



BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

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MISTY BERRYHILL PIERCE aka
MISTY DAWN PIERCE

COUNTY OF TRAVIS

AGREED BOARD ORDER

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia P. Johnson
Executive Director of the Board

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, an Applicant for Licensure by, examination hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing and/or involves moral turpitude, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

I.

- a. On or about June 29, 2000, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question(s) asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"
- b. On or about January 5, 1995, Applicant was convicted of the Misdemeanor offense of: ASSAULT, in the County Court of San Saba County, Texas, under Cause Number 5505. As a result of said conviction; Applicant was assessed a fine.
- c. On or about June 12, 1997, Applicant was charged with the Felony Offense of INJURY TO A CHILD. Applicant pled guilty to the offense, which was then reduced to a Class A Misdemeanor offense, in the District Court of San Saba County, Texas, of the 33rd Judicial District, under Cause Number 5015. As a result of said conviction; Applicant was placed on probation for a period of one (1) year.

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By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that MISTY BERRYHILL aka MISTY DAWN PIERCE is hereby allowed to take the examination for licensure as a Vocational Nurse in the State of Texas, and, upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, with said suspension stayed and placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said Notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.

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3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.

5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).

6. That Applicant shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Applicant's shift assignment(s), throughout the term of probation.

7. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.

8. That Applicant shall successfully complete a **Anger Management** course/seminar (a minimum of 8 hours in length), and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Applicant shall be responsible for locating said course/seminar and obtaining prior written approval of Board staff prior to committing to said course/seminar. The expense of said course/seminar shall be borne by Applicant. Failure to successfully complete said course/seminar within the time-frame stipulated, shall be considered a violation of probation.

9. That Applicant shall pay a Probation Monitoring fee in the amount of thirty (30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners ", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

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This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 10 day of November, 2000

Misty Pierce
Signature of Applicant

401 Bend Road
Current Address

Cherokee Tx 76832
City, State and Zip

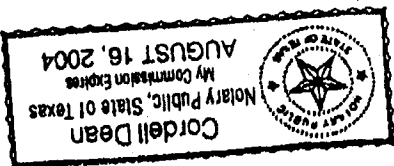
915 1 622-4654
Area Code and Telephone Number

The State of Texas
County of San Saba

Before me, the undersigned authority, on this day personally appeared MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 4 day of Nov, 2000.

Cordell Dean
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires _____



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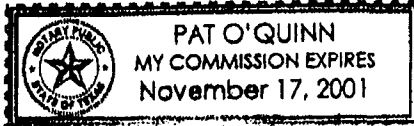
Mary M. Strange

Mary M. Strange, BSN, RN, CNA
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the
14th day of November, 2000.

Pat O'Quinn

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



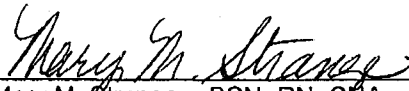
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational
Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board
Order, notarized on the 6TH day of November, 2000 by, Applicant and that Said Order is Final.

Effective this 4th day of December, 2000.



Mary M. Strange, BSN, RN, CNA
Executive Director
On Behalf of Said Board