

2000744

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

IN RE:

MARTHA JO SARGENT, RN

License No. 026-0019676

Docket No: NU 29-0100

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Martha Sargent 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 129a, and 26 V.S.A. §§1574 and 1582.
2. 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. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).
3. Being addicted to the use of habit-forming drugs is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).
4. Conviction of a crime related to the practice of the profession is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(9).
5. Being unable to practice the profession of nursing competently by reason of any cause, including the use of drugs, narcotics or chemicals is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(3); Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3).

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

Facts

6. The Respondent (whose address is listed in the database of the Office of Professional Regulation as P.O. Box 134, Underhill, VT 05489) is licensed as a Registered Nurse under License Number 026 – 0019676.
7. Respondent's license was originally issued on August 29, 1990 and it currently expires on March 31, 2001.
8. The Respondent worked at Fletcher Allen Health Care until she was placed on administrative leave as of January 31, 1999 for alcohol problems.
9. On numerous occasions during January of this year, the Respondent presented forged prescriptions for narcotics, specifically Percoset.
10. On or about January 11, 2000, Respondent was arrested by Officer Linda Carey of the Essex Police department for four (4) counts of prescription fraud in violation of 18 V.S.A. §4223.
11. On or about January 11, 2000, Respondent admitted to Officer Carey that she, the Respondent, had taken the blank prescription forms from the office of Dr. Beth Jillson, MD of Essex Pediatrics, 89 Main Street, Essex Junction VT 05452.
12. On or about January 11, 2000, Respondent admitted to Officer Carey that she, the Respondent, had written the prescriptions and then either taken them to be filled herself or had a friend get them filled.
13. On or about February 23, 2000, the Board of Nursing summarily suspended Respondent's license.
14. On or about April 5, 2000, Respondent was convicted in State v. Martha Sargent (docket number 1033-2-00 Cncr), of two misdemeanor offenses related to the practice of the profession, specifically, two counts of violating 18 V.S.A. §4234(a)(1)(A person knowingly and unlawfully possessing a depressant, stimulant or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both).

Charges

15. The Respondent has recently diverted drugs for unauthorized use and that is conduct that is likely to deceive, defraud or harm the public and is conduct sufficient to support disciplinary action. BNAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7); 3 V.S.A. §129a(a)(3); 3 V.S.A. §814(c).
16. Being addicted to the use of habit-forming drugs is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).
17. A conviction of 18 V.S.A. §4234(a)(1)(A person knowingly and unlawfully possessing a depressant, stimulant or narcotic drug, other than heroin or

cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both) is a crime related to the practice of nursing and therefore is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(9).

18. Being unable to practice the profession of nursing competently by reason of any cause, including the use of drugs, narcotics or chemicals is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(3); Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3).

Understandings

- A. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- B. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- C. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- D. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- E. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- F. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

- G. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:
 - I. Recently diverted drugs for unauthorized use;
 - II. Recently been, and may currently be, addicted to the use of habit-forming drugs;
 - III. Recently been convicted of knowingly and unlawfully possessing a depressant, stimulant or narcotic drug, other than heroin or cocaine; and
 - IV. Recently been, and may currently be, unable to practice the profession of nursing competently by reason of any cause, including the use of drugs, narcotics or chemicals.

H. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

- (1) The Respondent's license is **SUSPENDED INDEFINITELY** and not less than a period of six (6) months;
- (2) If the Respondent petitions the Board to reinstate her license, in the petition the Respondent must demonstrate, to the satisfaction of the Board, that:
 - (a) The Respondent poses no danger to the public or the practice of nursing and she will safely and competently perform the duties of a licensed practical nurse; and
 - (b) She meets any applicable requirements for license renewal and license reinstatement.
- I. Should Respondent's license become active, Respondent's license shall be **CONDITIONED** upon the conditions to be determined at that time.
- J. At any time after the entry of this Order, the Respondent may petition the Board to reinstate her license and/or modify the conditions.
- K. 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)(8).
- L. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

**BY: MARTHA SARGENT
RESPONDENT**

Date: June 8, 2000

Martha Sargent
Martha Sargent

**AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL**

Date: 6/9/00

George C. Haegle IV
George C. Haegle IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 7.10.00

Susan Farrell
Chairperson

Dated entered: 7-11-00

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