

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF

THE LICENSE OF

DAVID B. SARGENT,

ORDER ADOPTING STIPULATION

Applicant

On or about October 16, 2002, David B. Sargent (Mr. Sargent) filed his application for a license to practice as a registered nurse in the State of Wisconsin. Because Mr. Sargent's application reflected a conviction record, he was asked to appear before the board in support of his application. Mr. Sargent appeared for oral interview on March 1, 2002, and the board considered the matter on that day. The board and Mr. Sargent thereafter entered into a Stipulation by which the Board of Nursing agreed to issue, and Mr. Sargent agreed to accept, a limited license to practice as a professional nurse in Wisconsin. Based upon that Stipulation, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that David B. Sargent is hereby granted a limited license to practice as a professional nurse in Wisconsin, imposing the following limitations and conditions:

1. The term of the license shall be for a period of three months. Mr. Sargent may apply for consecutive three (3) month renewals of the license, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations
2. The Board may without hearing deny an application for a renewal of the license, or commence other appropriate action, upon receipt of information that Mr. Sargent has violated any of the terms or conditions of the board's Order adopting this Stipulation. If the Board denies the petition by Mr. Sargent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.
3. The license to practice of Mr. Sargent shall be LIMITED as follows:
 - a. Mr. Sargent shall participate in individual therapy upon a schedule as recommended by his therapist, but not less than once monthly.
 - b. Mr. Sargent shall be responsible for submission to the board of written quarterly reports prepared by his therapist setting forth Mr. Sargent's activities and progress in therapy.
 - c. Mr. Sargent shall attend AA or NA a minimum of twice each month.
 - d. Mr. Sargent shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Provider.
 - e. Mr. Sargent shall abstain from all personal use of alcohol.
 - f. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor

Department of Regulation Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

g. Mr. Sargent shall provide and keep on file with all health care providers, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all urine, blood and hair specimen screen results and medical and treatment records and reports to, and permitting the all treating physicians and therapists to disclose and discuss the progress of Mr. Sargent's treatment and rehabilitation with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board. Copies of these releases shall be filed simultaneously with the Department Monitor.

h. Mr. Sargent shall supply on at least a monthly. basis, random monitored urine, blood or hair specimens. urine monitoring currently being conducted by the Wisconsin Department of Corrections is acceptable so long as the minimum frequency requirement is met.

i. For the purpose of further actions affecting Mr. Sargent's license under this Order, it shall be presumed that all confirmed positive drug and alcohol reports are valid. Mr. Sargent shall have the burden of proof to establish that the positive report was erroneous and that Mr. Sargent's specimen sample did not contain alcohol or controlled substances or their metabolites.

j. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Mr. Sargent shall promptly submit to additional tests or examinations as the board or its agent shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

k. Mr. Sargent shall arrange for his employer to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Mr. Sargent's work performance.

l. Mr. Sargent is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Mr. Sargent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order.

4. After one year of continuous active professional practice under this Order, Mr. Sargent may petition the Board for a termination of all limitations on the license, and restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Mr. Sargent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for termination of the limitations and restoration of unlimited licensure.

5. Mr. Sargent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order.

6. Mr. Sargent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

7. Mr. Sargent shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, and to any prospective employer when Mr. Sargent applies for employment as a health care provider.

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mr. Sargent's license; the Board in its discretion may in the alternative deny a stay of suspension of the license or impose additional conditions and limitations or other discipline.

Dated this 11th day of March, 2002.

WISCONSIN BOARD OF NURSING

Linda M. Sanner, RN

Chair