



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
PIERRE WASOLUA NSILU, §
PETITIONER for Eligibility for Licensure § ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by PIERRE WASOLUA NSILU, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 8, 2013, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about November 20, 2011, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Diploma in Professional Nursing from Sona-Bata BAS, Congo, Democratic Rep of Congo, on July 1, 1989.

4. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
5. On or about May 19, 2000, Petitioner was issued a Statement of Issues before the Board of Registered Nursing Department of Consumer Affairs State of California, denying her licensure as a registered nurse.
6. On or about November 15, 2000, Petitioner was issued a Proposed Decision before the Board of Registered Nursing Department of Consumer Affairs State of California, granting permission to sit for the nursing examination. The decision stated that upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to Petitioner. Petitioner was placed on probation for a period of three (3) years. A copy of the November 15, 2000, Proposed Decision is attached and incorporated by reference as part of this Order.
7. On or about March 17, 2010, Petitioner was issued a Petition to Revoke Probation, before the Board of Registered Nursing Department of Consumer Affairs State of California. A copy of the March 17, 2010, Petition to Revoke Probation is attached and incorporated by reference as part of this Order.
8. On or about February 3, 2011, Petitioner was issued a Stipulated Settlement and Disciplinary Order before the Board of Registered Nursing Department of Consumer Affairs State of California, revoking both her registered nurse license and her public health nurse certificate, with the revocation stayed and Petitioner placed on probation. The term of probation was extended for three (3) years. A copy of the February 3, 2011, Stipulated Settlement and Disciplinary Order is attached and incorporated by reference as part of this Order.
9. After considering the action taken by the Board of Registered Nursing Department of Consumer Affairs State of California, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
10. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
11. Petitioner presented no evidence of behavior which is inconsistent with good professional character.

12. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
13. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
15. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
16. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about November 20, 2011, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of the required fees, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

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

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license is encumbered by this Order, PETITIONER may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where PETITIONER wishes to work.

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's

Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(2) PETITIONER SHALL, within one (1) year of licensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND PETITIONER MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE

EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) PETITIONER SHALL be supervised by a Registered Nurse, if licensed and practicing as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed and practicing as a Licensed Vocational Nurse, who is on the premises. The supervising Nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to

which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 7 day of JUNE, 2013.

Pierre Wasolua

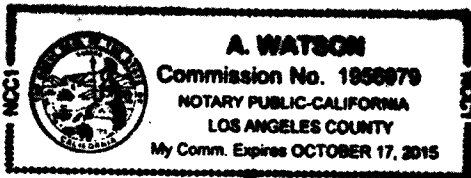
PIERRE WASOLUA NSILU, PETITIONER

Sworn to and subscribed before me this 7 day of JUNE, 2013.

SEAL

A. Watson

Notary Public in and for the State of CALIFORNIA



CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of LOS ANGELES

On JUNE 7, 2013 before me, A. WATSON
(here insert name and title of the officer)

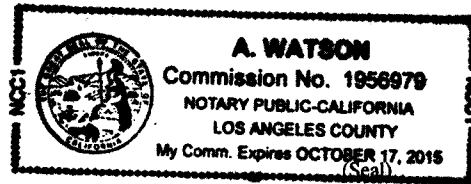
personally appeared PIERRE WASOLUA NSILU

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

A. Watson
Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

TEXAS BOARD OF NURSING
(Title or description of attached document)

PETITIONER'S CERTIFICATION
(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/~~she~~/~~they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 7th day of June, 2013, by PIERRE WASOLUA NSILU, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 10th day of September, 2013.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

1 BILL LOCKYER, Attorney General
of the State of California
2 EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
3 300 South Spring Street, Suite 500
Los Angeles, CA 90013
4 Telephone: (213) 897-2536
Facsimile: (213) 897-2804
5 Attorneys for Complainant
6
7

8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:) NO. 2000-193
12 PIERRE WASOLUA NSILU) STATEMENT OF ISSUES
13 1527 Rock Glen Avenue #106)
Glendale, CA 91205)
14 Applicant/Respondent.)
15
16

