



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

CONSENT ORDER

IN THE MATTER OF:

KAREN E. PENNY

RESPIRATORY CARE LICENSE #2915

WHEREAS the North Carolina Respiratory Care Board (the "Board") is charged with the administration of The Respiratory Care Practice Act, codified in the North Carolina General Statutes at G.S. 90-646 et. seq. (the "Act"); and

WHEREAS on or about October 11, 2002, the Board issued a license to practice respiratory care to Ms. Karen E. Penny ("Licensee"), license number 2915; and

WHEREAS the Board received a complaint dated March 3, 2004 from her supervisor at Durham Regional Hospital ("the Hospital") alleging that the Licensee was negligent in the care of a patient on February 13, 2004; and

WHEREAS the Board subpoenaed documentation from the Hospital; and

WHEREAS the Hospital furnished further documentation alleging that the Licensee had been counseled on a number of occasions about her improper documentation; and

WHEREAS the Board's statute and its administrative rules establish standards that govern the conduct of anyone licensed by the Board while engaged in providing respiratory care; and

WHEREAS the Board's statute provides in N.C. Gen. Stat. § 90-659, that the Board shall take necessary action on a license when a licensee has committed an act of malpractice, gross negligence or incompetence in the practice of respiratory care; or has engaged in health care practices that are determined to be hazardous to public health, safety or welfare;

AND WHEREAS the Board's rules provide in 21 NCAC 61 .0307(10) and (15), that unprofessional conduct related to the delivery of respiratory care including engaging in any act or practice that is hazardous to public health, safety or welfare; or failing to create and maintain respiratory care records documenting the assessment and treatment provided to each patient, constitute grounds for license denial or discipline;

WHEREAS Licensee was invited to an informal interview on September 29, 2004 with the Board's Investigation and Informal Settlement Committee to discuss the alleged conduct; and

WHEREAS the Board met on October 7, 2004 and determined to issue a Consent Order to the Licensee for violations of the Act; and

WHEREAS Licensee agrees to the entry of this Consent Order, and voluntarily agrees to waive any rights to a hearing upon entry of this Consent Order, and waives the right to seek judicial review or otherwise challenge or contest the validity of this Consent Order,

AND WHEREAS upon the entry of this Consent Order, this matter will be resolved with the express understanding that the Licensee will comply with all of the terms contained herein.

**NOW THEREFORE, AND BASED ON THE INFORMATION
PRESENTLY AVAILABLE TO THE BOARD,
IT IS HEREBY ORDERED THAT:**

Licensee shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules; and

Licensee agrees to the issuance of a Board Reprimand for her violations of the Act.

Licensee agrees to pay the sum of \$250.00 to the Board within 90 days from the date she signs this order to pay the cost of disciplinary action, as authorized by G.S. 90-666(d).

Licensee agrees to complete a continuing education program of at least 5 hours directly related to documentation of medical records. The Licensee shall provide documentation of completion of the course within 60 days from the date of signature of the consent order. The Board staff will direct the Licensee in an appropriate course to take to satisfy this requirement.

Licensee shall cause her immediate Respiratory Care supervisor to submit written quarterly reports to the Board during the next year following the date of signature of the consent order. Each report shall be submitted to the Board by the 15th day of the following months; January, 2005, April, 2005, July, 2005 and October, 2005. Each such written report shall document the Licensee's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the Licensee's practice of Respiratory Care.

Licensee acknowledges that the entry of this Consent Order by the Board is without prejudice to the right of the Board to take any administrative action against Licensee to enforce this Consent Order if the Board determines that Licensee is not fully complying with any term or condition stated herein;

Licensee acknowledges that the entry of this Consent Order by the Board does not preclude the Board from taking other adverse action against Licensee for other acts or omissions by Licensee that may be brought to Board's attention in the future; and

This Consent Order shall become final when accepted by the Licensee and entered by the Board based on the execution by its Executive Director.

CONSENT TO ISSUANCE OF ORDER BY LICENSEE

I, Karen E. Penny, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of the Consent Order, as a condition of retaining my license from the North Carolina Respiratory Care Board.

Karen E. Penny
Karen E. Penny

STATE OF NORTH CAROLINA)
COUNTY OF Alamance)

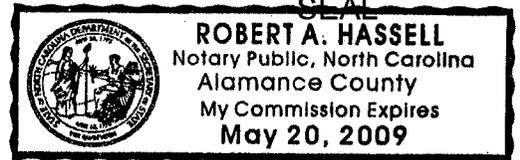
There personally appeared before me, a Notary Public in and for the County of Wake, State of North Carolina, Karen E. Penny, who after having presented documentation of her identity that was satisfactory to me, did acknowledge that she executed the foregoing Consent Order as her free and voluntary act.

The 9th day of November, 2004

Robert A. Hassell

Notary Public

My Commission Expires: May 20, 2009



ENTRY OF CONSENT ORDER ON BEHALF OF THE NORTH CAROLINA RESPIRATORY CARE BOARD:

Based on the agreement of the Licensee and the authority previously conveyed by resolution of the Board, the foregoing Consent Order is entered at Raleigh, North Carolina

The 11th day of November 2004

Floyd E. Boyer

Floyd E. Boyer, RRT, RCP
Executive Director