



**State of Vermont
Office of the Secretary of State**

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

September 13, 2022

Sara Hyde
400 Willow Drive
Bessemer, AL 35023

CASE: In Re Sara Hyde (Sara Sturgis)
Docket No.: 2014-269 & 2014-278

Dear Ms. Hyde:

Enclosed please find a copy of the approved *Stipulation and Consent Order*

For questions about complying with this Order, please contact the Case Manager at 802-828-2875

Sincerely,

DocuSigned by:



8CDAB598B5C54EE...
S. Lauren Hibbert
Director

Enc: *Stipulation and Consent Order*

cc: Jennifer Colin, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Sara Hyde, Respondent, First Class Mail, Certified Mail & Email

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
Sara M. Hyde f/k/a Sara Sturgis) **Docket Nos. 2014-269 and 2014-278**
License No. 025.0096826 (LPN))
075.0088085 (LNA))

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Sara M. Hyde, formerly known as Sara Sturgis, who hereby stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a); 3 V.S.A. §129a; 3 V.S.A. §814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Sara M. Hyde ("Respondent") of Hueytown, Alabama is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0131891. This license was originally issued August 6, 2013. Respondent is also licensed as a Licensed Nursing Assistant under license number 075.0088085. Both the LPN and LNA licenses were indefinitely suspended by the Board on March 11, 2015.
3. In 2015, Respondent agreed to a Stipulation and Consent Order indefinitely suspending her license to resolve charges of unprofessional conduct resulting from Respondent's drug diversion from the Facility where she was employed as an LPN. The Board approved the Stipulation and entered it as an Order on March 11, 2015 ("2015 Order").
4. The 2015 Order required Respondent, within 45 days of petitioning for reinstatement, to have an independent evaluation by a pre-approved evaluator and submit to three random urinalyses.

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5. In 2018, Respondent petitioned for reinstatement after having an independent evaluation and submitting to random UA's. At that time, the State opposed and the Board denied the request, as Respondent did not have the requisite statement of fitness/safety to practice from the Independent Evaluator.
6. In May and June 2022, Respondent had an independent evaluation in which the evaluator assessed that Respondent's opioid use disorder is mild and that Respondent is in stable recovery. The evaluator recommended that Respondent continue in her current course of treatment. The evaluator further opined that Respondent is safe to resume her nursing practice with supports in place.
7. Respondent also submitted to three random UA's which yielded negative results with the exception of prescribed medication.
8. Respondent now seeks reinstatement of her licenses.
9. Based on the underlying facts of the 2015 Order and the content and substance of Respondent's independent evaluation and UA results, the State supports Respondent's reinstatement request, with the conditions as outlined below.

Understandings

10. Respondent admits the facts as outlined above are true and that the order below is necessary to protect the public.
11. Respondent understands that the Board must review and accept the terms of the Consent Order. The entire Reinstatement Stipulation and Consent Order shall be null and void if the Board rejects any portion therein.
12. Respondent specifically waives any claims that any disclosures made to the Board during its review of this Reinstatement Stipulation and Consent Order have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
13. Respondent has read and reviewed this entire Reinstatement Stipulation and Consent Order and agrees that it contains the entire agreement between the parties.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Reinstatement Stipulation and Consent Order.
15. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Reinstatement Stipulation and Consent Order.
16. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Reinstatement Stipulation and Consent Order.

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17. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent is immediately eligible to apply for a re-entry permit in order to renew her Licensed Practical Nursing License.
- B. Upon successful completion of a re-entry program for her LPN license and all other applicable renewal requirements for both licenses, Respondent is immediately eligible to renew and revive her LPN license and her LNA license. Upon issuance, Respondent's licenses shall be **CONDITIONED FOR A MINIMUM OF THREE (3) years**, commencing on the date of reinstatement. The **CONDITIONS** shall be as follows:
 1. Renewal. Respondent is immediately eligible to renew and revive her Licensed Practical Nurse license and her Licensed Nursing Assistant license. Respondent must comply with all requirements of license renewal. All conditions shall apply to any re-entry permit.
 2. Re-issuance of Licenses. Upon the commencement of these conditions and the renewal of Respondent's license(s), Respondent shall be issued a license(s) labeled "conditioned."
 3. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a minimum of three (3) years of supervised licensed practical nursing practice in which Respondent works at least eighty (80) hours month as a nurse. Part time hours of fewer than eighty (80) hours every month shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
 4. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
 5. Completion of Substance Abuse Counseling, Treatment Plan, Treatment Reports and Recovery Groups. Respondent shall continue in her current individual substance abuse counseling with her counselor (the "Treating Professional") and comply with the substance abuse treatment plan until the Treating Professional certifies in writing that such counseling is no longer necessary and Respondent successfully petitions the Board for a modification of these conditions. Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Reinstatement Stipulation and Consent Order to the Treating Professional and inform him or her of Respondent's conditional license status and the