17 Ruth Ann Terry, M.P.H., R.N., as causes for denial of Pierre Wasolua Nsilu's
18 application for licensure as a registered nurse, alleges:

- 19 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this statement of
20 issues in her official capacity as Executive Officer, Board of Registered Nursing, Department of
21 Consumer Affairs.
- 22 2. Under Business and Professions Code section 2736, the Board of Registered
23 Nursing may deny a license when it finds that the applicant has committed any acts constituting
24 grounds for denial of licensure under section 480 of that code.
- 25 3. Under Business and Professions Code section 2761, the Board of Registered
26 Nursing may deny a license if the applicant has been convicted of a felony or any offense
27 substantially related to the qualifications, functions and duties of a registered nurse.

1 4. Under Business and Professions Code section 480, the Board of Registered
2 Nursing may deny a license when it finds that the applicant has committed any act which, if done
3 by a licensee, would be grounds for discipline, has done any act involving dishonesty, fraud or
4 deceit, or has been convicted of a crime substantially related to the qualifications, functions or
5 duties of a licensed registered nurse.

6 5. On or about January 6, 1999, the Board of Registered Nursing received a
7 request for repeat examination for a registered nurse license from Pierre Wasolua Nsilu
8 (hereinafter "respondent"). On December 14, 1998, respondent certified under penalty of
9 perjury that the information contained in the application was true and correct.

10 6. Grounds exist to deny respondent's application under Business and Professions
11 Code sections 480(a)(1) and 2761(f) in that on December 17, 1998, he was convicted by the court
12 on his plea of nolo contendere for violating Penal Code section 415 (disturbing the peace), in the
13 Los Angeles County Municipal Court, Case Number 8CR30391, entitled People v. Pierre
14 Wasolua Nsilu.

15 The circumstances surrounding the conviction are substantially related to the
16 qualifications, functions or duties of a registered nurse in that on or about December 7, 1997,
17 respondent grabbed D. T. by her arms and threw her into the kitchen wall, and attempted to
18 choke her with his hands, inflicting scratches on both of her forearms and redness to her neck.

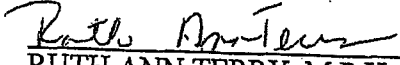
19 7. Grounds exist to deny respondent's application under Business and Professions
20 Code section 480(a)(3) in that he committed an act, as set forth in paragraph 6 above, which if
21 done by a licentiate would be grounds for suspension or revocation of the license when he was
22 convicted of a crime substantially related to the qualifications, functions or duties of a registered
23 nurse. This conduct would constitute grounds for discipline under Business and Professions
24 Code section 2761(f).

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WHEREFORE, complainant prays that a hearing be held and that if the allegations set forth herein, or any of them are found to be true, that the application of Pierre Wasolua Nsilu for licensure as a registered nurse be denied.

DATED: 5/9/00


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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(RJT 03/02/00)

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
)
PIERRE WASOLUA NSILU)
1527 ROCK GLEN AVENUE, #106)
GLENDALE, CA 91205)
)
APPLICANT)
)
)
Respondent)

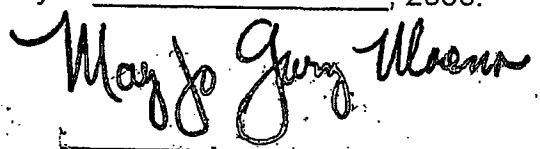
CASE NO. 2000-193
OAH NO. L-200090035

DECISION

The attached Proposed Decision is hereby adopted by the Board of Registered Nursing as its decision in the above-entitled matter, with the exception of lessening the period of probation from three (3) years to two (2) years.

This decision shall become effective on January 10th, 2001

IT IS SO ORDERED this 11th day of December, 2000.



Mary Jo Gorney-Moreno, Ph.D, RN
President
Board of Registered Nursing

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Statement
Of Issues Against:**

**PIERRE WASOLUA NSILU
1527 Rock Glen Avenue #106
Glendale, CA 91205**

Respondent.

