



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 562047  
ISSUED TO  
BRENDA GAIL CARMONY

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BEFORE THE TEXAS  
  
BOARD OF NURSING

**NUNC PRO TUNC ORDER OF THE BOARD**

TO: BRENDA GAIL CARMONY  
5815 WINCHESTER DR  
TEXARKANA, TX 75503

On May 13, 2014, during open meeting held in Austin, Texas, an Order was entered by the Texas Board of Nursing for Brenda Gail Carmony. However, the Order contained a typographical error in the heading. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Board, after review and due consideration of the record and the facts therein, invalidates the incorrect Order for Brenda Gail Carmony and enters the corrected version of the Order, which contains the corrected information in the header of the Order. Ms. Carmony received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order is hereby approved and entered on the dates set forth below.

Order effective May 13, 2014.

Entered this 19th day of August, 2014.

TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*

KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

IN THE MATTER OF  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 562047

ISSUED TO  
BRENDA GAIL CARMONY

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§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: BRENDA GAIL CARMONY  
5815 WINCHESTER DR  
TEXARKANA, TX 75503

During open meeting held in Austin, Texas, on May 13, 2014, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 562047, previously issued to BRENDA GAIL CARMONY, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 13th day of May, 2014.

TEXAS BOARD OF NURSING



BY:

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KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed March 3, 2014.

Re: Permanent Registered Nurse License Number 562047  
Issued to BRENDA GAIL CARMONY  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of May, 20 15, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

BRENDA GAIL CARMONY  
5815 WINCHESTER DR  
TEXARKANA, TX 75503

*Katherine A. Thomas*

BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.tbn.texas.gov
Katherine A. Thomas, MN, RN, FAAN
Executive Director

March 4, 2014

Certified Mail No. 91 7199 9991 7030 6317 5608
Return Receipt Requested

BRENDA GAIL CARMONY
5815 WINCHESTER DR
TEXARKANA, TX 75503

Dear BRENDA GAIL CARMONY:

Enclosed are Formal Charges which have been filed against you because your pending alleged violation(s) of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code, have not been resolved. Within three weeks from the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Send your written answer to the attention of Veronica Franco, Investigator, at the above address. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

If a written answer to the Formal Charges is not received within three weeks from the date of this letter, this matter will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The result of any disciplinary action, including any default order or formal disposition (Board Order), is public information. Dispositions, including default orders and formal dispositions, will appear in the Board's quarterly newsletter and will be reported to the National Council of State Boards of

Members of the Board

- Kathleen Shipp, MSN, RN, FNP, Lubbock, President
Nina Almay, MSN, RN, Austin
Deborah Bell, CLU, ChFC, Abilene
Patricia Clapp, BA, Dallas
Tamara Cowen, MSN, RN, Harlingen
Shert Crosby, JD, SPHR, Dallas
Merliya Davis, MPA, BSN, RN, Sugar Land
Shelby Elzey, BBA, Midlothian
Monica Hamby, LVN, Amarillo
Kathy Leuder-Horn, LVN, Granbury
Mary M. LeBeck, MSN, RN, Weatherford
Josefin Lujan, PhD, RN, El Paso
Beverly Jean Nutall, LVN, Bryan

BRENDA GAIL CARMONY

March 4, 2014

Page 2

Nursing, Inc., and the National Practitioner Data Bank (NPDB).

Should you desire to discuss this matter, contact Veronica Franco, Investigator, at (512) 305-7949.

Sincerely,



Katherine A. Thomas, MN, RN, FAAN  
Executive Director

KAT/141

Enclosure: Formal Charges

DA(2013.05.15)

In the Matter of  
Permanent Registered Nurse  
License Number 562047  
Issued to BRENDA GAIL CARMONY,  
Respondent

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BEFORE THE TEXAS

BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BRENDA GAIL CARMONY, is a Registered Nurse holding License Number 562047 which is in Delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about September 14, 2012, Respondent entered a plea of "Guilty" to and was convicted of FRAUD DESTROY REMOVAL CONCEALMENT, a Class A misdemeanor offense committed on August 30, 2012, in the County Court at Law, Bowie County, Texas, under Cause No. 12M1585-CCL. As a result of the conviction, Respondent was sentenced to eight (8) days confinement in the Bowie County Jail, Bowie County, Texas, and given credit for time served.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

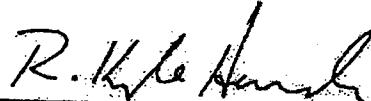
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 3<sup>rd</sup> day of March, 2014.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512) 305-7401

Attachments: None

D/2013.11.19



IN THE MATTER OF RAP BACK  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 562047

ISSUED TO  
BRENDA GAIL CARMONY

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BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE



accurate, and true copy of the document which  
is on file or is of record in the offices of the  
Texas Board of Nursing.  
*Patricia A. Williams*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: BRENDA GAIL CARMONY  
5815 WINCHESTER DR  
TEXARKANA, TX 75503

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The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 562047, previously issued to BRENDA GAIL CARMONY, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 13th day of May, 2014.

TEXAS BOARD OF NURSING



BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

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BRENDA GAIL CARMONY  
5815 WINCHESTER DR  
TEXARKANA, TX 75503

*Katherine A. Thomas*

BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.tbn.texas.gov
Katherine A. Thomas, MN, RN, FAAN
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March 4, 2014

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BRENDA GAIL CARMONY

March 4, 2014

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Sincerely,



Katherine A. Thomas, MN, RN, FAAN  
Executive Director

KAT/141

Enclosure: Formal Charges

DA(2013.05.15)

In the Matter of § BEFORE THE TEXAS  
Permanent Registered Nurse §  
License Number 562047 §  
Issued to BRENDA GAIL CARMONY, §  
Respondent § BOARD OF NURSING

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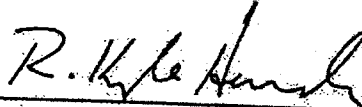
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Attachments: None

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