

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

IN RE:
SHERRY JONES, R.N.
License No. 026-0026238

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)
)

Docket No: NU73-0401
NU76-0501

SUMMARY SUSPENSION STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell,
and Respondent, Sherry Jones, R.N., who stipulate and agree as follows:

Board Authority

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. The Vermont State Board of Nursing ["the Board"] has authority to summarily suspend licenses in cases requiring emergency action. 3 V.S.A. §129(a)(5).
3. The Board may order summary suspension, pending proceedings for revocation or other action, if the Board finds that public health, safety, or welfare imperatively requires emergency action, and if the Board incorporates a finding to that effect in its order. 3 V.S.A. §814(c).
4. Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public and is a basis on which the Board can impose disciplinary action, including a summary suspension. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A.

§1582(a)(7).

5. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action, including a summary suspension. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
6. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is a basis on which the Board can impose disciplinary action, including a summary suspension. 3 V.S.A. §129a(a)(3).

Facts

7. The Respondent (whose address is listed in the database of the Office of Professional Regulation 245 North Main Street, Number 5, St. Albans, Vermont, 0478) is a Registered Nurse under License Number 026-0026238.
8. Respondent was licensed on or about April 3, 2001 with a temporary license with an expiration date of July 3, 2001.
9. At all times relevant to these charges, the Respondent was employed through Northwestern Medical Center and/or Fletcher Allen Medical Center.
10. Respondent admits that on or about May 9, 2001, she admitted to an Investigator from the Office of Professional Regulation that she diverted narcotic medications while employed at Northwestern Medical Center.
11. Respondent admits that on or about May 9, 2001, she admitted to an Investigator from the Office of Professional Regulation that she diverted narcotic medications

while employed at Fletcher Allen Medical Center.

12. Respondent admits she diverted narcotic medications while employed at the above two (2) facilities, specifically Demerol and Vistaril.
13. Respondent admits she diverted, for personal use, and administered the Demerol to herself by injecting them during her work shift at the respective facilities.
14. Respondent admits she acquired the narcotic medications by either removing them from the medication cabinet and/or Pyxis machine without an physician's order, or removing them from the medication cabinet and/or Pyxis machine with an physician's order but did not administer them to the patient(s).
15. Respondent admits, while employed at the above facilities, she was observed by coworkers exhibiting the following behaviors:
 - a slurred speech;
 - b unsteady gait;
 - c constricted pupils; and
 - d falling asleep between speaking sentences.

Understandings

16. Respondent does not wish to contest the charges filed in this summary suspension hearing and hereby admits thereto. Respondent desires a hearing on the final disposition of these charges in light of that plea.
17. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
18. Respondent has read and reviewed this entire document and agrees that it

contains the entire agreement between the parties.

19. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
20. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
21. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing on the merits of the Request for Summary Suspension. She reserves her right to a contested hearing on the final disposition of this matter.
22. Respondent agrees that the Board may enter the order set forth below.

ORDER

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

A. The Board hereby finds that Respondent has committed unprofessional conduct:

(1) in violation of:

- (a) the Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3) and 26 V.S.A. §1582(a)(3); Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7); and
- (b) 3 V.S.A. §129a(a)(3); and

(2) that public health, safety, or welfare imperatively requires emergency action. 3 V.S.A. §814(c).

B. 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).

C. This Stipulation and Consent Order will remain part of Respondent's licensing file

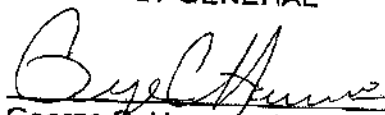
and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED:

STATE OF VERMONT

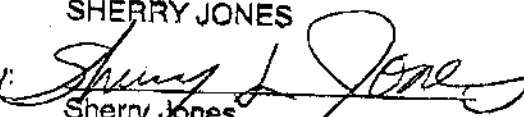
WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 5/10/01

by: 
George C. Haegle IV
Assistant Attorney General

RESPONDENT
SHERRY JONES

Dated: 5/10/01

by: 
Sherry Jones

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-14-01

by: 
Chairperson

Date of entry: 5-21-01

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609