Case No. 2000-193

OAH No. L2000090035

PROPOSED DECISION

This matter came on regularly for hearing on October 31, 2000, in Los Angeles, California, before H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, State of California.

Complainant, Ruth Ann Terry, M.P.H., R.N., ("Complainant"), was represented by Earl R. Plowman, Deputy Attorney General.

Respondent, Pierre Wasolua Nsilu ("Respondent"), was present and represented himself.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision.

FACTUAL FINDINGS

The Administrative Law Judge makes the following Factual Findings:

1. The Statement of Issues was made by Ruth Ann Terry, M.P.H., R.N., Complainant, who is the Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California, acting in her official capacity.

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2. On or about January 6, 1999, the Board of Registered Nursing ("the Board") received a request for reexamination for a registered nurse license ("the request") from Respondent. The request was denied and this matter ensued.

3. On December 17, 1998, in Municipal Court of Los Angeles, Criminal Judicial District, County of Los Angeles, State of California, in Case No. 8CR30391, Respondent was convicted, on his plea of nolo contendere, of violation of Penal Code section 415 (Disturbing the Peace), a crime which, by its facts and circumstances, is substantially related to the qualifications, functions and duties of a registered nurse.

4. Respondent was placed on summary probation for a period of 36 months under various terms and conditions. He was ordered to pay fines and restitution totaling \$300 and to perform 450 hours of community service. He has completely and satisfactorily complied with those two orders.

5. The facts and circumstances underlying the conviction are that, during an argument, Respondent committed an act of domestic violence against his wife. Both Respondent and his wife were holding onto a door. Respondent pulled the door causing them both to fall to the floor.¹ Respondent then left their apartment. The following day, Respondent returned to his home to retrieve a book. He was unaware that his wife had obtained a restraining order against him. The locks had been changed on his apartment. When he asked the apartment manager to assist him in entering his apartment, she telephoned the police and Respondent was arrested.

6. The incident was triggered by feelings of resentment on the part of Respondent's wife. She had recently given birth to their second child and felt that Respondent was spending too much time on his job and studying to become a registered nurse, and was not providing enough attention to her and to their children. In addition, Respondent and his wife were experiencing financial hardships that were placing a strain on their marriage.

7. Respondent is a native of Africa. His primary language is French. At the time he entered his nolo contendere plea, he believed he was doing so with respect to violating the restraining order rather than for disturbing the peace.

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¹ According to the police report, Respondent's wife claimed Respondent had grabbed her by the arms, thrown her into a kitchen wall, and tried to choke her. Respondent's wife denies making that statement to the police. She was consistent in her written statement to the Board and in her testimony at the administrative hearing that the incident occurred as set forth in Finding No. 5, above. That version is also consistent with Respondent's version. The testimony of both Respondent and his wife at the administrative hearing concerning how the incident occurred is deemed to have been credible.

8. Since the incident, Respondent and his wife have been participating in marriage counseling. They are continuing to do so now. In addition, Respondent has taken a continuing education course relating to domestic violence. Although they are still living apart, Respondent and his wife are in the process of reconciling and are planning on purchasing a home in which they will continue to raise their two children. Respondent is a religious man who studies the Bible. He is committed to his family and to non-violence.

9. Respondent enjoys an excellent reputation as a hard working, conscientious and selfless individual who is quick to assist others in need. He has volunteered in various capacities to assist African immigrants and refugees. He is also known as a kind, loving and non-violent family man who adores his wife and children. That view is corroborated by Respondent's wife.

10. Respondent is dedicated to nursing. He has been employed as a Patient Care Tech and as a Certified Nursing Assistant. His work has been deemed outstanding by his supervisors and co-workers.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause exists for the denial of Respondent's application pursuant to Business and Professions Code section 480(a)(3) for acts which, if done by a licensee, would be grounds for suspension or revocation of the license, as that section interacts with section 2761(f), (conviction of a crime substantially related to the qualifications, functions and duties of a registered nurse), as set forth in Findings 3, 4, 5 and 6.

