



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

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In the Matter of § AGREED ORDER  
Vocational Nurse License Number 337461 §  
issued to SYLVIA NJOKI WAWERU §  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SYLVIA NJOKI WAWERU, Vocational Nurse License Number 337461, 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)(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 March 1, 2021.

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 Fortis College, Grand Prairie, Texas, on April 2, 2017. Respondent was licensed to practice vocational nursing in the State of Texas on May 11, 2017.
5. Respondent's nursing employment history includes:

|                   |                           |  |
|-------------------|---------------------------|--|
| 05/2017 – 05/2018 | Licensed Vocational Nurse | Villages on MacArthur<br>Irving, Texas |
|-------------------|---------------------------|--|

Respondent's nursing employment history continued:

|                   |                           |  |
|-------------------|---------------------------|--|
| 09/2017 – 12/2017 | Licensed Vocational Nurse | Silverado Valley Ranch<br>Memory Care Community<br>Irving, Texas |
| 04/2018 – present | Licensed Vocational Nurse | Angels of Pediatric Home Care<br>Sherman, Texas                  |
| 05/2018 – 03/2019 | Licensed Vocational Nurse | Pediatric Home Healthcare<br>Fort Worth, Texas                   |
| 06/2018 – Present | Licensed Vocational Nurse | Aveanna Pediatric Home<br>Dallas, Texas                          |
| 08/2018 - Present | Licensed Vocational Nurse | Viva Pediatric Home<br>Fort Worth, Texas                         |

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Pediatric Home Healthcare, Fort Worth, Texas, and had been in that position for nine (9) months.
7. On or about March 26, 2019, while working as a Licensed Vocational Nurse, and employed with Pediatric Home Healthcare, Fort Worth, Texas, Respondent failed to appropriately assess, intervene and rescue Patient Medical Record Number FTW24, a pediatric patient who had a tracheostomy and was ventilator dependent with a history of seizures. Instead, when the patient had a seizure, Respondent attended to the patient for more than an hour to address the patient's fluctuating oxygen saturation levels; then Respondent left the patient to speak with the mother of the patient. Subsequently, the mother of the patient successfully bagged the patient, per physician orders, and discovered the ventilator was turned off. Respondent's conduct could have injured the patient from insufficient ventilation for a ventilator dependent patient, with tracheostomy, and history of frequent seizures.
8. On or about March 26, 2019, while working as a Licensed Vocational Nurse, and employed with Pediatric Home Healthcare, Fort Worth, Texas, and providing care for Patient Medical Record Number FTW24, Respondent failed to notify her supervisors when the patient had a seizure, and required manual ventilation with the Artificial Manual Breathing Unit (Ambu bag). Further, Respondent failed to notify the patient's pulmonologist, per orders, when the patient required more than 2 Liters per Minute (LPM) of Oxygen for the remainder of the shift, to maintain oxygen saturation above 92%. Respondent's conduct could have injured the patient from inadequate collaboration with the patient's healthcare team.
9. In response to Finding of Fact Number Seven (7), Respondent states after working consistently to try to keep the oxygen saturations in normal range, intervening with oxygen

and the ventilator for the past hour, she ran to get the mother who was the patient's primary caregiver. Respondent states both she and the mother worked together at the bedside, and that she was constantly with the mother, handing her supplies and equipment. Respondent states bagging was done continuously for about 30 seconds until the patient stabilized at 98%. In response to Finding of Fact Eight (8), Respondent states that she had not met either of the supervisors in the Fort Worth office. The scheduler called Respondent to cover the shift, and continued to pressure Respondent to take the shift, when Respondent initially declined. After the incident, when Respondent stated to the mother that Respondent needed to report the event, the mother stated that it was not necessary because a seizure was a normal event for this patient. Respondent was dependent on the mother for accurate information, since this was Respondent's first time in this home with this patient. At the end of Respondent's shift, on the morning of March 26, 2019, she reported off to the mother. There was always a period of 24 hours during which the nurse could submit nurse's notes and follow-up. Respondent was not sure which supervisor to call in the Fort Worth office, and intended to ascertain this information and report the event. However, the on-coming nurse called the office, before Respondent contacted the office.

10. On or about January 8, 2020, Respondent successfully completed a Board approved class in sharpening critical thinking skills, which would have been a requirement of this Order.
11. On or about June 10, 2020, Respondent successfully completed a Board approved class in nursing jurisprudence and ethics, which would have been a requirement of this Order.
12. On or about November 16, 2020, Respondent successfully completed a Board approved class in physical assessment, which would have been a requirement of this Order.
13. Formal Charges were filed on August 14, 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),(1)(P)&(2)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 337461, heretofore issued to SYLVIA NJOKI WAWERU.
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. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Incident Reporting:** RESPONDENT SHALL CAUSE Viva Pediatric Home, Fort Worth, Texas, and Aveanna Pediatric Home, Dallas, Texas, to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

Should Respondent's employment at Viva Pediatric Home, Fort Worth, Texas, and Aveanna Pediatric Home, Dallas, Texas, cease while under the terms of this order, for the remainder of the order, 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.

- 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 four (4) quarters [one (1) year] of employment as a nurse.

**V. 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 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 26<sup>th</sup> day of March, 2021.



\_\_\_\_\_  
SYLVIA NJOKI WAWERU, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

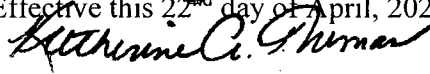
Approved as to form and substance ~~and~~

  
\_\_\_\_\_  
Nancy Roper Willson, Attorney for Respondent

Signed this 26<sup>th</sup> day of March, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26<sup>th</sup> day of March, 2021, by SYLVIA NJOKI WAWERU, Vocational Nurse License Number 337461, and said Agreed Order is final.

Effective this 22<sup>nd</sup> day of April, 2021.



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