



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 ORDER
Vocational Nurse License Number 336381 §
issued to WILFRID PIERRE §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of WILFRID PIERRE, Vocational Nurse License Number 336381, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 3, 2020.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Center for Advanced Training and Studies, Orange, New Jersey, on March 1, 2009. Respondent was licensed to practice vocational nursing in the State of New Jersey on October 6, 2009, and was licensed to practice vocational nursing in the State of Texas on February 8, 2017.
5. Respondent's nursing employment history includes:

10/2009– 12/2015	Licensed Vocational Nurse	Runnells Specialized Hospital Berkley Heights, New Jersey
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Respondent's nursing employment history continued:

2/2016-1/2019	Licensed Vocational Nurse	Legacy Living at Arlington Arlington, Texas
2/2019-8/2019	Licensed Vocational Nurse	James L. West Center for Dementia Care Fort Worth, Texas
9/2019-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with James L. West Center for Dementia Care, Fort Worth, Texas, and had been in that position for five (5) months.
7. On or about July 10, 2019, while employed as a Licensed Vocational Nurse with James L. West Center for Dementia Care, Fort Worth, Texas, Respondent administered the oral antipsychotic medication, Haldol, to Resident R.S./Medical Record Number 10133 with no physician order for the medication. Respondent's conduct unnecessarily exposed the resident to risk of harm from administration of an antipsychotic medication without physician's orders.
8. On or about July 24, 2019, while employed as a Licensed Vocational Nurse with James L. West Center for Dementia Care, Fort Worth, Texas and working in the Veterans Unit, Respondent failed to completely and appropriately document an incident in which he was punched by Resident W.W./Medical Record Number 10137. Respondent failed to perform and/or document interventions for the resident's aggressive behavior, notify the physician, or document an incident report. Respondent's conduct resulted in an incomplete medical record and was likely to injure the resident in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
9. On or about August 1, 2019, while employed as a Licensed Vocational Nurse with James L. West Center for Dementia Care, Fort Worth, Texas, Respondent documented inaccurate information in the medical record of Resident J.J./Medical Record Number 1141. Respondent documented in error an incident where the resident pushed another resident. Instead of correcting the error, Respondent documented an additional entry stating the incident report error was due to Respondent's poor concentration and sleepless nights. Respondent's conduct resulted in an inaccurate medical record.
10. On or about August 9, 2019, while employed as a Licensed Vocational Nurse with James L. West Center for Dementia Care, Fort Worth, Texas, Respondent documented a respiratory assessment in the medical record of Resident M.H./Medical Record Number stating that the resident was using his chest muscles to breathe and was gasping for air at 7pm; no interventions were performed. The resident was found around 8:45pm

unresponsive and was pronounced deceased. Respondent's conduct resulted in a delay in treatment for the resident that was needed to prevent further complications, and may have contributed to the resident's subsequent demise.

11. In response to the incident in Finding of Fact Number Seven (7), Respondent states that he has never administered a prescription medication to a resident in his care. In response to the incident in Finding of Fact Number Eight (8), Respondent states that he reported the incident in a timely manner and notified the physician. Respondent adds that he also made himself available for any subsequent follow up questioning. In response to the incident in Finding of Fact Number Nine (9), Respondent states that when he was instructed to correct the error, he added an entry that he believed his earlier report was accurate, but if it was considered incomplete it was due to interruptions in his regular sleep cycle imposed by the requirements of his job. In response to the incident in Finding of Fact Number Ten (10), Respondent states that he incorrectly documented that the resident was "gasping for air" when in reality the resident was merely "breathing deeply." Respondent states that he agrees that interventions would have been necessary and appropriate if the resident had indeed been gasping for air at 7pm, but that was not the case. Respondent states that he regrets the documentation error and understands how bad it makes him and the facility look.
12. Formal Charges were filed on November 4, 2020.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M)&(2)(A), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 336381, heretofore issued to WILFRID PIERRE.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study and video programs will not be approved.
- B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- D. **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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL

submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed 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 RESPONDENT, 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 of experience in the same or similar practice setting

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

D. Nursing Performance Evaluations: RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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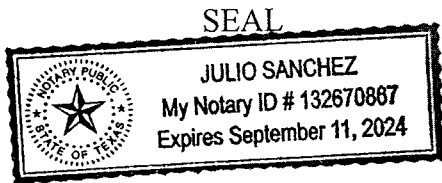
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29th day of December, 2020.

Wilfrid PIERRE
WILFRID PIERRE, RESPONDENT

Sworn to and subscribed before me this 29th day of December, 2020.



Julio Sanchez
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of December, 2020, by WILFRID PIERRE, Vocational Nurse License Number 336381, and said Agreed Order is final.

Effective this 9th day of February, 2021.



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