

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re Sherry Jones Stewart }
License No. 026-0026238 }
Docket No. NU73-0401 }

DEFAULT ORDER

Upon the filing of a "Notice of Hearing for Default Judgment" by the Secretary of State, the Vermont Board of Nursing (the "Board") heard this matter on Monday 10 November 2008 at the Secretary of State's Office of Professional Regulation, in the National Life Building at Montpelier, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28; Administrative Rules for the Board of Nursing ("Nursing Rules") and the Administrative Rules for the Office of Professional Regulation ("OPR Rules").
2. The State filed a Specification of Charges dated 1 August 2008 ("Charges"), which allege Respondent engaged in unprofessional conduct by violating a board order and engaging in unprofessional conduct in another jurisdiction.
3. The Office of Professional Regulation served Respondent with notice of the charges via certified and first class mail at the address Respondent provided to OPR. Respondent is obligated to maintain a current mailing address with OPR and the Board. 3 V.S.A. §129a (14).
4. The notice of charges contained instructions detailing the Respondent's obligation as a licensee to answer the charges and explaining the legal consequences of failure to file a timely response. OPR also served a notice of this default hearing to the Respondent by certified mail.
5. The Respondent did not answer the charges within the legally prescribed time as required by OPR Rule 3.3 or at any time thereafter.
6. The Respondent did not appear for this default hearing.
7. Upon consideration of the State's presentation of the case and after taking official notice, pursuant to 3 V.S.A. § 810(4), of the contents of this matter's case file, which is maintained by the OPR Docket Clerk in accordance with OPR Admin. Rules Part 3, the Board finds the Respondent to be in default for failure to answer the State's charges.

8. Finding the Respondent in default, the Board therefore treats the factual allegations contained in the State's specification of charges (copy attached) as proven, and those allegations will serve as the factual basis for the following order. OPR Rule 3.4; 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

9. The Respondent received adequate and legal notice of the charges as evidenced by OPR's contested case file and the State's presentation of the case to the Board. Because the Respondent failed to answer the charges of unprofessional conduct, the Board finds the Respondent in default and will treat the State's factual allegations as established pursuant to OPR Rule 3.4.
10. The Board concludes, in this default hearing held pursuant to 3 V.S.A. § 809(d), that the Respondent has engaged in unprofessional conduct as alleged by the State of Vermont.

Order

In accordance with the above findings of fact and conclusions of law and effective the date of entry of this order, the Board of Nursing ORDERS that the Respondent's privileges to renew her license, if any, be SUSPENDED INDEFINITELY.

- END -
(signature page to follow)

Vermont Board of Nursing:

By: Ellen W. Leff
Ellen W. Leff, RN
Board Vice-Chairperson

Dated: Montpelier, Vermont 10 November 2008

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/18/08 ✓

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a Board may appeal the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Secretary of State's Office, National Life Building, FL2, 1 National Life Drive, Montpelier, Vermont 05602-3402 within 30 days of the entry of the order.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at: <http://www.vtprofessionals.org/opr1/opr/admrule.pdf> and the Rules are also available at the Office of Professional Regulation.

If you file an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer will review the record (the tape recording, exhibits etc.) created before the board during the hearing of your case. In cases of alleged irregularities in procedure before the board, not shown in the record, proof related to that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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

IN RE:

**SHERRY JONES STEWART
License No. 026-0026238**

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Docket No. NU73-0401

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sherry Jones Stewart, R.N.:

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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Sherry Jones Stewart (the "Respondent") of Hammond, Indiana is licensed in the State of Vermont as a Registered Nurse under license number 026-0026238. This license was originally issued on or about April 3, 2001. The Respondent is also licensed as a registered nurse in the State of Illinois.
3. By way of history, Respondent's Vermont license was indefinitely suspended pursuant to a Stipulation and Consent Order entered by the Board on or about June 13, 2001. Attachment A. The Respondent's license was indefinitely suspended due to her admission that she had diverted narcotic medications on numerous occasions from the facilities where she was employed. Subsequently, the Respondent's Illinois license was indefinitely suspended on or about April 24, 2002 due to her suspension in Vermont.
4. By way of history, on or about February 3, 2006, the Respondent's Illinois license to practice registered nursing was reinstated by the Illinois Department of Financial and Professional Regulation ("DFPR") pursuant to a Stipulation and Consent Order. Attachment B. This Order imposed conditions on the Respondent's Illinois license for a period of three (3) years, including abstention from drug and alcohol use, random urine screens, and quarterly reports from Respondent's employer and treating professional.