The incident which gave rise to Respondent's conviction was the result of hurt feelings on the part of Respondent's wife, coupled with Respondent's high stress level from the pressures of his job, his schooling and his financial problems. Respondent has taken appropriate steps toward rehabilitation by participating in marriage counseling and the domestic violence continuing education course. Respondent's excellent reputation as a non-violent, loving and devoted family man evidence a low risk of recidivism. His strong work ethic and dedication to his chosen profession make Respondent a promising candidate for a career in registered nursing. The public interest should be adequately protected by the issuance of a properly conditioned probationary license.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Respondent, Pierre Wasolua Nsilu, for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed and Respondent placed on probation for a period of three (3) years on the following terms and conditions:

1. Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of conviction. To permit monitoring of compliance with this term, Respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall submit a recent 2" X 2" photograph of himself or herself within 45 days of the effective date of the final decision.

2. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

3. Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

4. Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

5. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

6. Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

///

7. Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition.

8. Respondent shall obtain prior approval from the Board before commencing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

9. Respondent shall provide a copy of this decision to his or her employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

10. Respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

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11. Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing any employment as a registered nurse.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each workday. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

12. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or for an in-house nursing pool.

13. Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

///

14. Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

15. Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

16. Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

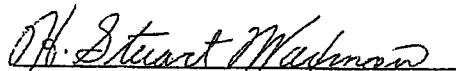
17. If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

18. If Respondent violates the conditions of his probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline of Respondent's license.

19. If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, Respondent's license will be fully restored.

Each term and condition of probation contained herein is a separate and distinct term and condition. If any term and condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each term and condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

DATED: November 15, 2000


H. STUART WAXMAN
Administrative Law Judge
Office of Administrative Hearings

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL A. CAGCIOTTI
Deputy Attorney General
4 State Bar No. 129533
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2932
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 2000-193

12 PIERRE WASOLUA NSILU
13 aka WASOLUA NSILU
575 E. 213th Street
14 Carson, CA 90745

PETITION TO REVOKE PROBATION

15 Registered Nurse License No. 703005
Public Health Nurse Certificate No. 74137

16 Respondent.
17

18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 PARTIES

20 1. Complainant brings this Petition to Revoke Probation solely in her official
21 capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 Registered Nurse License

24 2. On or about May 3, 2007, the Board issued Registered Nurse License No. 703005
25 ("license") to Pierre Wasolua Nsilu also known as Wasolua Nsilu ("Respondent"). The license
26 will expire on May 31, 2011, unless renewed,

27 ///

28 ///

1 Public Health Nurse Certificate

2 3. On or about September 18, 2008, the Board issued Public Health Nurse Certificate
3 No. 74137 to Respondent. The certificate will expire on May 31, 2011, unless renewed.

4 Prior Discipline

5 4. Effective January 10, 2001, pursuant to the Decision in Statement of Issues No.
6 2000-193, the Board of Registered Nursing adopted the Proposed Decision of the Administrative.
7 Law Judge dated November 15, 2000, as its final decision and Respondent's application for
8 licensure was granted; however, upon issuance of Respondent's license, it was to be immediately
9 ~~revoked, the revocation stayed, and Respondent placed on probation for a period of two (2) years~~
10 on terms and conditions. A copy of the Decision is attached as Exhibit A and is incorporated
11 herein by reference.

12 5. Respondent subsequently passed the National Council Licensure Examination
13 ("NCLEX") and was issued his registered nurse license on May 3, 2007, as further set forth in
14 paragraph 2, above.

15 STATUTORY PROVISIONS

16 6. Business and Professions Code ("Code") section 2750 provides, in pertinent part,
17 that the Board may discipline any licensee, including a licensee holding a temporary or an
18 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
19 the Nursing Practice Act.

20 7. Code section 118, subdivision (b), states:

21 The suspension, expiration, or forfeiture by operation of law of a license issued by a
22 board in the department, or its suspension, forfeiture, or cancellation by order of the
23 board or by order of a court of law, or its surrender without the written consent of
24 the board, shall not, during any period in which it may be renewed, restored,
25 reissued, or reinstated, deprive the board of its authority to institute or continue a
disciplinary proceeding against the licensee upon any ground provided by law or to
enter an order suspending or revoking the license or otherwise taking disciplinary
action against the licensee on any such ground.

