

BEFORE THE TEXAS BOARD OF NURSING



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Patricia R. Thomas*  
Executive Director of the Board

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In the Matter of Registered Nurse License Number 648551           §        AGREED  
and Vocational Nurse License Number 163130                   §  
issued to ASHLEY GOTOVAC   §        ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 648551, and Vocational Nurse License Number 163130, issued to ASHLEY GOTOVAC, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the licenses.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's licences to practice vocational and professional nursing in the State of Texas are currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College, Odessa, Texas, on May 16, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on July 18, 1997. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on December 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on February 17, 1998.

5. Respondent's nursing employment history includes:

07/97 - 11/01	LVN/RN	Westwood Medical Center Midland, TX
11/01 - 05/06	RN	Midland Memorial Hospital Midland, TX
06/06 - Current	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Midland Memorial Hospital, Midland, Texas, and had been in this position for approximately four (4) years and eight (8) months.

7. On or about July 8, 2006, through July 19, 2007, Respondent obtained Hydrocodone/APAP 7.5/500 from the Walgreen's Pharmacy, Midland, Texas, the Service Drug of Midland, Midland, Texas, and the Graham Pharmacy, Midland, Texas, through the use of fraudulent oral or telephonically communicated prescriptions, bearing the names of Dr. Don McLarey, Dr. David Mallams, and/or Dr. Norman Harris, and the Drug Enforcement Agency (DEA) numbers assigned to Dr. McLarey, Dr. Mallams, and/or Dr. Harris, as follows:

Date	Rx Number	Medication	Prescribing Doctor	Pharmacy
07/08/06	1670373	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
07/31/06	1676574	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
09/06/06	1687355	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
09/28/06	6357911	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
10/09/06	6357911	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
10/27/06	1703984	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
11/06/06	6362258	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
11/20/06	6362258	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
11/29/06	1715079	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
12/19/06	04145453	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
12/28/06	1724580	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
01/08/07	04145813	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
01/16/07	1731364	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
01/30/07	04146299	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland

02/08/07	04146511	(30) Hydrocodone/APAP 7.5/500	Dr. McLarey	Service Drug of Midland
02/15/07	3197846	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
02/19/07	6374861	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
03/05/07	6374861	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
03/09/07	04147131	(30) Hydrocodone/APAP 7.5/500	Dr. McLarey	Service Drug of Midland
03/13/07	3215427	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
03/23/07	04147432	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
03/29/07	6379347	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
04/05/07	6379347	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Graham Pharmacy
04/11/07	1760868	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
04/24/07	04148131	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
05/11/07	04148131	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
05/24/07	3256597	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
06/04/07	04148940	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
06/11/07	04148940	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
06/15/07	1781993	(30) Hydrocodone/APAP 7.5/500	Dr. Harris	Walgreens Pharmacy
06/22/07	3272776	(30) Hydrocodone/APAP 7.5/500	Dr. McLarey	Walgreens Pharmacy
07/12/07	04149697	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland
07/19/07	04149697	(30) Hydrocodone/APAP 7.5/500	Dr. Mallams	Service Drug of Midland

Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone/APAP through use of a forged prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. On or about August 21, 2008, Respondent entered a plea of Guilty to OBTAINING PRESCRIPTION BY FRAUD (a State Jail Felony committed on June 22, 2007), filed in the 238<sup>th</sup> Judicial District Court of Midland County, Midland, Texas, under Cause No. CR34699. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on community supervision for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

On or about May 27, 2009, an Order Granting Early Release from Community Supervision After a Deferred Adjudication of Guilt was granted under Cause No. CR34699, in the 238<sup>th</sup> Judicial District Court of Midland County, Midland, Texas.

9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her licenses to practice nursing in the State of Texas.
10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A)&(H),(8),(10)(B)&(E), (11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 648551, and Vocational Nurse License Number 163130, heretofore issued to ASHLEY GOTOVAC, including revocation of Respondent's licenses to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 648551, and Vocational Nurse License Number 163130, heretofore issued to ASHLEY GOTOVAC, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized licenses, heretofore issued to ASHLEY GOTOVAC, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered nurse" or "vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered nurse or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or vocational nurse during the period in which the licenses are surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 1<sup>st</sup> day of September, 2009.

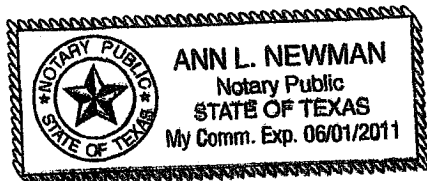
Ashley Gotovac

ASHLEY GOTOVAC, Respondent

Sworn to and subscribed before me this 1 day of Sept, 2009.

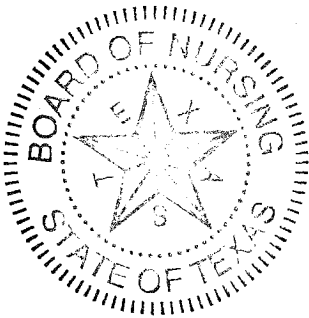
[Signature]

SEAL



Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 648551, and Vocational Nurse License Number 163130, previously issued to ASHLEY GOTOVAC.



Effective this 4<sup>th</sup> day of September, 2009.

Katherine A. Thomas  
Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board