



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
Registered Nurse License Number 241967 §
issued to CARL WAYNE PREVOST §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CARL WAYNE PREVOST, Registered Nurse License Number 241967, 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 August 27, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on August 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1978.
5. Respondent's nursing employment history includes:

03/1978 – 05/2008	RN	University of Texas Medical Branch Galveston, Texas
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Respondent's nursing employment history continued:

06/2008 – 06/2010	Unknown	
07/2010 – 03/2018	RN	Mainland Medical Center Texas City, Texas
04/2018 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Mainland Medical Center, Texas City, Texas, and had been in that position for seven (7) years and eight (8) months.
7. On or about March 10, 2018, while employed as a Registered Nurse in the Geriatric Psychiatric Unit of Mainland Medical Center, Texas City, Texas, Respondent failed to assess Patient Record Number E000542507 after he slipped in diarrhea he had expelled and fell on his buttocks. Respondent did not document the incident and/or report it to his superiors. After the fall, Respondent and another staff member roughly picked the patient up out of the diarrhea and inappropriately removed him from the day care area. Respondent's conduct could have caused emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted the patient's treatment.
8. On or about March 10, 2018, through March 11, 2018, while employed as a Registered Nurse in the Geriatric Psychiatric Unit of Mainland Medical Center, Texas City, Texas, Respondent hit Patient Medical Record Number E000542507 and caused the patient to fall to the ground. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted the patient's treatment.
9. On or about March 10, 2018, while employed as a Registered Nurse in the Geriatric Psychiatric Unit of Mainland Medical Center, Texas City, Texas, Respondent inappropriately escorted Patient Medical Record Number E000542507 by his hands and arms out of the day area after the patient had engaged in a physical altercation with Respondent and suffered a fall. Respondent's conduct could have caused emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted the patient's treatment.
10. On or about March 10, 2018 through March 11, 2018, while employed as a Registered Nurse in the Geriatric Psychiatric Unit of Mainland Medical Center, Texas City, Texas, Respondent failed to ensure Patient Medical Record Number E000542507 was not left exposed to staff and other patients while the patient wandered the unit and slept in the day area wearing only a sweater. Respondent's conduct could have unnecessarily caused emotional, physical, and/or psychological harm to the patient.

11. In response to the Findings of Fact above, Respondent states that the patient had used the floor in the day area as a restroom and in order to keep him from spreading diarrhea in the day sitting area where other patients were located, the patient was taken from the area quickly to be cleaned when the patient would not walk on his own to his room. Respondent realizes looking back that other actions could have been tried to stop the spreading of diarrhea in the day sitting area. Respondent points out the patient had been cleaned and redressed several times during the shift with these interactions seeming to escalate the patient's acting out. Respondent admits and apologizes for failing to redress the patient during the time in question.
12. Formal Charges were filed on July 10, 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) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(4),&(6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 241967, heretofore issued to CARL WAYNE PREVOST.
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 **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.

- A. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care.** For the purposes of this Order, direct patient care involves the formation of a relationship between the nurse and the client, and includes, but

is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

- B. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- C. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. 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. 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 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.

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.*

IV. RESTORATION OF PATIENT CARE PRIVILEGES AND/OR UNENCUMBERED LICENSE(S)

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for restoration of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before restoration of an unencumbered license, which, at a minimum, shall include the remedial education courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Agreed Order had the license(s) not been placed in limited status.

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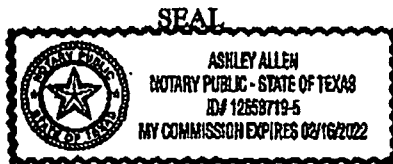
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. 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 23 day of October, 2020.
Carl Wayne Prevost
CARL WAYNE PREVOST, RESPONDENT

Sworn to and subscribed before me this 23 day of October 2020



Ashley Allen
Notary Public in and for the State of Texas

Approved as to form and substance.
Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 23rd day of October, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of October, 2020, by CARL WAYNE PREVOST, Registered Nurse License Number 241967, and said Agreed Order is final.

Effective this 23rd day of March, 2021.



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