

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

IN RE:

MARTHA JO SARGENT, RN

License No. 026-0019676

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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).

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. Haegele IV
George C. Haegele IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 7.10.00

Susan Farrell
Chairperson

Dated entered: 7-11-00

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

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

IN RE:	)	
MARTHA JO SARGENT, RN	)	Docket No: NU 29-0100
License No. 026-0019676	)	
	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Martha Jo Sargent, RN:

Board Authority

- 1) The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 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) 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).
- 5) 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).
- 6) 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).

Facts

- 7) 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.
- 8) Respondent's license was originally issued on August 29, 1990 and it currently expires on March 31, 2001.
- 9) The Respondent worked at Fletcher Allen Health Care until she was placed on administrative leave as of January 31, 1999 for alcohol problems.
- 10) On numerous occasions during January of this year, the Respondent presented forged prescriptions for narcotics, specifically Percoset.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) On or about February 23, 2000, the Board of Nursing summarily suspended Respondent's license.
- 15) 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

- 16) The Respondent has failed to comply with the provisions of state statutes or rules governing the practice of the profession, which is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 17) 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).

- 18) Respondent is addicted to the use of habit-forming drugs, which is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).
- 19) Respondent's recent conviction under 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).
- 20) Respondent's 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).

Relief Requested

WHEREFORE, the license of Martha Jo Sargent, RN, should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 21st day of June 2000.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
George C. Haegele IV
Assistant Attorney General

STATE OF VERMONT
BOARD OF NURSING

In re: Martha Sargent
License No. 26-19676

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Docket No. NU29-0100

SUMMARY SUSPENSION ORDER

On February 23, 2000, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

Based upon the evidence presented by the parties, the Board finds that the allegations in the request for summary suspension have been established to the necessary degree. Therefore, the Board finds that the public health, safety, or welfare imperatively require emergency action against the Respondent's license.

Pursuant to 3 V.S.A. § 814(c), Martha Sargent's nursing license is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Sandra Rice
Susan Farrell

ACTING Chair

Dated: 2-23-00

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2-24-00

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

IN RE:

MARTHA JO SARGENT, RN

License No. 026-0019676

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Docket No: NU 29-0100

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont and requests the summary suspension of the nursing license of the Respondent, Martha Jo Sargent, on the basis of the following:

Board Authority

1. 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).
2. 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).
3. 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).

Facts

4. 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.
5. Respondent's license was originally issued on August 29, 1990 and it currently expires on March 31, 2001.
6. The Respondent worked at Fletcher Allen Health Care until she was placed on administrative leave as of January 31, 1999 for alcohol problems.
7. Subsequent to the administrative leave, Respondent stated on her renewal application that her use of drugs, alcohol or medicine did not in any way impair or limit her ability to practice nursing with reasonable skill and safety.

8. On numerous occasions during January of this year, the Respondent presented forged prescriptions for narcotics, specifically Percoset.
9. 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.
10. 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.
11. 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.

Claims

12. 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 also conduct sufficient to support disciplinary action, including a summary suspension. 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).
13. The Respondent was deceptive in procuring her license in that she answered a required question on her application in the negative when she knew the answer was affirmative. 3 V.S.A. §129a(a)(1).

Relief Requested

Wherefore, the State of Vermont requests that:

A. Findings be made :

- 1) That the Respondent has recently diverted drugs for unauthorized use; and
- 2) That the Respondent was deceptive on her renewal application; and
- 3) That the public health, safety, or welfare imperatively requires emergency action.

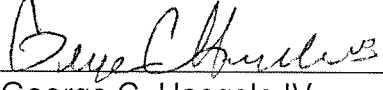
B. The Respondent's license, number 026-0019676, should be **SUMMARILY SUSPENDED** until unprofessional conduct charges are filed and there is a final determination on any needed disciplinary action.

Dated at Montpelier, Vermont this 8th day of February 2000.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:



George C. Haegele IV
Assistant Attorney General