

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ASHLEY R. ZABOJNIK, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005080

Division of Legal Services and Compliance Case No. 15 NUR 321

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

Ashley R. Zabochnik, R.N.
9030 Flicker Ln.
Dallas, TX 75238-4825

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 Ashley R. Zabochnik, R.N., (dob July 25, 1985) is licensed in the State of Wisconsin as a professional nurse, having license number 195474-30, first issued on May 13, 2013 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 9030 Flicker Lane, Dallas, Texas 75238-4825.

2. At all times relevant to this proceeding, Respondent was employed as a professional nurse in Texas and practicing under the Nurse Licensure Compact.

3. On September 24, 2014, Respondent presented to Physician A with an upper respiratory infection and was prescribed hydrocodone chlorpheniramine which is also known by the brand name Tussionex®.

4. Respondent took a prescription pad from Physician A's office.

5. Respondent used the prescription pad to write fraudulent prescriptions for herself by signing Physician A's name and writing the prescription for numerous aliases, on the following dates:

- a. October 23, 2014, Respondent presented a prescription to Pharmacy A in Dallas, Texas from Physician A issued to J.Z. for Tussionex®.
- b. October 25, 2014, Respondent presented a prescription to Pharmacy A in Dallas, Texas from Physician A issued to A.B. for Tussionex®.
- c. November 2, 2014, Respondent presented a prescription to Pharmacy B in Garland, Texas from Physician A issued to A.T. for Tussionex®. Pharmacy B refused to fill the prescription due to Respondent's suspicious coughing and returned the prescription to Respondent.
- d. November 6, 2014, Respondent presented a prescription to Pharmacy C in Dallas, Texas from Physician A issued to A.H. for Tussionex®.
- e. November 18, 2014, Respondent presented a prescription to Pharmacy A in Dallas, Texas from Physician A issued to B.B. for Tussionex®.

6. Physician A confirmed that the signature on the prescriptions Respondent presented was not her signature or handwriting; nor did anyone under Physician A's authority call-in or authorize any of the above prescriptions. Physician A also confirmed that she had never treated any of the patients in paragraph 5.

7. In November 2014, Respondent was hospitalized due to depression, opiate dependence and attention deficit hyperactivity disorder (ADHD).

8. After release from hospitalization, Respondent entered outpatient treatment and was diagnosed with ADHD and opiate dependence.

9. On April 13, 2016, Respondent, in Dallas County, Texas case number F-1549117-R, pled guilty to one (1) count of intentionally obtaining a controlled substance by fraud, in violation of Tex. Code Ann. § 481.129(d-1)(1).

10. 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).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege of Ashley R. Zabochnik, R.N., (license number 195474-30) 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 Respondent petitions the Board of Nursing for reinstatement 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. Respondent shall immediately return all indicia of Wisconsin licensure 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

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

WISCONSIN BOARD OF NURSING

By: 
A Member of the Board

12-8-16
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ASHLEY R. ZABOJNIK, R.N.,
RESPONDENT.

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STIPULATION

0005080

Division of Legal Services and Compliance Case No. 15 NUR 321

Respondent Ashley R. Zabojnik, 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.

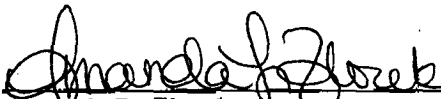
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Ashley R. Zabojnik, R.N., Respondent
9030 Flicker Ln.
Dallas, TX 75238-4825
License no. 195474-30

11-17-16

Date



Amanda L. Florek, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

11/18/16

Date