26 8. California Code of Regulations, title 16, section 1490, subdivision (b), states:

27 A Public Health Nurse Certificate shall remain valid as long as the person's license
28 to practice as a registered nurse in California is active.

1 9. Grounds exist for revoking the probation and reimposing revocation of
2 Respondent's Registered Nurse License No. 703005. Condition 2 of the Decision, Case No.
3 2000-193, states, in pertinent part:

4 Respondent shall fully comply with the terms and conditions of the Probation
5 Program established by the Board and cooperate with representatives of the Board
6 in its monitoring and investigation of Respondent's compliance with the Probation
7 Program. . .

8 10. Condition 19 of the Decision states:

9 If during the period of probation, an accusation or petition to revoke probation has
10 been filed against Respondent's license or the Attorney General's Office has been
11 requested to prepare an accusation or petition to revoke probation against
12 Respondent's license, the probationary period shall automatically be extended and
13 shall not expire until the accusation or petition has been acted upon by the Board. . .

14 11. Respondent has violated the Board's Probation Program, by failing to comply with
15 Probation Conditions No. 5 and 8, as more fully set forth below.

16 FIRST CAUSE TO REVOKE PROBATION

17 (Failure to Submit Written Reports)

18 12. At all times after the effective date of Respondent's probation, Condition 5 states,
19 in pertinent part:

20 Respondent, during the period of probation, shall submit or cause to be submitted
21 such written reports/declarations and verification of actions under penalty of
22 perjury, as required by the Board. These reports/declarations shall contain
23 statements relative to Respondent's compliance with all the terms and conditions of
24 the Board's Probation Program. Respondent shall immediately execute all release
25 of information forms as may be required by the Board or its representatives.

26 13. Respondent's probation is subject to revocation in that he failed to comply with
27 Probation Condition 5, as he did not submit the required quarterly reports for the periods October
28 1, 2008, through December 31, 2008, and January 1, 2009, through March 31, 2009.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Obtain Approval Prior to Commencing Employment)

14. At all times after the effective date of Respondent's probation, Condition 8 states,
in pertinent part:

1 Respondent shall obtain prior approval from the Board before commencing any
2 employment, paid or voluntary, as a registered nurse. Respondent shall cause to be
3 submitted to the Board all performance evaluations and other employment related
4 reports as a registered nurse upon request of the Board.

5 15. Respondent's probation is subject to revocation in that he failed to comply with
6 Probation Condition 8, as follows:

7 16. Respondent failed to receive prior approval from the Board before commencing
8 employment as a registered nurse, as follows:

9 a. On November 7, 2008, the Nursing Education Consultant ("NEC") approved a job
10 for Respondent at St. Vincent. Respondent notified the Nurse Consultant and his Probation
11 Monitor that he was rejecting the offer because he would lose his health benefits at the county job
12 he held at the time. The Board's Probation Program then denied Respondent's job at St. Vincent
13 because he was already working a full-time day job with the county.

14 b. On January 28, 2009, the NEC approved a registered nurse job for Respondent at
15 USC University Hospital based upon the fact that he was no longer working at his county job. On
16 February 5, 2009, Respondent started full-time employment.

17 c. On February 26, 2009, the Board's Probation Program was notified that
18 Respondent had accepted and completed orientation for a job at LA County USC. This job was
19 not pre-approved.

20 d. On March 20, 2009, the Board's Probation Program again received job approval
21 documents from Respondent for St. Vincent Medical Center. On March 25, 2009, the NEC and
22 Probation Monitor were notified that Respondent had already been employed full time with St.
23 Vincent since January 4, 2009, and he was seeking a transfer to another unit.

