

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
JULIE A. TRZEBIATOWSKI, R.N., A.P.N.P., : FINAL DECISION AND ORDER
RESPONDENT. : LS0603091NUR
 :

Division of Enforcement Case Nos. 05 NUR 114 and 05 NUR 384

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

Julie A. Trzebiatowski, R.N., A.P.N.P.
1111 Nottingham Dr.
Plover, WI 54467

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Julie A. Trzebiatowski, R.N., A.P.N.P., (DOB 01/17/1968) is duly licensed as registered nurse (license # 30-108442, granted on September 5, 1991) and an advanced practice nurse prescriber (license # 33-623, granted on October 11, 1996) in the state of Wisconsin. She is a certified registered nurse anesthetist ("CRNA").

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1111 Nottingham Drive, Plover, Wisconsin.

3. Respondent admits that on or about April 30, 2005, she entered the anesthesia department of Saint Michael's Hospital, where she worked as a CRNA, and stole a significant amount of Fentanyl, a Schedule II controlled substance. She claims that her intent was to commit suicide by an overdose of Fentanyl.

4. Respondent admits that on or about November 18, 2005, she attempted to commit suicide in a Wendy's

restaurant. She was found in the restaurant, near Aurora Hospital where she then worked, with an intravenous infusion of Propofol, a sedative hypnotic used in anesthesia. Lot numbers confirmed that the Propofol came from her employer.

5. On or about December 7, 2005, Respondent fraudulently procured Propofol, IV tubing, Xylocaine, a tourniquet, and alcohol swabs from a physician's office in Plover. On the same day, Respondent requested similar medications and supplies from Riverside Medical Center department of anesthesia.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-5 above constitutes a violation of Wisconsin Administrative Code § N 7.04(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. The conduct described in paragraphs 3-5 above constitutes a violation of Wis. Admin. Code § N 7.03 and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

1. The licenses of Julie A. Trzebiatowski, R.N., A.P.N.P., to practice as a registered nurse and as an advanced practice nurse prescriber in the State of Wisconsin are INDEFINITELY SUSPENDED.

2. The suspension of Ms. Trzebiatowski's licenses, or one or the other of them, MAY BE STAYED upon proof to the satisfaction of the Board of Nursing of all of the following:

a. Respondent shall have, at Respondent's own expense, undergone a mental health assessment by an experienced mental health care practitioner.

i. The assessor must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.

ii. The Division shall provide the assessor and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment, including Respondent's treatment records or evaluations in the possession of the Division. Respondent may provide the assessor with any information Respondent believes will be of assistance in performing the assessment and shall immediately provide copies of that information to the Division.

iii. Respondent shall authorize the assessor to provide the Board, or its designee, and the Division with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor.

iv. The assessor shall have provided an opinion to a reasonable degree of professional certainty that Respondent is able to practice with reasonable skill and safety of patients and public and does not suffer from any condition which prevents her from practicing in that manner. This opinion must be accompanied by the assessor's reasoning, articulated to the Board's satisfaction.

b. If the assessor has rendered the opinion required above and supported that opinion to the Board's satisfaction, then the Board may stay the suspension.

3. In the event that the suspension is stayed, the Board may LIMIT Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact or the period of time Respondent has not practiced nursing and to address any recommendations resulting from the assessment, including, but not limited to:

a. Psychotherapy or other treatment, at Respondent's expense, by a practitioner approved by the Board,

to address specific treatment goals, with periodic reports to the Board by the therapist.

- b. Additional professional education in any identified areas of deficiency.
- c. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- d. Requiring Respondent to appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment.
- e. Imposing a prohibition on the use of alcohol and drugs and instituting random alcohol and drug testing and alcohol and drug treatment.

4. The Board may revoke the stay and reinstate the suspension at any time if it determines that patient health, safety and welfare so warrants.

5. Upon the recommendation of her therapist, Respondent may petition the Board to eliminate the limitations on her license and/or end the suspension. The decision to eliminate any of the limitations or to end the suspension is in the sole discretion of the board. Denial in whole or in part of a petition under this paragraph prior to January 26, 2007 shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§ 227.01(3) and 227.42.

6. Violation of any of the other 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 pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. 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 pay costs as ordered the Respondent's license SHALL REMAIN SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

7. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Hundred Dollars (\$200.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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

Board of Nursing

By: Marilyn Kauffman
A Member of the Board

3/9/06
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
JULIE A. TRZEBIATOWSKI, R.N., A.P.N.P., : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case Nos. 05 NUR 114 and 05 NUR 384

Respondent Julie A. Trzebiatowski, R.N., A.P.N.P., personally on her own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of two pending investigations of Respondent's licensure by the Division of Enforcement (case nos. 05 NUR 114 and 05 NUR 384). Respondent consents to the resolution of these investigations by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Julie A. Trzebiatowski, R.N., A.P.N.P.
1111 Nottingham Dr.
Plover, WI 54467

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date