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N.J. BOARD OF NURSING

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

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| IN THE MATTER OF THE LICENSE OF<br><br>**BRENDA CUNNINGHAM, RN**<br>**License No. 26NR12683600**<br><br>TO PRACTICE NURSING IN THE STATE OF NEW JERSEY | Administrative Action<br><br>**CONSENT ORDER REINSTATING LICENSE TO EXPIRED STATUS** |

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of a petition by Brenda Cunningham to reinstate, and immediately place in expired status, her license as a Registered Professional Nurse.

On or about March 31, 2010, Ms. Cunningham's State of Missouri nursing license was suspended based upon her failure to file Missouri state tax returns and pay state tax liabilities. On or about May 18, 2010, Ms. Cunningham renewed her New Jersey nursing license on-line and misrepresented that no action had

been taken against her professional license in any other jurisdiction. On September 12, 2012, the Board filed a Provisional Order of Discipline which sought the suspension of Ms. Cunningham's New Jersey nursing license and imposition of a $250 civil penalty for her failure to notify the Board of the Missouri suspension, and the misrepresentation on her renewal application. Ms. Cunningham did not respond to the Provisional Order and a Final Order of Discipline was filed by default on February 1, 2013. The Final Order provided that Ms. Cunningham would not be permitted to seek reinstatement of her New Jersey nursing license until her Missouri license was reinstated. On or about May 7, 2016, the Missouri State Board of Nursing terminated the period of suspension of Ms. Cunningham's license and reinstated her license to inactive status.

Ms. Cunningham currently lives in California and has no intention of ever working again in New Jersey. She maintains that she believed until June 2015 that her New Jersey license had been in expired status since 2010, and that unbeknownst to her, it was her former employer who renewed her license - and failed to notify the Board of the Missouri discipline - in May 2010.

The Board having reviewed this matter, and having

considered the nature of the above conduct, and the parties desiring to resolve this matter, and the Board having determined that the within Order is sufficiently protective of the public health, safety and welfare, Ms. Cunningham waiving any right to a hearing, in lieu of further proceedings, and for other good cause shown;

**IT IS on this** 10th **day of** November**, 2016**

**HEREBY ORDERED AND AGREED that:**

1. Brenda Cunningham's petition to reinstate her license and to immediately place her license in expired status is hereby granted.

2. Ms. Cunningham's petition to waive the $250 fine imposed by the Final Order of Discipline dated February 1, 2016, is hereby denied. Prior to or contemporaneously with her signing this Consent Order, Ms. Cunningham shall pay the civil penalty in the amount of two hundred and fifty dollars ($250.00) for her violations of N.J.S.A. 45:1-21(b) and (h), as described more fully in the February 1, 2013 Final Order, a copy of which is attached hereto and which is incorporated by reference. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or

mailed to Leslie Burgos, Board Staff, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. In the event Respondent fails to timely make this payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. In the event that Ms. Cunningham seeks to practice as a nurse in the State of New Jersey in the future, she shall be required to petition the Board for an Order reinstating her license. She shall further be required to demonstrate at that time that she is fit and competent to practice. The Board reserves the ability to impose conditions or restrictions upon the reinstatement of Ms. Cunningham's license. The Board reserves the right to require Respondent to appear before the Board prior to any reinstatement of her license.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy

Patricia Murphy, PhD, APN
Board President

I have read and understand the within Consent Order and agree to be bound by its terms.

Brenda Cunningham, RN
RN License # 26NR12683600

I consent to the form and entry of this Consent Order.

Richard A West, Esq.
Attorney for Brenda Cunningham