State of Colorado)
County of Denver) ss.

This Agreed Settlement is acknowledged before me by Wojciech Zolcik, M.D., on
this 21st day of December, 2023.

RALPH A COHN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184007071
MY COMMISSION EXPIRES 02-12-2026

Notary Public

My Commission Expires: 2/12/2026

STATE OF NEBRASKA, ex rel.
MICHAEL T. HILGERS, Attorney
General,
Plaintiff,

BY: MICHAEL T. HILGERS, #24483
Attorney General

BY:

Abigail Hoy Nisser, #27877
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
(402) 471-3814

DEC 28 2023

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH

DHHS Hearing Office

STATE OF NEBRASKA ex rel. MICHAEL)
T. HILGERS, Attorney General,)
)
 Plaintiff,)
)
 v.)
)
 WOJCIECH ZOLCIK, M.D.,)
)
 Defendant.)

PETITION FOR
DISCIPLINARY ACTION

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 and 38-186 (Reissue 2016).
2. At all times relevant herein, the Defendant, Wojciech Zolcik, M.D., is the holder of a physician license (#28622) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
3. The Department is the agency in the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of mental health.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2016).

5. On June 28, 2022, the Defendant was convicted of Driving Under the Influence Per Se, a Class M misdemeanor in the County Court of Clear Creek County, Colorado, for an incident which occurred on or about April 17, 2022. The Defendant's initial breathalyzer test yielded .179. The Defendant's formal breath test yielded .269. The Defendant was placed on 12 months supervised probation and required to complete an alcohol evaluation.

6. The Defendant failed to report this conviction to the Department within thirty (30) days, as required by law.

7. The Defendant self-admitted to S.T. treatment center in Tucson, Arizona, for a comprehensive assessment by a professional addiction treatment team from November 27, 2022, through December 2, 2022. Dr. D.S., the attending physician at S.T., found that the Defendant did not meet the criteria for a substance use disorder, did not need residential treatment, and was fit to return to work.

8. The Defendant completed his renewal application for his Nebraska physician license on September 15, 2022. On the renewal application, the Defendant answered "Yes" to the question "After 10/1/2020, I was convicted of a misdemeanor or felony."

9. On or about December 13, 2022, the Defendant entered into a Monitoring Agreement with the Colorado Physician Health Program ("CPHP"). The Defendant's agreement included: completing an evaluation, on-going monitoring by CPHP, abstaining from alcohol and all addictive substances, random alcohol/drug tissue screening, and compliance with all treatment recommendations.

10. The Defendant was referred to Physician Health Programs in Louisiana, Pennsylvania, Arizona, Washington, Kansas and Kentucky.

11. On March 2, 2023, the Defendant was released early from his 12-month criminal probation in Colorado.

FIRST CAUSE OF ACTION

12. Paragraphs 1 through 11 are incorporated herein by reference.

13. Neb. Rev. Stat. § 38-178(5)(b) (Cum. Supp. 2022) a crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession.

14. The Defendant's June 2022 conviction, as set forth above, is grounds for discipline.

SECOND CAUSE OF ACTION

15. Paragraphs 1 through 11 are incorporated herein by this reference.

16. Neb. Rev. Stat. § 38-178(19) (Cum. Supp. 2022) provides that a professional license may be disciplined for failure to file a report as required section § 38-1,125 (Reissue 2008).

17. Neb. Rev. Stat. § 38-1,125(1)(c)(vii) (Reissue 2008) requires a licensed health professional to report any conviction of any misdemeanor or felony in this or any other jurisdiction to the Department within thirty (30) days.

18. Defendant's failure to report his 2022 misdemeanor conviction to the Department within thirty (30) days is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-196 (Reissue 2016) and tax the costs of this action to the Defendant.

STATE OF NEBRASKA, ex rel. MICHAEL T.
HILGERS, Attorney General,
Plaintiff,

BY: MICHAEL T. HILGERS, #24483
Attorney General

BY:


Abigail Hoy Nissen
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-3814

Attorneys for the Plaintiff.