

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JODI PENNINGTON, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Jodi Pennington, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Pennington's license to practice professional nursing.

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

FINDINGS OF FACT

1. Jodi Pennington, R.N., was issued License No. 0001-164602 to practice professional nursing by the Virginia Board of Nursing on June 15, 1999. Said license is set to expire on June 30, 2009.
2. Ms. Pennington was admitted to the Lewis Gale Center for Behavioral Health ("Lewis Gale"), Salem, Virginia on September 16, 2008, and re-admitted on October 1, 2008 for treatment of suicide ideation, depression, anxiety disorder, substance abuse (i.e., insulin), and bi-polar disorder.
3. Ms. Pennington was admitted to Lewis Gale in June 2008 and January 2008 due to overdoses of insulin and lorazepam.
4. Ms. Pennington admitted to a Department of Health Professions investigator that she resigned from her nursing position at Carilion Roanoke Memorial Hospital, Roanoke, Virginia, on October 3, 2008, due to her depression, her inability to focus, and her desire not to endanger her patients.

CONCLUSION OF LAW

Findings of Fact Nos. 2, 3, and 4 constitute a violation of §54.1-3007(6) of the Code of Virginia (1950), as amended ("Code").

CONSENT

Jodi Pennington, R.N., by affixing her signature hereon, agrees to the following:

1. Ms. Pennington has been advised to seek advice of counsel prior to signing this document;
2. Ms. Pennington 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. Ms. Pennington 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. Ms. Pennington waives all such right to an informal conference;
5. Ms. Pennington 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. Ms. Pennington consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time, contingent upon Ms. Pennington's compliance with the following terms and conditions:
 - a. Ms. Pennington shall enter into the Health Practitioners' Intervention Program ("HPIP"), pursuant to §54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPIP, and shall have proof of entry into a Contract with the HPIP provided to the Board within 30 days of the date this Order is entered.
 - b. Thereafter, Ms. Pennington shall comply with all terms and conditions of the HPIP for the period specified in the HPIP.

2. This order shall be applicable to Ms. Pennington's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Pennington shall not work outside 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. Pennington wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Pennington, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Pennington shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Pennington has failed to make application to the HPIP;
- b. Ms. Pennington is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
- c. There is a pending investigation or unresolved allegation against Ms. Pennington involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Pennington has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Pennington's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Pennington's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Pennington 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 Regulations Governing the Practice of Nursing.

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

ENTERED: March 25th, 2009

SEEN AND AGREED TO:

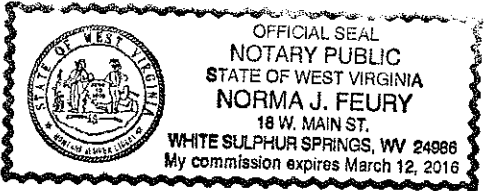
Jodi Pennington RN
Jodi Pennington, R.N.

State of West Virginia
~~COMMONWEALTH OF VIRGINIA,~~
COUNTY CITY OF Greenbrier, TO WIT:

Subscribed and sworn to before me, Norma J Feury, a Notary Public, this 11 day of March, 2009.

My commission expires Mar 12 2016.

Registration Number _____.



Norma J Feury
NOTARY PUBLIC
2005 S. I. ROAD
GREENBRIER, WV 26033