24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
28 No. 2000-193, and imposing the disciplinary order that was stayed thereby revoking Registered
Nurse License No. 703005, issued to Pierre Wasolua Nsilu also known as Wasolua Nsilu;

- 1 2. Revoking or suspending Registered Nurse License No. 703005, issued to Pierre
2 Wasolua Nsilu also known as Wasolua Nsilu;
3 3. Revoking or suspending Public Health Nurse Certificate No. 74137, issued to Pierre
4 Wasolua Nsilu also known as Wasolua Nsilu; and
5 4. Taking such other and further action as deemed necessary and proper.

6 DATED: 3/17/10

Louise R. Bailey

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

11 03579110LA2009602954
12 30763722.doc

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2000-193

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHAEL A. CACCIOTTI
Deputy Attorney General
4 State Bar No. 129533
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2932
6 Facsimile: (213) 897-2804
Attorneys for Complainant.

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 2000-193

12 PIERRE WASOLUA NSILU
13 aka WASOLUA NSILU
14 575 E. 213th Street
Carson, CA 90745

OAH No. L-2010070978

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Registered Nurse License No. 703005
16 Public Health Nurse Certificate No. 74137

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
23 Registered Nursing. She brought this action solely in her official capacity and is represented in
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Michael A.
25 Cacciotti, Deputy Attorney General.

26 2. Respondent Pierre Wasolua Nsilu aka Wasolua Nsilu (Respondent) is represented in
27 this proceeding by attorney David D. Yang, whose address is: David D. Yang, Green &
28 Associates Attorneys at Law 801 S. Figueroa Street, Suite 1200 Los Angeles, CA 90017.

1 ADVISEMENT AND WAIVERS

2 6. Respondent has carefully read, fully discussed with counsel, and understands the
3 charges and allegations in Petition to Revoke Probation No. 2000-193. Respondent has also
4 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
5 Settlement and Disciplinary Order.

6 7. Respondent is fully aware of his legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Petition to Revoke Probation; the right to be
8 represented by counsel at his own expense; the right to confront and cross-examine the witnesses
9 against him; the right to present evidence and to testify on his own behalf; the right to the
10 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
11 the right to reconsideration and court review of an adverse decision; and all other rights accorded
12 by the California Administrative Procedure Act and other applicable laws.

13 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
14 every right set forth above.

15 CULPABILITY

16 9. Respondent admits the truth of each and every charge and allegation in Petition to
17 Revoke Probation No. 2000-193.

18 10. Respondent agrees that his Registered Nurse License is subject to discipline and he
19 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
20 below.

21 RESERVATION

22 11. The admissions made by Respondent herein are only for the purposes of this
23 proceeding, or any other proceedings in which the Board of Registered Nursing or other
24 professional licensing agency is involved, and shall not be admissible in any other criminal or
25 civil proceeding.

26 CONTINGENCY

27 12. This stipulation shall be subject to approval by the Board. Respondent understands
28 and agrees that counsel for Complainant and the staff of the Board may communicate directly

1 with the Board regarding this stipulation and settlement, without notice to or participation by
2 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
3 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
4 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
5 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
7 be disqualified from further action by having considered this matter.

8 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
9 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
10 effect as the originals.

11 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
16 writing executed by an authorized representative of each of the parties.

17 15. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Registered Nurse License No. 703005 and Public Health
22 Nurse Certificate No. 74137 issued to Respondent Pierre Wasolua Nsilu aka Wasolua Nsilu are
23 revoked. However, the revocations are stayed and Respondent is placed on probation. The term
24 of probation is to be extended for 3 (three) years from the new effective date of this Decision and
25 Order. The original terms and conditions of probation are to be replaced by the terms and
26 conditions stated in the following:

27 **Severability Clause.** Each condition of probation contained herein is a separate and
28 distinct condition. If any condition of this Order, or any application thereof, is declared

1 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
2 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
3 and enforceable to the fullest extent permitted by law.

4 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A
5 full and detailed account of any and all violations of law shall be reported by Respondent to the
6 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
7 compliance with this condition, Respondent shall submit completed fingerprint forms and
8 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
9 as part of the licensure application process.

