

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JENNIFER L. PENCILLE, R.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Jennifer L. Pencille, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Pencille's application for licensure by endorsement to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jennifer Pencille currently holds a professional nursing license in Maryland with multistate privileges. Ms. Pencille's Maryland license is set to expire on August 28, 2010.
2. Ms. Pencille submitted an application for licensure by endorsement in Virginia which was received by the Board on March 19, 2010.
3. On her application for licensure by endorsement to practice professional nursing, Ms. Pencille answered "NO" to the question "Have you ever pled guilty to or pled Nolo Contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor?" when, in fact, on December 14, 2009, in the Circuit Court for Fairfax County, Virginia, Ms. Pencille pled guilty to felony possession of a Schedule I/II Controlled Substance.
4. On her application for licensure by endorsement to practice professional nursing, Ms. Pencille answered "NO" to the question "Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice nursing?" when, in fact, Ms. Pencille admitted to an addiction to narcotic pain medication, has attempted suicide, and was diagnosed with depression and Bipolar Disorder.

5. On June 6, 2007, during the course of her employment with Inova Fairfax Hospital, Falls Church, Virginia, Ms. Pencille diverted 20 cc of Versed (Schedule IV) for her own unauthorized use, by injecting herself with the remains of the drug from a patient's IV bag.

6. On July 11, 2007, Ms. Pencille entered into a Participation Agreement with the Maryland Board of Nursing Rehabilitation Program, in which Ms. Pencille admitted her addiction.

7. On April 22, 2008, Ms. Pencille was voluntarily admitted as an inpatient to Shepard Pratt at Towson, Baltimore, Maryland, following a suicide attempt by ingesting approximately 80 pills. Upon discharge from inpatient treatment, Ms. Pencille entered the Shepard Pratt Adult Day Hospital for continued treatment on April 29, 2008. On May 16, 2008, Ms. Pencille was stepped down to Intensive Outpatient status and subsequently discharged on June 11, 2008.

8. On May 3, 2010, Ms. Pencille entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP").

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(1) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.

3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

3. Based on the above Findings of Fact, the Committee concludes that Ms. Pencille is properly enrolled in the HPMP.

4. Ms. Pencille otherwise meets the qualifications of § 54.1-3017 of the Code.

CONSENT

Jennifer L. Pencille, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for licensure by endorsement to practice professional nursing in Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the application of Jennifer L. Pencille, R.N., for licensure by endorsement as a professional nurse is APPROVED contingent upon the following:

1. Ms. Pencille shall comply with all terms and conditions for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Pencille, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Pencille shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Pencille is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Pencille involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Pencille has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Pencille's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Pencille's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Pencille's multistate licensure privileges, if any, to practice professional in the Commonwealth of Virginia. For the duration of this Order, Ms. Pencille shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Pencille wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Pencille is hereby REPRIMANDED.

5. Ms. Pencille 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.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

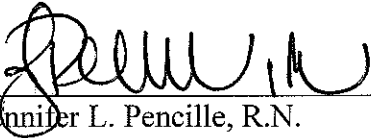
FOR THE BOARD



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

ENTERED: May 27th, 2010

SEEN AND AGREED TO:



Jennifer L. Pencille, R.N.

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

Subscribed and sworn to before me, Jennifer L. Pencille, a Notary Public, this 26th day of May, 2010.

My commission expires February 29, 2012

Registration Number 7224581


NOTARY PUBLIC