

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE LICENSE
NUMBER 229689 ISSUED TO
JANETTE MARIE MOORE PIERRE-LOUIS

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
Patricia A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Janette Marie Moore Pierre-Louis
2030 Winrock Blvd. #505
Houston, TX 77057

During open meeting held in Austin, Texas, on **August 6, 2013**, 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 Vocational Nurse License Number 229689, previously issued to JANETTE MARIE MOORE PIERRE-LOUIS, 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 6th day of August, 2013.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charge filed May 31, 2013.

Re: Permanent Vocational Nurse License Number 229689
Issued to JANETTE MARIE MOORE PIERRE-LOUIS
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2013, 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

Janette Marie Moore Pierre-Louis
2030 Winrock Blvd. #505
Houston, TX 77057

Via USPS First Class Mail

Janette Marie Pierre-Louis
52 Goldthwaite Road, Apt. 2
Worcester, MA 0106-1416

BY:



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

In the Matter of Permanent	§	BEFORE THE TEXAS
Vocational Nurse License	§	
Number 229689 Issued to	§	
JANETTE MARIE MOORE PIERRE-LOUIS,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JANETTE MARIE MOORE PIERRE-LOUIS, is a Vocational Nurse holding License Number 229689, 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 July 9, 2012, Respondent received a Memorandum Order from the Commonwealth of Pennsylvania State Board of Nursing wherein Respondent's license to practice practical nursing in the Commonwealth of Pennsylvania was Suspended Indefinitely effective August 8, 2012 for failure to respond to a required Mental Health Evaluation. A copy of the Memorandum Order issued by the Commonwealth of Pennsylvania State Board of Nursing, dated July 9, 2012, is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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. 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).

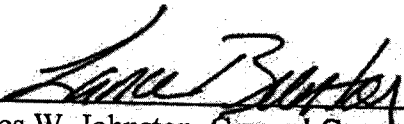
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Memorandum Order issued by the Commonwealth of Pennsylvania State Board of Nursing, dated July 9, 2012.

Filed this 31st day of May, 2013.

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

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

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

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Memorandum Order issued by the Commonwealth of Pennsylvania State Board of Nursing, dated July 9, 2012.

D/2012.06.19

COPY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING

PROTHONOTARY
2012 JUL -9 AM 9:23
Department of State

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

v.

Janette Marie Pierre-Louis, L.P.N.,
Respondent

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File No. 12-51-01654
Docket No. 0885-51-12

MEMORANDUM ORDER

AND NOW, this 9th day of July 2012, the State Board of Nursing (Board), upon consideration of the Motion for Entry of Default and Deem Facts Admitted (Motion) and filed by the Commonwealth on May 8, 2012, concerning the Commonwealth's petition for mental and physical examination of Janette Marie Pierre-Louis, LP.N. (Respondent), license number PN263437, and pursuant to section 16(a)(6) of the Practical Nurse Law (Act), Act of March 2, 1956 (P.L. 1211), as amended, 63 P.S. § 666(a)(6), and the holding of *Lencovich v. Bureau of Professional and Occupational Affairs*, 829 A.2d 1238 (Pa.Cmwlt. 2003), the Board finds that:

1. On February 27, 2012, the Commonwealth submitted a Petition for Mental and Physical Examination (Petition) to the Board's Probable Cause Screening Committee¹ requesting that Respondent be ordered to submit to a Mental and Physical Examination. (Paragraph 1, Motion; Exhibit A, Motion)

2. On February 27, 2012, the Board's Probable Cause Screening Committee issued an Order compelling Respondent to submit to a Mental and Physical Examination (Order) by

¹ The members of the Board that participated on the Probable Cause Screening Committee for this matter were Ann M. Coughlin, RN, MSN, Suzanne Hendricks, LPN and Robert E. Ames.

TRUE AND CORRECT COPY
CERTIFIED FROM THE RECORD
THIS 18th DAY OF Sept. A.D. 2012

Rol R Shearn

George E. Woody, M.D. (Dr. Woody) on April 26, 2012 at 6:00 p.m. (Paragraph 2, Motion; Exhibit A, Motion)

3. On February 28, 2012, the Commonwealth served a true and correct copy of the Petition, Order and Notice of Mental and Physical Examination upon Respondent by mailing it to her by certified mail, return receipt requested and by first class mail, postage prepaid to Respondent's address on record with the Board: 155 East Godfrey Ave, Apt A303, Philadelphia, PA 19120 and 52 Goldthwaite Rd, Apt 2, Worcester, MA 01605-1416. (Paragraph 4, Motion; Exhibit A, Motion).