10 **Criminal Court Orders:** If Respondent is under criminal court orders, including
11 probation or parole, and the order is violated, this shall be deemed a violation of these probation
12 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

13 2. **Comply with the Board's Probation Program.** Respondent shall fully
14 comply with the conditions of the Probation Program established by the Board and cooperate with
15 representatives of the Board in its monitoring and investigation of the Respondent's compliance
16 with the Board's Probation Program. Respondent shall inform the Board in writing within no
17 more than 15 days of any address change and shall at all times maintain an active, current license
18 status with the Board, including during any period of suspension.

19 Upon successful completion of probation, Respondent's license shall be fully restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall
21 appear in person at interviews/meetings as directed by the Board or its designated representatives.

22 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency
23 or practice as a registered nurse outside of California shall not apply toward a reduction of this
24 probation time period. Respondent's probation is tolled, if and when he resides outside of
25 California. Respondent must provide written notice to the Board within 15 days of any change of
26 residency or practice outside the state, and within 30 days prior to re-establishing residency or
27 returning to practice in this state.

28 Respondent shall provide a list of all states and territories where he has ever been licensed

1 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
2 information regarding the status of each license and any changes in such license status during the
3 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
4 license during the term of probation.

5 **5. Submit Written Reports.** Respondent, during the period of probation,
6 shall submit or cause to be submitted such written reports/declarations and verification of actions
7 under penalty of perjury, as required by the Board. These reports/declarations shall contain
8 statements relative to Respondent's compliance with all the conditions of the Board's Probation
9 Program. Respondent shall immediately execute all release of information forms as may be
10 required by the Board or its representatives.

11 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
12 state and territory in which he has a registered nurse license.

13 **6. Function as a Registered Nurse.** Respondent, during the period of
14 probation, shall engage in the practice of registered nursing in California for a minimum of 24
15 hours per week for 6 consecutive months or as determined by the Board.

16 For purposes of compliance with the section, "engage in the practice of registered nursing"
17 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
18 non-direct patient care position that requires licensure as a registered nurse.

19 The Board may require that advanced practice nurses engage in advanced practice nursing
20 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

21 If Respondent has not complied with this condition during the probationary term, and
22 Respondent has presented sufficient documentation of his good faith efforts to comply with this
23 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
24 extension of Respondent's probation period up to one year without further hearing in order to
25 comply with this condition. During the one year extension, all original conditions of probation
26 shall apply.

27 **7. Employment Approval and Reporting Requirements.** Respondent shall
28 obtain prior approval from the Board before commencing or continuing any employment, paid or

1 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
2 performance evaluations and other employment related reports as a registered nurse upon request
3 of the Board.

4 Respondent shall provide a copy of this Decision to his employer and immediate
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within seventy-two
7 (72) hours after he obtains any nursing or other health care related employment. Respondent
8 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
9 regardless of cause, from any nursing, or other health care related employment with a full
10 explanation of the circumstances surrounding the termination or separation.

11 8. Supervision. Respondent shall obtain prior approval from the Board
12 regarding Respondent's level of supervision and/or collaboration before commencing or
13 continuing any employment as a registered nurse, or education and training that includes patient
14 care.

15 Respondent shall practice only under the direct supervision of a registered nurse in good
16 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
17 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
18 approved.

19 Respondent's level of supervision and/or collaboration may include, but is not limited to the
20 following:

21 (a) Maximum - The individual providing supervision and/or collaboration is present in
22 the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
24 care unit or in any other work setting at least half the hours Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
26 person communication with Respondent at least twice during each shift worked.

27 (d) Home Health Care - If Respondent is approved to work in the home health care
28 setting, the individual providing supervision and/or collaboration shall have person-to-person

1 communication with Respondent as required by the Board each work day. Respondent shall
2 maintain telephone or other telecommunication contact with the individual providing supervision
3 and/or collaboration as required by the Board during each work day. The individual providing
4 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
5 patients' homes visited by Respondent with or without Respondent present.

6 **9. Employment Limitations.** Respondent shall not work for a nurse's
7 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
8 traveling nurse, or for an in-house nursing pool.

