

FILED
FEB 01 2013
N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

BRENDA CUNNINGHAM, R.N.
License # NR 12683600

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered nurse in the State of New Jersey, whose nursing license expired on May 31, 2012.
2. On or about March 31, 2010, respondent's nursing license was suspended in the State of Missouri based upon her failure to file state tax returns and/or pay state tax liabilities in violation of Missouri law.
3. On or about May 18, 2010, respondent renewed her New Jersey nursing license on-line, and falsely indicated that no action had been taken against her professional license in any other jurisdiction.

4. Pursuant to N.J.A.C. 13:37-5.9, respondent is required to immediately report actions taken against her nursing license in other jurisdictions to the Board immediately. Respondent did not report the Missouri suspension to the Board.

CONCLUSIONS OF LAW

1. The suspension of respondent's Missouri license subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(g).

2. Respondent's failure to notify the Board of the Missouri suspension, and the misrepresentation on respondent's renewal application, subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(b) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 25, 2012, provisionally suspending respondent's nursing license, and provisionally imposing a \$250.00 civil penalty. A copy of the Provisional Order was forwarded to respondent at her address of record by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that both the certified and regular mailings of the order were returned, marked "attempted, not known," "unable to forward." The Board considered this matter and determined that service had been effected, inasmuch as the mailings of

the Provisional Order had been sent to respondent's address of record with the Board. The Board further determined that inasmuch as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, further proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 1st day of February, ²⁰¹³~~2012~~, *tc*

ORDERED that:

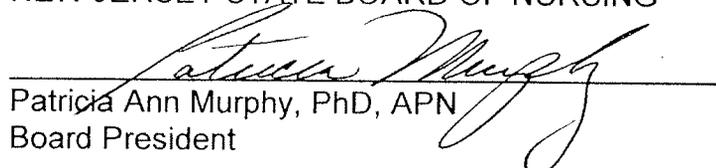
1. Respondent's New Jersey nursing license is hereby suspended.

Respondent may not seek reinstatement of her license until her Missouri nursing license has been reinstated.

2. A \$250.00 civil penalty is hereby imposed for the violation of N.J.S.A. 45:1-21(b) and (h).

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President