4. On March 27, 2012, the United States Postal Service (USPS) returned the certified mail, return receipt Form 3811, Article Number 9171 9690 0935 0021 8509 95 for the Philadelphia address marked unclaimed. (Paragraph 5, Motion; Exhibit B, Motion).

5. On March 2, 2012, USPS notified the Board that it delivered the certified mailing to the Worcester address as evidenced by her signature on the postal return form, Article Number 7196 9009 3500 1942 5990 for the Philadelphia address marked unclaimed. (Exhibit D, Motion).

6. Respondent failed to submit to the Mental and Physical Examination by Dr. Woody on April 26, 2012 at 6:00 p.m., as directed by the Board's Order compelling Mental and Physical Examination and Notice of February 27, 2012. (Paragraph 13, Motion).

7. As of the date of the filing of the Motion, Respondent failed to contact either Dr. Woody or the prosecuting attorney. (Paragraph 14, Motion)

Accordingly, it appears that Respondent is in default for failing to submit to the examination, which authorizes the Board to **INDEFINITELY SUSPEND** Respondent's license to practice professional nursing subject to notice, hearing, adjudication and appeal. The

indefinite suspension will become effective unless Respondent files an Answer, specifically admitting or denying each allegation of each numbered paragraph of the petition/Motion to challenge the validity of the order compelling the examination or to contest the allegations of the Motion to Deem Facts Admitted and Entry of Default, along with a request for a hearing, within 20 days from the date of this order.

Respondent shall file her Answer and request for hearing with Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110. A copy of the Answer and request for hearing shall be served on the prosecuting attorney identified below and mailed to the address set forth below. A hearing before a hearing examiner shall be scheduled within 30 days of receipt of the request for a hearing and answer. Continuances will only be granted for good cause shown. If any future formal proceedings related to this matter occur, the record developed during the hearing described above may be introduced by the parties subject to appropriate objections.

After the hearing and close of the record, the hearing examiner shall issue a proposed adjudication. Unless either party files a brief on exceptions under 1 Pa. Code § 35.211 (procedure to except to proposed report), the hearing examiner's proposed adjudication will become final under 1 Pa. Code § 35.226(3) (final orders includes proposed report upon the expiration of the time provided for an appeal to or review by the agency head without the appeal or review having been initiated). Nothing herein shall be construed as prohibiting the Commonwealth from bringing charges pursuant to provisions of the Act that the Commonwealth determines are warranted.

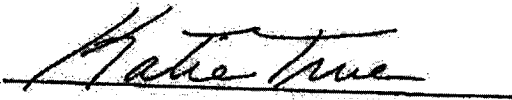
If a request for hearing and answer are not filed within the time period set forth above, Respondent's license will be **SUSPENDED INDEFINITELY** effective August 8th, 2012, (20 days after the date of mailing of this order as indicated below) and a final adjudication and order

to that effect will be issued by the Board. If Respondent's license is indefinitely suspended for having failed to request a hearing and file an answer within this time frame, Respondent shall, at reasonable intervals, be afforded an opportunity to demonstrate that she can resume a competent practice of professional nursing with reasonable skill and safety to patients.

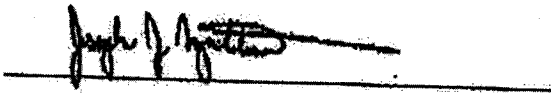
BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

STATE BOARD OF NURSING



KATIE TRUE
COMMISSIONER



JOSEPH J. NAPOLITANO, PhD, MPH, CRNP
CHAIRPERSON

Respondent:

Janette Marie Pierre-Louis, LPN
52 Goldthwaite Rd
Apt 2
Worcester, MA 0106-1416

Prosecuting attorney:

Margaret A. Sheaffer, Esquire

Board counsel:

Judith Pachter Schulder, Esquire

Date of Mailing:

July 9, 2012