

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JENNIFER SARGENT, R.N.
 License No.: 0001-219678**

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 May 27, 2015 in Henrico County, Virginia. Ms. Sargent was present and was represented by Michael Goodman, Esquire and Eileen Talamante, Esquire. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Sargent was present and was represented by Eileen Talamante, Esquire.

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. Jennifer Sargent, R.N., was issued License No. 0001-219678 to practice professional nursing in Virginia on July 7, 2009. Said license is set to expire on August 31, 2015.
2. By letter dated April 24, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Sargent notifying her that an informal conference would be held on May 27, 2015. The Notice was sent by certified and first class mail to 1901 Thomas Bishop Court, Virginia Beach, Virginia, 23454, the address of record on file with the Board of Nursing.
3. During the course of her enrollment in the Nurse Anesthesia Program at Old Dominion University, Virginia Beach, Virginia, while in a clinical setting at Sentara Leigh Hospital, Norfolk,

Virginia, on October 3, 2014, Ms. Sargent diverted narcotic medications for her own personal and/or unauthorized use, as evidenced by the following:

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

b. Ms. Sargent accessed Dilaudid 2mg tablets (hydromorphone, C-II) for Patient B, who did not have an order for Dilaudid tablets and for whom she had previously removed and administered Dilaudid IV and Versed (midazolam, C-IV) IV. Ms. Sargent 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 10-tablet discrepancy. Ms. Sargent was the only nurse to access the medication between October 3, 2014 and October 10, 2014.

4. At the informal conference, Ms. Sargent stated that she logged into the pre-op area to retrieve the fentanyl and the midazolam for the patient but the wastage was documented in the PACU, by a CRNA preceptor, under the preceptor's log-in information. However, the investigative documents provided by Sentara Leigh Hospital did not verify her assertion.

5. During the course of her enrollment in the Nurse Anesthesia Program at Old Dominion University, Virginia Beach, Virginia, while in a clinical setting at Sentara Norfolk General Hospital, Norfolk, Virginia, Ms. Sargent diverted narcotic medications for her own personal and/or unauthorized use and falsely documented medication counts, as evidenced by the following:

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

unaccounted for. At the informal conference, Ms. Sargent stated that she was positive the count was 19 and that another nurse was with her the entire time. However, an email from the nurse indicated otherwise. The email stated that Ms. Sargent had asked for her assistance to resolve a discrepancy that had printed after Ms. Sargent was at the Omnicell and that Ms. Sargent said something to the effect of “maybe I counted wrong before.” At the informal conference, Ms. Sargent acknowledged that the email implied that the nurse was not with her the entire time.

b. On October 17, 2014, Ms. Sargent specifically selected Norco (hydrocodone-acetaminophen, C-II) for Patient D, who did not have an order for Norco. Ms. Sargent opened the drawer containing the medication in the Omnicell but did not document any activity. On October 20, 2014, Ms. Sargent specifically selected Norco for Patient E, who did not have an order for Norco. Ms. Sargent 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, Ms. Sargent was the only nurse to access the Norco drawer between October 17, 2014 and October 20, 2014. At the informal conference, Ms. Sargent stated that her only explanation for the discrepancy was that she removed the tablets to count them and must have left three tablets on the countertop because she was in a hurry.

6. Based on the above reported discrepancies, the Program Director for the Nurse Anesthesia Program at Old Dominion University requested Ms. Sargent submit to a urine drug screen on October 23, 2014; the results of which were positive for fentanyl and for which Ms. Sargent did not have a prescription.

7. Ms. Sargent was removed from her clinical setting on November 10, 2014, by the Program Director due to the positive drug screen. At the informal conference, Ms. Sargent reported that she graduated in December 2014 but the Program Director has not yet approved her to take her Board examination.

8. On November 6, 2014, by her own admission, Ms. Sargent took Xanax (alprazolam, C-IV) the night prior to her interview with an investigator for the Virginia Department of Health Professions; however, Ms. Sargent did not have a prescription for Xanax. At the informal conference, Ms. Sargent stated that she did take one-half of a 0.25 mg Xanax but that she took the medication two nights prior to the interview, not the night prior.

9. At the informal conference, Ms. Sargent denied any previous or current addiction, substance abuse or mental health issues.

10. Ms. Sargent is currently employed by Home Health Pediatric Services of America as a temporary school nurse.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and (b) constitute a violation of §54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Findings of Fact Nos. 5(a) and (b) constitute a violation of §54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations.

3. Findings of Fact Nos. 6 and 8 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows: Jennifer Sargent, R.N., shall be placed on PROBATION for one year of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Sargent has completed one year of actual nursing practice in employment as a professional nurse and/or a licensed nurse practitioner, once licensed (“practice employment”). The license of Ms. Sargent shall be reinstated without restriction at the completion of the probationary period

without an administrative hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision with the Administrative Process Act, §2.2-4000 et seq. and §54.1-2400(9) et. seq. of the Code.

2. Ms. Sargent shall practice only in a structured and supervised practice employment setting satisfactory to the Board for the first one year of probation. This employment setting shall provide on-site supervision by a physician/licensed nurse practitioner/professional nurse who works the same shift and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Sargent shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

3. Ms. Sargent shall have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 90 days from the date this Order is entered. Ms. Sargent shall comply with any recommendations of the specialist. If therapy is recommended, written progress reports by the therapist shall be sent to the Board until she is discharged from therapy. Ms. Sargent shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

4. Ms. Sargent shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

5. Ms. Sargent shall provide all current and future treating practitioners with a complete copy

of this Order and shall execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

6. Ms. Sargent shall be required to have one supervised, unannounced random drug screen a month from a Board-approved testing entity, which includes testing for alcohol and the following drugs of choice: fentanyl, benzodiazepines and opiates. The Board shall be notified immediately in writing if Ms. Sargent refuses to give a specimen for analysis as required by this Order, or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

7. Performance evaluations shall be provided to the Board, at the direction of Ms. Sargent, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

8. Ms. Sargent shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Sargent has current practice employment or not.

9. Written reports are required by the Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

10. Ms. Sargent shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Sargent shall provide a contact name, address and phone number for each practice employer to the Board.

11. Ms. Sargent shall inform all current and future practice employers that the Board has placed her on probation and she shall provide each practice employer with a complete copy of this Order. If Ms. Sargent is employed through a staffing agency, she shall inform her supervisor at each facility where assigned that she is on probation.

12. Ms. Sargent shall provide evidence within 60 days of entry of this Order that she has completed the following NCSBN online course: “*Documentation: A Critical Aspect of Client Care*”.

13. Ms. Sargent shall return all copies of her license to practice professional nursing to the Board office within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement professional nurse license marked “Valid in Virginia Only; Probation with Terms.”

14. 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.

15. This Order is applicable to Ms. Sargent’s multistate licensure privileges, if any, to practice professional nursing. 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 both 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.

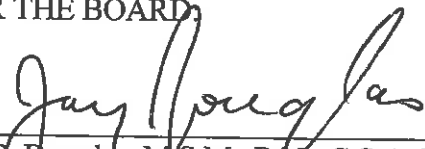
16. Any violation of the stated terms and conditions contained in this Order, failure to comply with all terms of this Order within five years of the date of entry of the Order, or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall be reason for suspending or revoking the license of Ms. Sargent, and an administrative hearing may be held to

determine whether her license shall be suspended or revoked.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Sargent may, not later than 5:00 p.m., on August 17, 2015, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that 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, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: _____

July 20nd, 2015

This Order shall become final on August 17, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing