



# COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing  
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Executive Director

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May 11, 2010

Candyce T. Ferguson-Odige, L.P.N.  
430 Winterhaven Drive  
Newport News, VA 23606

**CERTIFIED MAIL**  
**71603901984862957065**

Re: **VA License No.: 0002-076889**  
**Expiration Date: August 31, 2011**

Dear Ms. Ferguson-Odige:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on June 2, 2010 at 9:00 a.m.** at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws and regulations governing practical nursing practice in Virginia.

Specifically:

1. During the course of your employment with Pediatric Services of America, while providing home health care for Patient A, who is non-communicative, non-ambulatory and requires total care,
  - a. You may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2) (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that on or about November 3, 2009 and November 5, 2009, you failed to perform multiple tasks related to Patient A's home health care, including:
    - i. failing to administer Patient A's medications as prescribed by her physician;
    - ii. failing to administer nebulizer treatment as prescribed by Patient A's physician;

- iii. failing to administer Theravest treatment as prescribed by Patient A's physician;
- iv. failing to perform maintenance on Patient A's tracheostomy and gastrostomy tubes;
- v. failing to provide respiratory suctioning to Patient A;
- vi. failing to change Patient A's soiled diaper; and
- vii. failing to reposition Patient A in her bed.

b. You may have violated §§ 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on or about November 3, 2009 and November 5, 2009, you falsified records relating to nursing care for Patient A by documenting the performance of multiple tasks relating to Patient A's care even though you had not completed those tasks.

2. During the course of your employment with the Newport News, Virginia, Sheriff's Office, you may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) in that on or about January 1, 2009, by your own admission, you falsely documented that laboratory work had been performed on a jail inmate when the laboratory work had actually been performed on you. You were not authorized to obtain this work for yourself.

Please see Attachment A for the name of the patient referred to above.

In its deliberations, the Committee 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 the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

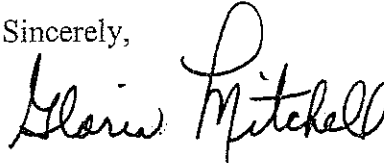
If you fail to appear at the informal conference, the Committee may proceed to hear the case in your presence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by May 28, 2010. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

Sincerely,



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

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
Special Conference Committee Members  
David W. Kazzie, Adjudication Specialist  
Kelly D. Ashley, Senior Investigator (Case no. 129120)