STATE OF VERMONT



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5. Subsequently, in response to Respondent's desire to have her Vermont license reinstated, the Vermont Board agreed to reinstate the Respondent's license subject to conditions pursuant to a Stipulation and Consent Order entered by the Board on or about July 11, 2006. Attachment C. These conditions were similar to those required by the Illinois board in that the Respondent's license was conditioned for a period of three (3) years, during which time the Respondent was ordered to -- among other conditions -- abstain from drug and alcohol use, submit to random drug screenings, and compel quarterly reports from her employer.
6. On or about May 2, 2008 in a letter to the Illinois Board of Nursing, Board Administrator Elizabeth Hansen indicated that she had not had contact with Respondent or Respondent's employer for nearly a year and had attempted to contact Respondent, without success. Moreover, Ms. Hansen's letter indicated that, after reviewing Illinois' online License Look-up, she found that the Respondent had a new last name (she had been licensed in Vermont as "Sherry L. Jones") and a suspended Illinois license.
7. In an Order entered by Illinois DFPR on or about January 7, 2008, Respondent's license to practice registered nursing in Illinois was indefinitely suspended when a random urine screen given on or about October 16, 2007 showed Respondent tested positive for cocaine. Attachment D.

Charges

8. 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. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2); and reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials pursuant to ARBN Chapter 4, Rule IV(II)(C);
 - b. 26 V.S.A. § 1582(a)(4) (Has willfully or repeatedly violated any of the provisions of this chapter);
 - c. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs);
 - d. 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
 - e. 3 V.S.A. § 129a(a)(14) (Failing to report to the office within 30 days a change of name or address);

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- f. 3 V.S.A. § 129a(b)(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 failure to conform the essential standards of acceptable and prevailing practice); and
- g. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Sherry Jones Stewart should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 15 day of August, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.jonesstewart.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
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per June

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

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

Docket No: NU73-0401
NU76-0501

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. 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. 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. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
4. Diverting supplies, equipment, or drugs for personal or other unauthorized use constitutes conduct likely to deceive, defraud or harm the public and is a basis on

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- 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).
5. 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. 3 V.S.A. §129a(a)(3).
 6. Being addicted to habit forming drugs is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).
 7. Performance of unsafe or unacceptable patient care constitutes a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(2)(a); 26 V.S.A. §1582(a)(3).
 8. Falsifying or altering clinical records constitutes 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)(c); 26 V.S.A. §1582(a)(7).

Facts

9. 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.
10. Respondent was licensed on or about April 3, 2001 with a temporary license with an expiration date of July 3, 2001.
11. At all times relevant to these charges, the Respondent was employed through

Northwestern Medical Center and/or Fletcher Allen Medical Center.

12. 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.
13. 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.
14. Respondent admits she diverted narcotic medications while employed at the above two (2) facilities, specifically Demerol and Vistaril.
15. Respondent admits she diverted, for personal use, and administered the Demerol to herself by injecting them during her work shift at the respective facilities.
16. 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).
17. 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.
18. Respondent admits the following medication errors and/or charting errors were committed by her with the intent of diverting medications and/or due to her being

under the influence of the diverted medications:

- a Respondent signed out a Percocet tablet for patient A.A. and did not chart it as given;
- b Respondent signed out a Tylenol #3 for patient R.A. and did not chart it as given;
- c Respondent left a running heparin drip not connected to a patient and infusing onto the floor;
- d Respondent charted an insulin reading on patient W.S.'s chart that was not substantiated by the Glucometer;
- e Respondent charted information on patient L.S.'s chart that was for another patient;
- f Respondent made an error on patient N.B.'s Neurological Monitoring Chart by totaling the score as seventeen (17) when the highest possible range was fifteen (15);
- g Respondent noted on patient N.B.'s chart a blood pressure of 120/19; and
- h Respondent noted in patient A.H.'s chart that additional progress notes had information when no such progress note(s) existed or were completed.

Understandings

19. Respondent does not wish to contest the charges filed in this matter and admits thereto.

20. 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.

21. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
22. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
23. 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.
24. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing on the merits of the charges.
25. 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: in violation of:
- i. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7) (Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public);
 - ii. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3) (The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently);
 - iii. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7) (Diverting supplies, equipment, or drugs for personal or other

unauthorized use constitutes conduct likely to deceive, defraud or harm the public);

iv.3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);

v.26 V.S.A. §1582(a)(5) (Being addicted to habit forming drugs);

vi. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(2)(a); 26 V.S.A. §1582(a)(3) (Performance of unsafe or unacceptable patient care constitutes a reason that a nurse is unable to practice nursing competently); and

vii. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(c); 26 V.S.A. §1582(a)(7) (Falsifying or altering clinical records constitutes conduct likely to deceive, defraud or harm the public).

B. Respondent is hereby **INDEFINITELY SUSPENDED** commencing the date of entry of this order.

C. 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).

D. 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.

06/06/01

WED 14:45 FAX 802 821 1104

FAX NO. : 8639020500

VT ATT'Y GEN. OFFICE

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AGREED:

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 6/6/01

by: George C. Haegle IV

George C. Haegle IV
Assistant Attorney General

RESPONDENT
SHERRY JONES

Dated: 6/6/01

by: Sherry Jones

Sherry Jones

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/11/01

by: Diane Drogiewicz

Chairperson

Date of entry: 6-13-01

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109 State Street
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05609

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

IN RE: The Petition for Restoration of

Sherry Goodman Jones
License No. 41308263,

Petitioner

No. 200102443

CONSENT ORDER

The Department of Professional and Financial Regulation, Division of Professional Regulation, hereinafter "Department", by Mary H. Skoglund, one of its attorneys, and Sherry Goodman Jones, Petitioner, hereby agree to the following:

STIPULATIONS

That Sherry Goodman Jones, Petitioner, was duly registered as a Registered Professional Nurse in the State of Illinois, having been issued a Certificate of Registration, License No. 41308263 by the Department.

That on April 24, 2002, Petitioner's license was indefinitely suspended for diversion, impairment and sister state suspension in Vermont.

That Petitioner made a demand, pursuant to statute, for a hearing to present a petition for termination of that indefinite suspension.

As a result of the foregoing Petition, the Department held an Informal Conference at the offices of the Department, 100 West Randolph, Chicago, Illinois on November 11, 2005. Petitioner appeared in person on that date pro se. Linda Roberts appeared as a member of the Nursing Board of the State of Illinois.

Petitioner has presented proof that she has been sober without relapse since May 1, 2001. She attends AA 5 times each week and has a sponsor with whom she has daily contact. Petitioner has 3 sponsees of her own. She completed intensive outpatient treatment and aftercare at Methodist Southlake Rehabilitation Center, Merrillville, Indiana.

It is stipulated that the Department has jurisdiction over the subject matter and of the parties in this case.

It is further stipulated that the Petitioner has demonstrated that Restoration of Sherry Goodman Jones license to practice as a Registered

P.O.C.

*frequency - Recommendation / 8 panel drug Screen
Chain of Custody*

Professional Nurse is within the public interest.

RECOMMENDATION

EAP-

The Department, through Mary H. Skoglund, its attorney, and the Nursing Board of the Department of Professional Regulation of the State of Illinois, recommends to Daniel E. Bluthardt, Acting Director of Professional Regulation, that the Certificate of Registration, License No. 41308263 of Sherry Goodman Jones, be restored subject to the conditions below:

CONDITIONS

A. The Certificate of Registration, License No. 41308263, of Sherry Goodman Jones shall be restored and immediately placed upon Probation for a minimum of three (3) years upon Petitioner's payment of all applicable fees to and the filing of all applicable forms with the Department. During the period of Probation, Petitioner shall adhere to the following:

1. Petitioner shall not ingest alcohol;
2. Petitioner shall not ingest mood or mind altering substances except those therapeutically prescribed by treating prescriber whose patient records reflect that the treating prescriber knew of Petitioner's disease and ongoing recovery;
3. Petitioner shall provide monthly random urine screens during the Probationary period. Failure, refusal to give the screens, or a positive result shall be a violation of Probation;
4. Petitioner shall provide the Department with quarterly reports which include:
 - a. current residential address and telephone number where she can be reached;
 - b. if working as a nurse, Petitioner shall provide a copy of any performance evaluation completed by her employer within the prior quarter. Petitioner, shall at the beginning of this Probation, provide the Department with objective documentation as to the frequency of

