

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **KATHERINE ELAINE FERGUSON, R.N.**
 License Number: 0001-214990
 Case Number: 175948

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Katherine Elaine Ferguson, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Ferguson's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Katherine Elaine Ferguson, R.N., was issued License Number 0001-214990 to practice professional nursing on August 20, 2008, which is scheduled to expire on December 31, 2018. Her primary state of residence is Virginia.
2. In October of 2011, the Board received an investigative report regarding Ms. Ferguson's admitted diversion of Fentanyl from her employer, Riverside Regional Medical Center, beginning in May of 2011. Ms. Ferguson entered the Health Practitioners' Monitoring Program ("HPMP") on September 9, 2011. On March 1, 2012, Ms. Ferguson was granted a stay of disciplinary action by the Board of Nursing. On August 25, 2016, the stay of disciplinary action was vacated for Ms. Ferguson's failure to report a prescription for Ambien and failure to submit psychiatric reports. Ms. Ferguson's HPMP contract was extended for six months. On March 17, 2017, Ms. Ferguson successfully completed the HPMP.
3. Katherine Elaine Ferguson, R.N., violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) and (e) (currently found at 18 VAC 90-19-230(A)(2)(c) and (e)

effective February 24, 2017) of the Regulations Governing the Practice of Nursing in that, during the course of her employment with Riverside Regional Medical Center, Newport News, Virginia, between July 2011 and September 2011, by her own admission, she diverted 50 mg and 100 mg doses of fentanyl (C-II), on numerous occasions, for her own personal, unauthorized use from the supplies of multiple patients. Ms. Ferguson accomplished this diversion by taking the medications from wastage, by pulling more than the ordered dose from the Pyxis and pretended to waste the excess, and by removing fentanyl for patients that were not assigned to her. Ms. Ferguson took the fentanyl home and used it intravenously. On September 2, 2011, Ms. Ferguson submitted to a urine drug screen which was positive for fentanyl.

4. On September 13, 2011, Ms. Ferguson's employment with Riverside Regional Medical Center was terminated.

5. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Ferguson's health records or health services.

CONSENT

Katherine Elaine Ferguson, R.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my licensure to practice professional nursing in the Commonwealth of Virginia.


ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The Board shall IMPOSE NO SANCTION.
2. Katherine Elaine Ferguson, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

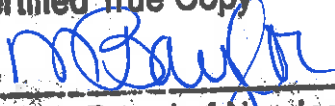
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED: May 4th, 2017

Certified True Copy
By 
Virginia Board of Nursing

SEEN AND AGREED TO:

Katherine Elaine Ferguson, RN
Katherine Elaine Ferguson, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF PORTSMOUTH, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
27th day of April, 2017.

Grace A Davis

Notary Public

My commission expires: 05/31/2018

Registration No.: 320898



Certified True Copy

By *[Signature]*

Virginia Board of Nursing