

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHANTEL FERGUSON, C.N.A.
Certificate Number: 1401-130806
Case Number: 173349


RATIFICATION AND ORDER

On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Chantel Ferguson, C.N.A. was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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

Certified True Copy
By 

Virginia Board of Nursing

ENTERED AND MAILED ON:

Sept 29, 2016

Pursuant to Virginia Code § 54.1-2400(10), Ms. Ferguson may, not later than 5:00 p.m., on **November 1, 2016**, notify Jay 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.

This Order shall become final on November 1, 2016, unless a request for a formal administrative hearing is received as described above.

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Nancy Durrett, R.N., M.S., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on July 6, 2016, in Henrico County, Virginia, to inquire into evidence that Chantel Ferguson, C.N.A. may have violated certain laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Ms. Ferguson appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated June 7, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Ferguson notifying her that an informal conference would be held on July 6, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

Recommended Findings of Fact and Conclusions of Law

1. Chantel Ferguson, C.N.A. was issued Certificate Number 1401-130806 to practice as a nurse aide on June 23, 2009, which is scheduled to expire on June 30, 2017. At all times relevant to the allegations herein, said certificate was in full force and effect.

2. Ms. Ferguson violated Virginia Code § 54.1-3007(5) in that on March 23, 2016, during the course of her employment with VCU Health Systems, Richmond, Virginia, she reported to work in an impaired condition. Ms. Ferguson had difficulty clocking in, and answering questions coherently. She exhibited slurred speech and a staggered gait. Further, a for-cause drug screen was positive for opiates, benzodiazapines and cannabinoids.

3. Ms. Ferguson had a valid prescription for the benzodiazepine.

4. On April 1, 2016, Ms. Ferguson's employment with VCU Health Systems was terminated. Ms. Ferguson's supervisor commented that Ms. Ferguson was an excellent aide, no patient complaints. Her performance evaluation stated she goes beyond expectations.

5. Ms. Ferguson stated at the informal conference that she had been in a physical altercation at her home, and a friend gave her an opiate to help her manage her pain. Ms. Ferguson denied that she used cannabis, but acknowledged that she was around people who used it.

6. Ms. Ferguson stated that she began seeing a counselor in March 2016, and sees her counselor every other week. Ms. Ferguson stated that she was able to contact her counselor by phone or by text message if needed.

7. Ms. Ferguson stated that she is currently employed with Public Partnership, Richmond, Virginia, and provides care to two clients.

8. Ms. Ferguson stated that she was enrolled in ECPI and majoring in Health Care Administration. She will complete the program in 2017.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Chantel Ferguson, C.N.A., is REPRIMANDED.

2. Ms. Ferguson shall comply with all laws and regulations governing the practice of certified nurse aides in the Commonwealth of Virginia.

Reviewed and approved on July 21, 2016
By Nancy Durrett, R.N., M.S.
Agency Subordinate