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accompanying conditions. Respondent shall cause the Treating Professional to submit to the Case Manager, on forms provided by the Case Manager, acknowledgement of receipt of the Stipulation and Consent Order along with Respondent's current treatment plan.

Respondent shall authorize the Treating Professional to submit monthly reports on forms issued by the Case Manager. Respondent shall authorize the Treating Professional to provide all information requested, either orally or in writing, at any time during the period this Consent Order is in effect.

If Respondent is prescribed medication as part of her substance abuse counseling and treatment, Respondent's monthly treating professional reports must also indicate Respondent's current dosage and whether Respondent is appropriately taking the medication as prescribed. Respondent must continue to take such medications as prescribed, until the Treating Professional certifies in writing that such medication is no longer necessary.

Should Respondent's medications be monitored by someone other than her Treating Professional, Respondent shall cause the prescribing provider to certify in writing, at intervals determined by the Case Manager, whether Respondent is appropriately taking the medication as prescribed. Respondent must continue to take such medications as prescribed until the prescribing provider certifies in writing that such medication is no longer necessary.

6. Random Drug and Alcohol Testing. Respondent shall submit to random drug and alcohol testing through the designated entity. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes. All specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any test shall cause that test result to be presumed positive. Any positive test result shall constitute a violation of this Order. Failure to check-in to determine whether Respondent is selected for testing on any given day, regardless of whether Respondent is selected to test that day, may be considered a violation of this Order.

7. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption or possession of alcohol and drugs.

8. Drug Use Exception. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a health care practitioner disclosed to the Board in writing by Respondent within forty-eight (48) hours of the prescription. Respondent's health care practitioner shall inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's conditional license status within seven (7) days of entering into the practitioner/patient relationship. Additionally, the practitioner shall inform the Board of all

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scheduled/controlled medications prescribed -- and the anticipation of how long such prescriptions will need to be taken -- within seven (7) days of the prescription.

The Board or its designee may request that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

9. Notification to Employers/Educational Programs. Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Case Manager an employer agreement form, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Case Manager a nursing program agreement form provided by the Case Manager, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

10. Practice Under Supervision. Respondent shall practice as a nurse only in a setting where Respondent has direct supervision (on the same unit) for the entire shift by a licensed registered nurse that is in good standing with the Board. Upon completion of one year of full compliance with conditions, Respondent may petition the Board to reduce the level of supervision required to on-site supervision, meaning the supervising nurse is present in the same facility as Respondent for the entire shift.

11. Reports from Employers/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and monthly thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Case Manager an evaluation of Respondent's work performance and attendance during that month. Moreover, on a quarterly basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices, if and when Respondent engages in medication administration. In

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the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Case Manager, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Case Manager. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

12. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing license during the effective period of this Consent Order.

13. Administration of Medications. Respondent is prohibited from handling, managing, or administering any controlled substances. This condition may be removed only by Respondent filing a petition with the Board after Respondent has worked as a licensed practical nurse for six (6) months for at least forty (40) hours every two weeks (or the part time equivalent) after the date of resuming nursing practice. The State shall consent or object to any such petition, and a hearing may be held

In any such petition, Respondent must demonstrate, to the satisfaction of the Nursing Board, that Respondent can safely and competently administer such medications. Respondent must include support from Respondent's treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

14. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.

15. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board or its designee. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this Consent Order. If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

16. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

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17. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.

