

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: PENNY TRENTHAM, R.N. REINSTATEMENT APPLICANT
License No.: 0001-167597

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 17, 2015 in Henrico County, Virginia, to receive and act upon Penny Trentham’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Trentham may have violated certain laws and regulations governing nursing practice. Ms. Trentham was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Penny Trentham, R.N. was issued License No. 0001-167597 to practice professional nursing in the Commonwealth of Virginia on February 11, 2000. Said license was suspended by Order of the Board entered on October 8, 2013. Her primary state of residence is Virginia.
2. By letter dated July 9, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Trentham notifying her that an informal conference would be held on August 17, 2015. The Notice was sent by certified and first class mail to 12101 Timbernorth Court, Midlothian, Virginia 23112, the address of record on file with the Board of Nursing.
3. Ms. Trentham submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on February 11, 2015.
4. Ms. Trentham suffers from mental illness and substance abuse, as evidenced by the following:

a. Ms. Trentham received inpatient treatment for depression at Chippenham Johnston-Willis Hospital, Tucker Pavilion, in June 2014. She discontinued all treatment, including medications and counseling, after July 2014.

b. Ms. Trentham continued to take controlled substances, including oxycodone (C-II), hydrocodone (C-II), Xanax (alprazolam, C-IV) and Ambien (zolpidem, C-IV), despite her history of substance abuse. She received prescriptions for controlled substances from 11 different providers between July 2013 and January 2015.

5. At the informal conference, Ms. Trentham stated that she considered her sobriety date to be August 2014, but acknowledged that she had numerous prescriptions for controlled substances since that time. She stated that her current physician was aware of her history and that her only medication now was clonidine.

6. Ms. Trentham signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on June 6, 2015, and a Recovery Monitoring Contract on July 20, 2015. As of August 13, 2015, her HPMP case manager indicated that Ms. Trentham was in full compliance with the HPMP. She has not been approved to return to the practice of nursing.

7. Ms. Trentham attends an intensive outpatient treatment program at the Family Counseling Center for Recovery. She also attends Caduceus meetings two to three times per month.

8. Ms. Trentham is currently employed at NCI in a non-nursing position. She stated at the informal conference that if her license were reinstated, she wanted to move into a position that requires a nursing license.

9. In an interview with an investigator for the Department of Health Professions on March 30, 2015, Ms. Trentham provided the following false information:

a. She indicated that she had not taken any controlled substances since she left Tucker Pavilion in June 2014, but a Prescription Monitoring Program report revealed that she had filled multiple prescriptions for controlled substances between July 2014 and January 2015.

b. When asked for her employment history, she failed to reveal her 2014 employment with Family Practice Specialists of Richmond.

10. On applications for employment with Family Practice Specialists of Richmond, dated June 21, 2013, and NCI, Henrico, Virginia, dated September 14, 2014, Ms. Trentham failed to reveal her prior employment with and termination from Commonwealth Primary Care.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations Governing the Practice of Nursing (“Regulations”).
3. Finding of Fact No. 10 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
4. The Committee concludes that Ms. Trentham has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner, subject to certain restrictions.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Penny Trentham, R.N. is hereby REINSTATED, conditioned upon her continued compliance with the HPMP 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. Trentham, and an administrative proceeding shall be held to decide whether her license should

be revoked. Ms. Trentham shall be noticed to appear before the Board at such time as the Board is notified that:

a. She 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 her involving a violation of law or regulation or any term or condition of this Order; or

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

3. This order shall be applicable to Ms. Trentham's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Trentham 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 she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Ms. Trentham 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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Trentham may, not later than 5:00 p.m., on October 7, 2015, notify Jay P. 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.

FOR THE COMMITTEE:

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

ENTERED: *September 4, 2015*

This Order shall become final on October 7, 2015; unless a request for a formal administrative hearing is received as described above.