

## 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

MICHAEL N. ASHE, R.N.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: **00031 1 0**

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Division of Legal Services and Compliance Case No. 13 NUR 216

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

Michael N. Ashe, R.N.  
104 Edna St.  
Plymouth, WI 53073

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 Michael N. Ashe, R.N., (dob February 29, 1952) is licensed in the State of Wisconsin as a professional nurse, having license number 112960-30, first issued on March 25, 1993 and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 104 Edna Street, Plymouth, Wisconsin 53073.

2. At all times pertinent to this incident, Respondent worked as a registered nurse at a nursing home facility (Facility) in Sturgeon Bay, Wisconsin.

3. On April 9, 2013, officers from the Sturgeon Bay Police Department responded to a domestic disturbance at Respondent's address. Respondent called police. While there, police discovered two bags of prescription pills; Respondent did not have a prescription for these medications. Roommate A stated to the police that Respondent brings home, from work at Facility, pockets full of medication every day. Roommate A further stated that Respondent would pretend to give patients their medication while working at Facility; but would instead, put the medication in his pocket and take it home.

4. On April 13, 2013, a police officer interviewed the Respondent at the Door County jail. Respondent admitted to diverting medication from Facility for his own use. Respondent also admitted to purchasing prescription medications illegally.

5. On September 12, 2013, Respondent was convicted Possession of THC, in violation of Wis. Stat. §961.41(3g)(e); Possession of Drug Paraphernalia, in violation of Wis. Stat. §961.573(1); Theft-Movable Property <=\$2500, in violation of Wis. Stat. §943.20(1)(a); and two counts of Possess/Illegally Obtained Prescription, in violation of Wis. Stat. §450.11(7)(h), in Door County case number 2013CM86 . Nine counts of Possess/Illegally Obtained Prescription were dismissed but read into the record for the purposes of sentencing.

6. Respondent voluntarily entered a residential treatment program for four months. Respondent also has continued treatment with counseling and treatment groups.

7. 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, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(2) by administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1) by violating, or aiding and abetting a violation of any law substantially related to the practice of professional or practical nursing.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1)(b) and (d).

#### ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Michael N. Ashe, R.N., (license no. 112960-30) to practice nursing in the State of Wisconsin or under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. In the event that Respondent petitions the Board of Nursing for re-licensure as a nurse in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

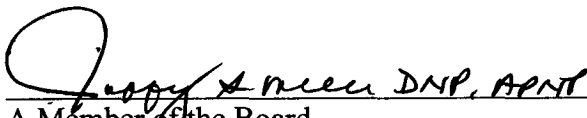
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$600.00.

5. 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

WISCONSIN BOARD OF NURSING

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

3-10-14  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL N. ASHE, R.N.,  
RESPONDENT.

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STIPULATION

**00031 10**

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Division of Legal Services and Compliance Case No. 13 NUR 216

Respondent Michael N. Ashe, 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.

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.

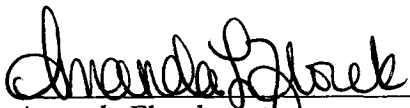
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

  
\_\_\_\_\_  
Michael N. Ashe, Respondent  
104 Edna St.  
Plymouth, WI 53703  
License no. 112960-30

2-14-14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Amanda Florek, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

2/17/14  
\_\_\_\_\_  
Date