

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: PENNY HERNDON, R.N.
License No.: 0001-082528**

AMENDED CONSENT ORDER

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

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

FINDINGS OF FACT

1. Penny Herndon, R.N., was issued License No. 0001-082528 to practice professional nursing by the Virginia Board of Nursing on September 1, 1981. Said license is set to expire on April 30, 2016. Ms. Herndon's primary state of residence is Virginia.

2. During the course of her employment with Central Virginia Training Center, Lynchburg, Virginia, on or about October 3, 2013 Ms. Herndon aided in the administration of two duplicate doses of an influenza vaccination to a resident. The resident received a low-dose influenza vaccine in the morning of October 3, 2013 and Ms. Herndon mistakenly administered a high-dose vaccine to the same resident in the afternoon. The afternoon vaccine was not documented on the resident's Immunization Administration Record or on the resident's Medication Administration Record.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of §54.1-3007(5) and (8) of the Code of Virginia, 1950, as amended ("Code").

CONSENT

Penny Herndon, 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 and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She 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. Penny Herndon, R.N., is hereby REPRIMANDED.
2. Ms. Herndon 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

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

ENTERED: October 9, 2014

SEEN AND AGREED TO:

Penny Herndon R.N.
Penny Herndon, R.N.

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

Subscribed and sworn to before me, Christopher Richard Lewis, a Notary Public, this 29th day of September, 2014.

My commission expires December 31, 2015.

Registration Number 7500772

Christopher Richard Lewis
NOTARY PUBLIC



Certified True Copy

By U. Robinson-Houston
Virginia Board of Nursing