9 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
10 registered nursing supervision and other protections for home visits have been approved by the
11 Board. Respondent shall not work in any other registered nursing occupation where home visits
12 are required.

13 Respondent shall not work in any health care setting as a supervisor of registered nurses.
14 The Board may additionally restrict Respondent from supervising licensed vocational nurses
15 and/or unlicensed assistive personnel on a case-by-case basis.

16 Respondent shall not work as a faculty member in an approved school of nursing or as an
17 instructor in a Board approved continuing education program.

18 Respondent shall work only on a regularly assigned, identified and predetermined
19 worksite(s) and shall not work in a float capacity.

20 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
21 request documentation to determine whether there should be restrictions on the hours of work.

22 **10. Complete a Nursing Course(s).** Respondent, at his own expense, shall
23 enroll in a nursing course(s) within 45 days and successfully complete course(s) relevant to the
24 practice of registered nursing no later than six months following the effective date of this decision
25 and order.

26 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
27 Respondent shall submit to the Board the original transcripts or certificates of completion for the
28 above required course(s). The Board shall return the original documents to Respondent after

1 photocopying them for its records.

2 11. **Violation of Probation.** If Respondent violates the conditions of his
3 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
4 the stay order and impose the stayed discipline (revocation) of Respondent's license.

5 If during the period of probation, an accusation or petition to revoke probation has been
6 filed against Respondent's license or the Attorney General's Office has been requested to prepare
7 an accusation or petition to revoke probation against Respondent's license, the probationary
8 period shall automatically be extended and shall not expire until the accusation or petition has
9 been acted upon by the Board.

10 12. **License Surrender.** During Respondent's term of probation, if he ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender his license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without further
15 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
16 longer be subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and shall
18 become a part of Respondent's license history with the Board. A registered nurse whose license
19 has been surrendered may petition the Board for reinstatement no sooner than the following
20 minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any reason other
22 than a mental or physical illness; or

23 (2) One year for a license surrendered for a mental or physical illness.

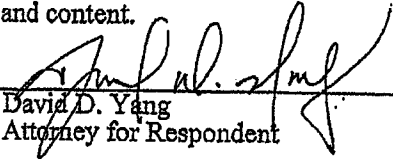
24 **ACCEPTANCE**

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
26 discussed it with my attorney, David D. Yang. I understand the stipulation and the effect it will
27 have on my Registered Nurse License, and Public Health Nurse Certificate. I enter into this
28

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Order of the Board of Registered Nursing.

3 DATED: 2/3/2011 
4 PIERRE WASOLUA NSILU aka WASOLUA NSILU
5 Respondent

6 I have read and fully discussed with Respondent Pierre Wasolua Nsilu aka Wasolua Nsilu
7 the terms and conditions and other matters contained in the above Stipulated Settlement and
8 Disciplinary Order. I approve its form and content.


9 DATED: 2/3/2011 
10 David D. Yang
11 Attorney for Respondent

12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
14 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
15 Affairs.

16 Dated: February 3, 2011

17 Respectfully submitted,
18 KAMALA D. HARRIS
19 Attorney General of California
20 MARC D. GREENBAUM
21 Supervising Deputy Attorney General

22 
23 MICHAEL A. CACCIOTTI
24 Deputy Attorney General
25 Attorneys for Complainant

26 LA2009602954
27 Stipulation.rtf

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

**PIERRE WASOLUA NSILU, aka
WASOLUA NSILU**

Registered Nurse License No. 703005
Public Health Certificate No. 74137

Respondent.

Case No. 2000-193

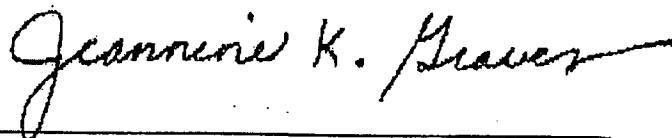
OAH No. L-2010070978

DECISION

The attached proposed decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective on July 22, 2011.

IT IS SO ORDERED this 22nd day of June, 2011.



Board of Registered Nursing
Department of Consumer Affairs
State of California