

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ROCHELLE SARGENT, R.N.
License No. 0001-124922

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on February 7, 2012 in Henrico County, Virginia. Rochelle Sargent, R.N., was present and was not represented by legal counsel. Jane Elliot, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 21, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Sargent was present and was not represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Rochelle Sargent, R.N., was issued License No. 0001-124922 to practice professional nursing in Virginia on August 16, 1991. The license is scheduled to expire on March 31, 2013. Ms. Sargent holds a license to practice professional nursing in the District of Columbia, which is expired. Her primary state of residency is Virginia.

2. By letter dated January 9, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Sargent notifying her that an informal conference would be held on February 7, 2012. The Notice was sent by certified and first class mail to 900 N. 32nd Street, Richmond, Virginia 23233, the address of record on file with the Board of Nursing.

3. During the course of her employment with Care Partners Staffing, Inc., Glen Allen, Virginia, while assigned to staff a shift at CJW Medical Center, Richmond, Virginia, on May 31, 2011, by her own admission, Ms. Sargent documented and administered 4 mg of morphine (Schedule II) but made errors in the scanning of the medication. The patient complained that she had not had the same effect from the morphine as she had on other occasions, as she could “not taste it.” Ms. Sargent explained to the patient that she had diluted the medication as the patient was having vein irritation due to multiple infusions of potassium. The next day Ms. Sargent received a call from the agency director telling her she was placed on a “do not use” list at CJW Medical Center. There were no signs of impairment on duty. The Nursing Director of the Vascular Care Center performed an audit of all narcotic sign outs and administrations of narcotics by Ms. Sargent from May 2, 2011, to June 1, 2011, and there were no discrepancies, although there were scanning errors.

4. Ms. Sargent went to the Human Resources Department on June 2, 2011, requesting an explanation of why she could not work and agreed to a urine drug screen, which was positive for marijuana and cocaine.

5. Ms. Sargent admitted to using marijuana while in high school and college. She stopped using marijuana in 1991 when she finished nursing school. She relapsed on August 23, 2010, when her mother died and again on New Year’s Eve of that same year. On May 31, 2011, she smoked a marijuana cigarette that she believes contained cocaine because it did not “taste” like marijuana. She denied knowingly using cocaine prior to the for-cause urine drug screen at CJW Medical Center.

6. On June 22, 2011, Ms. Sargent signed a Participation Contract with the Health Practitioners’ Monitoring Program in which she admitted that she may be unsafe to practice professional nursing due to chemical abuse or dependency.

7. Ms. Sargent reported herself to the Board of Nursing and voluntarily entered the Health

Practitioners' Monitoring Program ("HPMP") after a member of the Human Resources Department at the CJW Medical Center recommended it to her.

8. Ms. Sargent signed a Recovery Monitoring Contract with HPMP on September 12, 2011, and is currently in compliance.

9. Ms. Sargent submitted a letter from Rubicon, Inc., dated February 1, 2012, that stated Ms. Sargent successfully completed a 12-week intensive outpatient treatment program, which required a minimum of three 90-minute group therapy sessions per week, one individual therapy session per week, and weekly random urinalysis and alco-sensors screens, which were all consistently negative. She is currently attending the aftercare component of the outpatient program, which consists of one individual therapy session every two weeks. Her counselor at Rubicon states that Ms. Sargent consistently participated in her treatment program with a positive attitude, "exemplifying the determination and hard work necessary to overcome her barriers" to recovery.

10. Ms. Sargent states that her date of sobriety is September 10, 2011, when she last had a glass of wine. Ms. Sargent currently does not take medications, although she did have a prescription for Percocet (oxycodone, Schedule II) in March, 2011, after she sustained a broken rib caused by a car accident. Ms. Sargent reported attending Narcotics Anonymous meetings three times a week and two Caduceus meetings a month. Ms. Sargent stated that she takes responsibility for her actions. The Director of Care Partners Staffing agency stated that Ms. Sargent is on administrative leave and that she will have a job with them when cleared to do so by the HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.
2. Findings of Fact Nos. 4 and 6 constitute a violation of §54.1-3007 (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

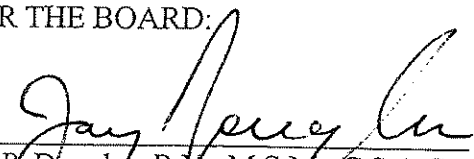
1. The Board shall TAKE NO ACTION contingent on Rochelle Sargent's continued compliance with all terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Sargent, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Sargent shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
 - c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Sargent's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Sargent's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Sargent shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
4. Ms. Sargent shall maintain a course of conduct in her capacity as a professional nurse

commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Sargent may, not later than 5:00 p.m., on May 2, 2012, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: March 30th, 2012

This Order shall become final on May 2, 2012 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By dgraham
Virginia Board of Nursing