- employee performance evaluations;
- c. a description of job duties, responsibilities and name of immediate supervisor, if employed in a nursing related environment;
 - d. a copy of all incident reports within the prior quarter.
5. Petitioner shall notify the Department's Nurse Investigative Supervisor in writing of any change in employment and home address and telephone within five (5) days;
6. Petitioner agrees that any violation of paragraphs A 1, 2 or 3 of this Consent Order permits the Director of the Department to issue an Order forthwith mandating the automatic, indefinite and immediate suspension of Respondent's Registered Professional Nurse's License No. 041308263 for a minimum period of six (6) months. This suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate.
7. Petitioner shall actively participate in an ongoing program of treatment and aftercare accepted by the Department, which monitors the Petitioner's recovery and includes random monthly urine drug screens. Petitioner is also subject to random urine drug screens at the direction of the Department. Petitioner shall cause the program to submit written quarterly reports detailing the Petitioner's program status and immediate notification of instances of non-compliance. Petitioner shall provide the Department with copies of any treatment plans, aftercare/monitoring agreements, program discharges or dismissals or any revisions thereto. Failure to satisfactorily participate in an accepted program shall act as a violation of this order.
8. Petitioner will observe the following work restrictions:
- a. Will not work registry, traveling nurse, float pool, hospice or any temporary employment agency.

- in a home or other community-based setting in which direct supervision is not available;
- b. Will work in a setting where there is always a minimum of one other licensed nurse present;
 - c. Will not work night shifts;
 - d. Will not work more than 40 hours in any one given week;
 - e. Will not work a shift without a twelve hour lapse from the previous shift having passed;
 - f. Will not work more than three(3) 12-hour shifts on consecutive days;
 - g. Will not have access to or dispense narcotics or synthetic narcotics, including, but not limited to, Ultram, Nubain and Stadol or other potentially addictive medication; and
 - h. Will not accept a supervisory position for one (1) year from the date of entry of this Consent Order.
- B. All reports required to be submitted to the Department pursuant to this Consent Order shall be sent to the Department of Professional Regulation, Attn: Chief of Probation Compliance Unit, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.
- C. Any violation by petitioner of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to revoke the Petitioner's license to practice as a Registered Professional Nurse in the State of Illinois.
- D. This Consent Order shall become effective upon the signing and approval by the Director of the Department.

DATE	1.10.06	<u>Mary H. Skoglund</u> Mary H. Skoglund Attorney for the Department
DATE	1/4/06	<u>Sherry Goodman Jones</u> Sherry Goodman Jones Petitioner

Jan 18, 2006
DATE

Linda B. Roberts

Linda Roberts
Member, Illinois Board of Nursing

The foregoing Consent Order is approved in full.

DATED THIS 3rd day of February, 2006

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION, DIVISION OF PROFESSIONAL REGULATION OF
the State of Illinois;
Dean Martinez, ACTING SECRETARY

Daniel E. Bluthardt
Daniel E. Bluthardt
Acting Director

MHS:mhs

REF: License No. 41308263 Case No. 200102443

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

IN RE:

SHERRY JONES

License No. 026-0026238

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Docket No: NU73-0401

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Judith L. Cutler, and the Respondent, Sherry Jones, R.N., who 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, 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 pursuant to 3 V.S.A. §§129, 129a, and 814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Sherry Jones, is licensed in the State of Vermont as a registered nurse under license number 026-0026238. The Respondent's license was originally issued on or about April 3, 2001. The Respondent is also licensed as a registered nurse in the State of Illinois.
3. Respondent's Vermont license was indefinitely suspended pursuant to a Stipulation and Consent Order entered by the Board on or about June 13, 2001. (See Attachment A). The Respondent's license was indefinitely suspended due to her admission that she had diverted narcotic medications on numerous occasions from the facilities where she was employed. Subsequently, the Respondent's Illinois license was indefinitely suspended on or about April 24, 2002 due to her suspension in Vermont.
4. In a letter to the Board dated August 30, 2005, the Respondent expressed her desire for the Board to consider reinstating her nursing license. In her letter the Respondent advised that she has been sober since May 1, 2001; that she currently has a sponsor and that she sponsors two other women herself; and that she has completed a formal, intensive outpatient rehabilitation program.

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5. On or about February 3, 2006, the Illinois Department of Financial and Professional Regulation reinstated the Respondent's Illinois registered nursing license pursuant to a Stipulation and Consent Order. (See Attachment B). The Order imposed conditions on the Respondent's license for a period of three years which include abstinence from drug and alcohol use, random urine screens, quarterly reports from Respondent's employer and treating professional, and direct supervision.