18. License Renewal. This Order does not automatically extend the license(s) and Respondent must comply with the requirements for license renewal.

19. Release of Information Forms. This Order requires Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss Respondent and any and all treatment rendered to Respondent for drugs and/or alcohol with the Board or its designee. Any and all of this information may be provided to the Office of Professional Regulation investigators, and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

Respondent is entitled to revoke this consent at any time. However, any revocation shall be considered a violation of this Order. This consent expires when the conditions are removed from Respondent's nursing license.

This Stipulation and Consent Order shall itself constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31. Respondent understands that Respondent's treatment provider may require Respondent's to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

20. Costs. Respondent shall bear all costs of complying with this Consent Order.

21. Violation of this Order. If Respondent violates this Order the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

22. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions from Respondent's license(s). The State will assent to or oppose Respondent's petition. The Board will conduct a hearing if necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public.

C. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.

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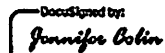
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- D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.
- F. This Stipulation and Consent Order shall be applicable as a matter of law to all other licenses issued by the Board of Nursing, as provided in 3 V.S.A. §129(l).

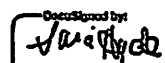
AGREED TO:

Dated: 8/29/2022

STATE OF VERMONT
SECRETARY OF STATE

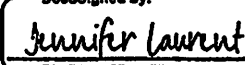
By: 
Jennifer B. Colin
Prosecuting Attorney

Dated: 8/29/2022

RESPONDENT
By: 
Sara M. Hyde, t/k/a Sara Sturgis

APPROVED AND SO ORDERED:

Dated: 9/12/22

VERMONT BOARD OF NURSING
By: 
Chairperson

Date of Entry: 9/13/22

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**STATE OF VERMONT
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BOARD OF NURSING**

IN RE:	)	
SARA M. STURGIS	)	Docket Nos. 2014-269
License Nos. 025.0096826	)	2014-278
075.0088085		

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sara M. Sturgis:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Sara M. Sturgis (the "Respondent") of South Burlington, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0096826. This license was originally issued on or about August 6, 2013 and expires on or about January 31, 2016. Respondent is also licensed as a Licensed Nursing Assistant under license number 075.0088085. This license was originally issued on June 28, 2012 and expires on or about November 30, 2014.
3. During the relevant time period, Respondent was employed as a Licensed Practical Nurse at Burlington Heath and Rehabilitation in Burlington, Vermont and Starr Farm Nursing Home in Burlington, Vermont.

Facts re: Burlington Heath and Rehabilitation

4. Patient E.B. was prescribed one to two tablets of 2mg of hydromorphone every four hours as needed for pain.

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- a. The narcotic log shows Respondent withdrew hydromorphone under E.B.'s name nine (9) times between April 16, 2014 and April 28, 2014. This accounted for 100% of the withdrawals of hydromorphone for E.B.
 - b. On April 17, 2014, April 21, 2014, April 22, 2014, April 23, 2014, April 24, 2014, and April 28, 2014 Respondent failed to document the administration of the hydromorphone in E.B.'s MAR.
 - c. On April 17, 2014, April 22, 2014, April 24, 2014, and April 28, 2014 Respondent did not document any medical justification for administering an as needed narcotic.
 - d. On May 13, 2014 Investigation John Lewis interviewed E.B. E.B. was adamant that she did not take any hydromorphone while in Burlington Health and Rehab. Investigator Lewis reviewed E.B.'s personal log of the medications she received and confirmed she was not administered hydromorphone. Furthermore, E.B. stated that Respondent never administered her hydromorphone.
5. Patient N.L. was prescribed one tablet of 2mg of hydromorphone every four hours as needed for pain.
- a. Respondent withdrew hydromorphone under N.L.'s name twenty nine (29) times between March 24, 2014 and April 23, 2014. Respondent withdraws accounted for 71% of all the withdrawals of hydromorphone for N.L.
 - b. Respondent failed document in N.L.'s MAR administration of hydromorphone on 20 of the 29 withdrawals.
 - c. Respondent provided no medical justification for administration of an as need narcotic on 13 of the 29 withdrawals.
6. Patient N.L. was prescribed one tablet of .5 Lorazepam every six hours as needed.
- a. Respondent withdrew this medication six (6) times from April 18, 2014 to April 24, 2014. This accounted for 66% of the withdrawals of Lorazepam for N.L.
 - b. Respondent failed to document in N.L.'s MAR administration of Lorazepam 3 out of 6 withdrawals.
 - c. Respondent did not provide medical justification for 5 out of 6 withdrawals.
 - d. On April 24, 2014, Respondent documented withdrawing Lorazepam for N.L. at 12:15 which was two hours and thirty minutes before she was on duty.
7. Patient E.M was prescribed one tablet of .5mg Lorazepam once daily as needed.

