

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 FLANNERY, L.P.N.
License # NP 05584600

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 licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about September 18, 2013, a letter was sent to respondent on behalf of the Board, asking for information and documentation concerning an arrest on September 3, 2013, and also asking for documentation, in the form of certificates of completion, of a nursing continuing education completed in the last three years.

3. Respondent replied to the September 18, 2013 communication, but did not provide documentation of any nursing continuing education, nor did she provide documentation of the disposition of the arrest.

4. Respondent indicated on her 2012 and 2014 renewal applications that she would have completed all required continuing education for the 2010-2012 and the 2012-2014 licensing cycles by May 31, 2012 and May 31, 2014, respectively.

CONCLUSIONS OF LAW

1. Respondent's failure to demonstrate completion of nursing continuing education requirements for the 2010-2012 licensing cycle is deemed to constitute a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

2. Respondent's indication on her 2012 renewal application that she would complete all required continuing education for the preceding renewal period by May 31, 2012 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

3. Respondent's failure provide documentation of disposition of the arrest constitutes a failure to cooperate with the Board's investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on February 12, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a \$250 civil penalty. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. 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 the certified mailing of the Provisional Order was declared in "unclaimed" status on March 9, 2015, and returned to the sender. The regular mailing of the order was not returned. The Board determined that as the mailings had been sent to respondent's address of record with the Board, service had been effected. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 6th day of April, 2015,

ORDERED that:

1. Respondent's nursing license is hereby suspended until she can demonstrate, by means of providing certificates of completion, that she has satisfied the requirement of 30 contact hours of nursing continuing education to be attributed to the 2010-2012 licensing cycle, and the 2012-2014 licensing cycle, for a total of 60 contact hours of continuing education; as well as documentation of the disposition of the September 3, 2013 arrest.

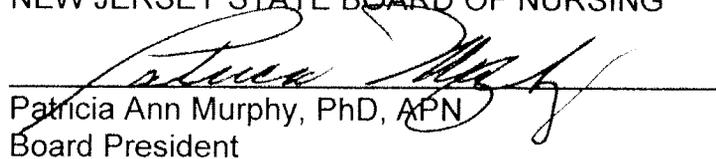
2. A reprimand is hereby imposed for respondent's violation of N.J.S.A. 45:1-21(b).

3. A \$250.00 civil penalty is hereby imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be in the form of a certified check or money order, made

payable to the State of New Jersey, which shall be due within 21 days following the filing of this order.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President