



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

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Virginia Board of Nursing  
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### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

April 24, 2015

Jennifer Sargent, R.N.  
1901 Thomas Bishop Court  
Virginia Beach, Virginia 23454

**CERTIFIED MAIL**  
**9414 7266 9904 2003 1984 99**

RE: VA License No.: 0001-219678  
Expiration Date: August 31, 2015

Dear Ms. Sargent:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **May 27, 2015 at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically, during the course of your enrollment with the Nurse Anesthesia Program at Old Dominion University, Virginia Beach, Virginia:

1. You may have violated §54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") in that while in a clinical setting at Sentara Leigh Hospital, Norfolk, Virginia, on or about October 3, 2014, you diverted narcotic medications for your own personal and/or unauthorized use, as evidenced by the following:

a. You removed one 2ml vial of fentanyl 50mcg/1ml (C-II) and one 2 ml vial of midazolam 1mg/ml (C-IV) for Patient A; however, you failed to document the administration of the fentanyl, or its return or waste, and you only documented administration of 1mg/ml of midazolam.

b. You accessed Dilaudid 2mg tablets (hydromorphone, C-II) for Patient B, who did

not have an order for Dilaudid tablets and for whom you had previously removed and administered Dilaudid IV and Versed (midazolam, C-IV) IV. You failed to document a count of Dilaudid as required when accessing the medication, but based on a count conducted on October 2, 2014, the count should have remained 28 tablets. On October 10, 2014, another nurse accessed the Dilaudid and noted the beginning count as 18 tablets, which created a ten-tablet discrepancy. You were the only nurse to access the medication between October 3, 2014 and October 10, 2014.

2. You may have violated §54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations in that while in a clinical setting at Sentara Norfolk General Hospital you diverted narcotic medication for your own personal and/or unauthorized use and falsely documented medication counts, as evidenced by the following:

a. On or about October 13, 2014, the beginning quantity of fentanyl 5 ml vials was 20; however, you documented the beginning count as 19, and pulled one vial for Patient C, leaving the remaining count as 18. You documented administration of one vial but one vial was unaccounted for.

b. On or about October 17, 2014, you specifically selected Norco (hydrocodone-acetaminophen, C-II) for Patient D, who did not have an order for Norco. You opened the drawer containing the medication in the Omnicell but you did not document any activity. On or about October 20, 2014, you specifically selected Norco for Patient E, who did not have an order for Norco. You opened the Norco drawer and documented the beginning count as ten, which in turn created a three-tablet discrepancy, as the count should have been 13. Furthermore, you were the only nurse to access the Norco drawer between October 17, 2014 and October 20, 2014.

3. You may have violated §54.1-3007(6) of the Code in that you may be unsafe to practice nursing due to substance abuse, as evidenced by the following:

a. On or about October 23, 2014, you submitted to a urine drug screen, the results of which were positive for fentanyl, for which you did not have a prescription.

b. On or about November 6, 2014, by your own admission, you took Xanax (alprazolam, C-IV) the night prior to your interview with an investigator for the Virginia Department of Health Professions; however, you did not have a prescription for Xanax.

Please see Attachment I for the name of the patients referenced above.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

### **Board's Review of Agency Subordinate's Recommended Decision**

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by May 15, 2015. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on May 27, 2015. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on May 15, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after May 25, 2015 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact our office, at (804) 367-4502 .

Sincerely,



Gloria D. Mitchell-Lively, R.N., M.S.N., M.B.A.  
Deputy Executive Director

GDM/sts

Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division  
Wendy Deaner, Adjudication Specialist  
Kim Martin, Senior Investigator (Case No. 159916)  
Agency Subordinate  
Peggy Wood, Monitoring Program Manager  
Michael Goodman, Esq.