

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 M. LENZ, R.N., f/k/a
ASHLEY M. DIGMAN, R.N.,
RESPONDENT.

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: FINAL DECISION AND ORDER
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0005504

Division of Legal Services and Compliance Case No. 16 NUR 220

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

Ashley M. Digman, R.N.
9453 Orfield Lane
Lancaster, WI 53813

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 M. Lenz, R.N., f/k/a Ashley M. Digman, R.N., (DOB May 4, 1985) is licensed in the State of Wisconsin as a professional nurse, having license number 170175-30, first issued on October 7, 2009 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 9453 Orfield Lane, Lancaster, Wisconsin 53813.

2. Upon information and belief, Respondent's last name has changed to Lenz.

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a facility (Facility), located in Dodgeville, Wisconsin.

4. On January 14, 2016, Respondent was scheduled to care for Patient A. While caring for Patient A, Respondent requested and received an order for morphine nebulizer, ten (10)-10 mL morphine vials and ten (10) sodium chloride inhalation 3 mL packets for Patient A.

5. After caring for Patient A, Respondent went to the pharmacy to pick up the prescriptions for Patient A. Respondent placed the prescriptions in the trunk of her car and kept them overnight.

6. Respondent was not scheduled to see Patient A on January 15, 2016.

7. Respondent prepared the vials by mixing the morphine and sodium chloride in the appropriate concentration but failed to properly label the mixed medication.

8. On January 15, 2016, Respondent transported the medication to the Facility and gave them to the nurse in charge of Patient A's care that day.

9. Facility policy states that all medications must be picked up from the pharmacy and delivered to the patient the same day.

10. On October 6, 2016, Respondent was charged in Iowa County case number 2016CF171 with one (1) count of possession of narcotic drugs, a felony, in violation of Wis. Stat. § 961.41(3g)(am), and one (1) count of theft of moveable property with special facts, a felony, in violation of Wis. Stat. § 943.20(1)(a).

11. On or about August 14, 2017, Respondent entered into a deferred prosecution agreement in Iowa County case number 2016CF171. Respondent pled no contest to the possession of narcotic drugs charge and the prosecutor dismissed the theft charge.

12. 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, Ashley M. Lenz, R.N., f/k/a Ashley M. Digman, R.N., violated Wis. Admin. Code § N 7.03(6)(a), by failing to perform nursing with reasonable skill and safety.

3. As a result of the above conduct, Ashley M. Lenz, R.N., f/k/a Ashley M. Digman, R.N., is subject to discipline pursuant to Wis. Stat. § § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Ashley M. Lenz, R.N., f/k/a Ashley M. Digman, R.N., is REPRIMANDED.
3. The professional nursing license issued to Ashley M. Lenz, R.N., f/k/a Ashley M. Digman, R.N., (license number 170175-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete four (4) hours of education on the topic of medication errors offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any 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.
 - a. For a period of at least two (2) years while working at least half-time as a nurse, Respondent shall arrange for her nursing employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of Respondent's employment and evaluating her work performance.
 - b. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
 - c. After two (2) years of working at least half-time as a nurse, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.
4. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of these limitations. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.
5. Within 120 days from the date of this Order, Ashley M. Lenz, R.N., f/k/a Ashley M. Digman, R.N., shall pay COSTS of this matter in the amount of \$1,200.00.

6. Request 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

7. In the event Respondent violates any term of this Order, Respondent's license (170175-30), or Respondent's right to renew her 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.

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

WISCONSIN BOARD OF NURSING

by: 
A Member of the Board

11-9-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ASHLEY M. LENZ, R.N., f/k/a
ASHLEY M. DIGMAN, R.N.,
RESPONDENT.

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STIPULATION

0005504

Division of Legal Services and Compliance Case No. 16 NUR 220

Respondent Ashley M. Lenz f/k/a/ Ashley M. Digman, 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. Respondent is represented by Attorney Edward Hunt.


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 or Respondent's attorney, 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.

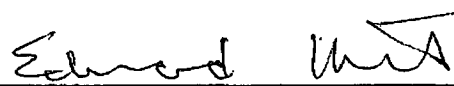
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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 M. Lenz f/k/a/ Ashley M. Digman, R.N., Respondent
9453 Orfield Lane
Lancaster, WI 53813
License no. 170175-30

10/23/17
Date



Edward Hunt, Attorney for Respondent
Hunt Law Group, SC
342 N. Water Street, Ste 600
Milwaukee, WI 53202-5715

10/25/2017
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

10/26/17
Date