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*Patricia A. Thomas*  
Executive Director of the Board

**DOCKET NUMBER 507-10-1306**

**IN THE MATTER OF § BEFORE THE STATE OFFIC**  
**PERMANENT CERTIFICATE §**  
**NUMBERS 85077 and § OF**  
**533598 ISSUED TO §**  
**BARBARA ANN (CURTIS) HOLLAR § ADMINISTRATIVE HEARING**

**OPINION AND ORDER OF THE BOARD**

TO: BARBARA ANN (CURTIS) HOLLAR  
1101 OAK GROVE ROAD  
SAN MARCOS, TX 78666

JOHN H. BEELER  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on July 22-23, 2010, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered and vocational nursing licenses of Barbara Ann (Curtis) Hollar without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and Respondent's presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully

set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Further, the Board clarifies, that the ALJ's recommended sanction of revocation applies to both Respondent's vocational and registered nursing licenses.\*

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Numbers 85077 and 533598, previously issued to BARBARA ANN (CURTIS) HOLLAR, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

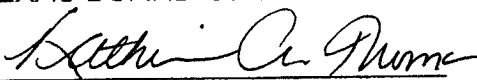
IT IS FURTHER ORDERED that Permanent Certificate Numbers 85077 and 533598, previously issued to BARBARA ANN (CURTIS) HOLLAR, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.



Entered this 23rd day of July, 2010.

TEXAS BOARD OF NURSING

  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-10-1306 (April 1, 2010).

\* This clarification corrects a technical error and is authorized by the Government Code §2001.058(e)(3).

IN THE MATTER OF

PERMANENT CERTIFICATE

NUMBERS 85077 AND 533598

ISSUED TO BARBARA A. HOLLAR

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

### PROPOSAL FOR DECISION

Staff of the Texas Board of Nursing (Staff/Board) seeks to revoke the registered nurse's license issued to Barbara A. Hollar (Respondent) for failing to comply with an Agreed Order issued by the Board and exhibiting impaired behavior while on duty. The Administrative Law Judge (ALJ) recommends adopting Staff's requested sanction of revocation of Respondent's license.

#### I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

On February 2, 2010, ALJ John H. Beeler convened the hearing at the State Office of Administrative Hearings located on the fourth floor of the William P. Clements Building, 300 West 15<sup>th</sup> Street, Austin, Texas. The Board was represented by Assistant General Counsel R. Kyle Hensley. Despite being sent proper notice, Respondent did not appear nor was she represented at the hearing. Based on Respondent's failure to appear, Staff moved for a default. In support of its default motion, Staff provided sufficient documentary evidence to establish both jurisdiction and adequate notice of the hearing. The motion was granted, establishing all the allegations pled against Respondent as true.

#### II. RECOMMENDATION

Over the last two years Respondent has been the subject of an Agreed Order issued against her by the Board, and has failed to comply with the order. In addition, Respondent exhibited impaired behavior while on duty that poses a direct danger to patients.

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 1 TEX. ADMIN. CODE § 155.55<sup>1</sup>, the ALJ recommends that Respondent's license be revoked.

### III. PROPOSED FINDINGS OF FACT

1. Barbara A. Hollar (Respondent) holds permanent vocational nurse license number 85077, and registered nurse license number 533598, issued by the Texas Board of Nursing (Board).
2. On August 22, 2007, the Staff of the Board sent formal charges to Respondent by certified mail to her official address on record with the Board.
3. On October 18, 2007, Respondent filed a response.
4. On January 8, 2009, the staff of the Board (Staff) sent its First Amended Formal Charges to Respondent by certified mail to her official address on record with the Board. The U.S. Postal Service form 3811, Domestic Return Receipt, signed by Respondent, indicated that she received the charges on January 14, 2009.
5. On November 16, 2009, Staff sent its Notice of Hearing of the February 2, 2010 hearing to Respondent by certified mail to her official address on record with the Board. The U.S. Postal Service Track & Confirm website shows the item was delivered on November 20, 2009.
6. The Notice of Hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
7. The Notice of Hearing stated, in at least 12-point bold-faced font, that "Failure to appear at the hearing in person or by legal representative, regardless of whether an appearance has been entered, will result in the allegations contained in the formal charges being admitted as true and the proposed recommendation of Staff shall be granted by default."
8. The hearing on the merits was convened at 9:00 a.m. on February 2, 2010, at the State Office of Administrative Hearings, William P. Clements Office Building, 300 West 15<sup>th</sup> Street, Austin, Texas.
9. Staff appeared at the hearing through its Assistant General Counsel, R. Kyle Hensley. Respondent did not appear, was not represented at the hearing, and did not provide an explanation for her failure to appear.

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<sup>1</sup> This citation is to SOAH rule in effect when Respondent was formally charged with the allegations contained in this Proposal for Decision. The current citation is now found at 1 TAC § 155.501, which became effective on November 26, 2008.

10. Staff made a motion for default and offered evidence demonstrating jurisdiction, proper notice, and the appropriateness of the remedy sought by Staff.
11. Staff's motion for default was granted.
12. The allegations in Staff's Notice of Hearing are deemed true.
13. On or about June 14, 2008, while employed with Texan Nursing and Rehabilitation, San Marcos, Texas, Respondent failed to comply with the Agreed Order issued on June 12, 2007, by the Board. Noncompliance was the result of Respondent's failure to:
  - successfully complete a course in nursing jurisprudence within one year of the board order; and
  - successfully complete a course in nursing ethics within one year of the suspension that was stayed.
14. On or about July 22, 2007, while employed with Texan Nursing and Rehabilitation, San Marcos, Texas, Respondent failed to comply with the Agreed Order issued on June 12, 2007, by the Board and all Proposals for Decision issued by the Administrative Law Judge. Noncompliance was the result of Respondent's failure to present a copy of the Order and Proposals to each future employer prior to accepting employment.
15. On or about July 30, 2007, while employed with Texan Nursing and Rehabilitation, San Marcos, Texas, Respondent exhibited impaired behavior while on duty in that she smelled of alcohol, had slurred speech, and had an unsteady gait. This conduct could affect a nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding the patient care, placing the patient in danger.

#### IV. PROPOSED CONCLUSIONS OF LAW

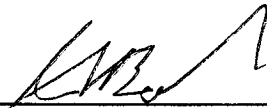
1. The Board has jurisdiction over this matter. TEX. OCC. CODE ch. 301.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
3. Adequate, proper and timely notice of the hearing was provided. TEX. GOV'T CODE ch. 2001; 22 TEX. ADMIN. CODE (TAC) § 213.10.
4. The notice complied with the requirements of SOAH's default rule, 1 TAC § 155.55<sup>2</sup>.
5. Pursuant to 1 TAC § 155.55, the allegations set forth in the notice of hearing and Findings of Fact Nos. 13-15 are deemed admitted.

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<sup>2</sup> *Id.*

- 6. Respondent's conduct as described in Finding of Fact Nos. 13-15 is prohibited by Chapter 481 of the Texas Health and Safety Code and constitutes grounds for disciplinary action in accordance with TEX. OCC. CODE § 301.452(b)(1)(9) & (10), and is a violation of 22 TEX. ADMIN. CODE § 217.12(11)(B), (1)(E) and (5).
- 7. The Board is authorized to revoke Respondent's license. TEX. OCC. CODE § 301.453.

**SIGNED April 1, 2010.**



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**JOHN H. BEELER**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