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- a. Respondent withdrew this medication sixteen (16) times from March 31, 2014 to April 10, 2014. This accounted for 66% of the withdrawals of Lorazepam for E.M.
 - b. On seven occasions Respondent withdrew two tablets within the same day. This is twice the amount prescribed.
 - c. Respondent failed to document in E.M.'s MAR administration of Lorazepam 8 of 16 withdrawals.
 - d. Respondent did not provide medical justification for 12 out of 16 withdrawals.
8. Patient A.S. was prescribed one tablet of 5mg Oxycodone every eight hours for pain 1-5 and two tablets of 5mg Oxycodone for pain 6-10.
 - a. Respondent withdrew this medication thirteen (13) times from April 14, 2014 to April 30, 2014.
 - b. Respondent failed to document in A.S.'s MAR administration of Oxycodone 9 out of 13 withdrawals.
 - c. Respondent did not provide medical justification for 8 out of 13 withdrawals.
9. Patient J.S. was prescribed one tablet of 5mg Oxycodone as needed every four hours or up to 2 tablets every 4 hours.
 - a. Respondent withdrew this medication ten (10) times from April 28, 2014 to May 1, 2014.
 - b. Respondent failed to document in J.S.'s MAR administration of Oxycodone 5 out of 10 withdrawals.
 - c. Respondent did not provide medical justification for 3 out of 10 withdrawals.
10. Patient F.D. was prescribed one tablet of 5mg diazepam every 12 hours (0800 and 2000) and one tablet every 12 hours as needed for spasm.
 - a. Respondent withdrew the as needed dose four (4) times from April 24, 2014 to May 1, 2014. This accounted for 80% of the withdrawals for the as needed dose.
 - b. Respondent never documented these administrations in F.D.'s MAR.
 - c. Respondent did not provide medical justification for 3 out of 4 withdrawals.
 - d. One withdrawal, the one occurring on May 1, 2014, was documented to have occurred before she was on duty.

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Facts re: Starr Farm Nursing Home

11. Respondent was initially hired at Starr Farm Nursing Home as an LNA student in 2012. She was then hired as an LPN after obtaining licensure.
12. On or about February 5, 2014 in a random audit conducted by Starr Farm Nursing Home it was discovered that Respondent did not renew her license in a timely manner and her license had expired on January 31, 2014. Respondent was immediately removed from the floor and told to go renew her license. It was noted by the oncoming nurse that Respondent has signed off on the 1400 meds and it was only 1030 in the morning when Respondent was asked to leave the facility.
13. On May 14, 2014 Investigator Lewis interviewed Respondent. Respondent admitted to diverting medication from patients she cared for at Burlington Health and Rehabilitation Center. Respondent stated that she sold to a friend identified as N.T. Respondent stated she never diverted medication from Starr Farm Nursing Home, but that she did have poor documentation and did not contemporaneously document withdrawal and administration of narcotics.
14. On May 16, 2014 Investigator Lewis interviewed Respondent. Respondent then retracted her previous statement that she sold the diverted narcotics to N.T. She stated that she gave the stolen medication to her boyfriend, J.P., who is a veteran who has significant injuries.

Charges

15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and,
 - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Rule 11.2(d)(4).

Relief Requested

WHEREFORE, the licenses of Sara M. Sturgis should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

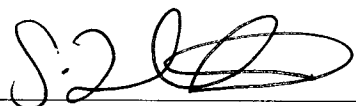
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DATED at Montpelier, Vermont this 2 day of July, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: 
S. Lauren Hibbert
State Prosecuting Attorney

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