6. The Respondent agrees that the conditions below are necessary for her to return to the practice.

Understandings

7. 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.

8. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

13. 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. The Board of Nursing hereby **CONDITIONS** the Respondent's registered nursing license for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Consent Order. The conditions are as follows:

(1) License to be labeled "Conditioned".

Any license issued to the Respondent by this Board shall be labeled "Conditioned".

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(2) Length of Time 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 three (3) years of supervised registered nursing practice in which Respondent works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due **quarterly** thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Participation in Recovery Groups.

Respondent shall participate as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings and/or other recovery group(s).

(7) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(8) Abstain from Drug and Alcohol Use.

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Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(9) for the period of time described in paragraph A.(2).

(9) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(10) Interview with the Board or its Designee.

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

(11) Notification to Employers/Nursing School.

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 registered 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 registered nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(12) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **quarterly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and

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attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(13) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks for at least 40 hours every two weeks (or the part time equivalent) after the date of reinstatement.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from her 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) Practice Under Supervision.

Respondent shall practice as a registered nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed nurse who is in good standing with the Board.

(15) 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, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(16) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her 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, personal address, or telephone number.

(17) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

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(18) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont registered nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(19) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(20) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also 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.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(21) Costs.

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

(22) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of

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unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(23) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order and that she can safely and competently perform the duties of a registered nurse.

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

C. 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).

D. 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 TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 6/30/06

By: Judith L. Cutler
Judith L. Cutler
State Prosecuting Attorney

SHERRY JONES
RESPONDENT

Dated: 6/29/06

By: Sherry Jones
Sherry Jones

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/10/06

By: Linda Rice APRN
Chairperson

Date of Entry: 7/11/06

nu.jones.reinstate.stip

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STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION	)	
of the State of Illinois,	)	
vs.	)	
Sherry Goodman Jones Stewart,	)	No.200102443
License Number 041308263 ,	)	
Respondent.	)	

ORDER

This matter having come before the Director of the Department of Financial and Professional Regulation, Division of Professional Regulation of the State of Illinois, hereinafter, the "Department", for the Automatic Suspension of the Certificate of Registration of Sherry Goodman Jones Stewart, License No.041308263;

NOW, THEREFORE, I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DEPARTMENT, after reviewing this matter and the documents attached hereto and referenced herein, do hereby find:

1. I have jurisdiction of the parties and subject matter herein;
2. Respondent's Certificate of Registration, License No. 041308263, was placed on probation for a minimum of three years on February 3, 2006. A copy of said Order, Case No. 200102443 is attached hereto and incorporated by reference herein as Exhibit A;
3. The Order entered on February 3, 2006 provides for the Automatic and Immediate Suspension of the Respondent's Illinois Registered Professional Nurses' license for any violation of paragraphs A. 1., A. 2., or A. 3.
4. Paragraph A.3. states the following: Petitioner shall

Attachment D

provide monthly random urine screens during the probationary period. A positive result shall be a violation of probation."

5. Petitioner tested positive for cocaine on October 16, 2007.

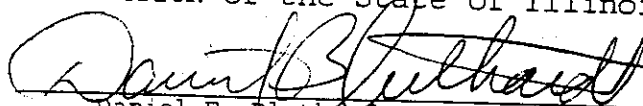
6. The probation file of the Petitioner relating to this Consent Order between the Department and the Petitioner has been reviewed by Elizabeth Chillon, Acting Chief, Probation Investigations, who has executed an Affidavit, attached hereto and incorporated by reference herein as Exhibit B.

IT IS THEREFORE ORDERED that the Certificate of Registration, License No. 041308263, heretofore issued to Sherry Goodman Jones Stewart to practice as a Registered Professional Nurse in the State of Illinois is hereby Indefinitely Suspended.

IT IS FURTHER ORDERED that Sherry Goodman Jones Stewart immediately surrender said Certificates of Registration and all other indicia of licensure to the Department of Professional Regulation of the State of Illinois. Upon failure to do so, the Department shall seize said Certificate of Registration.

DATED THIS 7th day of January, 2008.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION, DIVISION OF PROFESSIONAL
REGULATION of the State of Illinois



Daniel E. Bluthardt
Director

DEB:mhs

License No. 041308263
Case No. 200102443

