



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.  
*Stephanie P. Starnes*  
Executive Director of the Board

IN THE MATTER OF PERMANENT  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 804561 &  
PERMANENT VOCATIONAL NURSE  
LICENSE NUMBER 228425  
ISSUED TO  
BARBARA LYNN STARNES,  
RESPONDENT

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING  
§  
§ ELIGIBILITY AND  
§  
§ DISCIPLINARY COMMITTEE  
§

**ORDER OF THE BOARD**

TO: BARBARA LYNN STARNES  
724 LEANN LANE  
CEDAR PARK, TEXAS 78613

During open meeting held in Austin, Texas, on February 13, 2018, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

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

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 804561 and Permanent Vocational Nurse License Number 228425, previously issued to BARBARA LYNN STARNES, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

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

Entered this **13th day of February, 2018.**

TEXAS BOARD OF NURSING

BY:



\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed December 7, 2017.

d17r(RN-LVN)(2016.05.11)

Re: Permanent Registered Nurse License Number 804561  
& Permanent Vocational Nurse License Number 228425  
Issued to BARBARA LYNN STARNES  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of February, 2018, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Barbara Lynn Starnes  
724 Leann Lane  
Cedar Park, Texas 78613

Via USPS First Class Mail

Barbara Lynn Starnes  
5115 Juniper Walk Ln  
Katy, Texas 77494

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 804561 &	§	
Permanent Vocational Nurse	§	
License Number 228425	§	
Issued to BARBARA LYNN STARNES,	§	
Respondent	§	BOARD OF NURSING

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BARBARA LYNN STARNES, is a Registered Nurse holding License Number 804561, which is in current status at the time of this pleading, and is a Vocational Nurse holding License Number 228425, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

**CHARGE I.**

On or about August 10, 2017, Respondent received an Order from the Virginia Board of Nursing, wherein Respondent's privilege to practice nursing from the State of Texas in the State of Virginia was revoked. A copy of the Order from the Virginia Board of Nursing, dated August 10, 2017, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Sanction Policies for Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

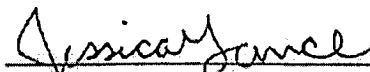
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and

described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order from the Virginia Board of Nursing dated August 10, 2017.

Filed this 7<sup>th</sup> day of December, 2017.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

John R. Griffith, Assistant General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24079751

Jessica Lance, Assistant General Counsel  
State Bar No. 24091434

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512)305-7401

Attachments: Order from the Virginia Board of Nursing dated August 10, 2017.

D(2017.09.18)

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: BARBARA STARNES, R.N.**  
**Texas License Number: RN 804561 with multistate privilege**  
**Case Number: 175888**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on July 20, 2017, in Henrico County, Virginia, to inquire into evidence that Barbara Starnes, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Barbara Starnes, R.N., did not appear at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated June 19, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Starnes notifying her that a formal administrative hearing would be held on July 20, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board and to a secondary address. According to the USPS tracking website, the Notice sent by certified mail to Ms. Starnes' address of records was refused on June 19, 2017 and the Notice sent by certified mail to her secondary address was delivered on June 19, 2017. The Notices sent by first class mail were not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Starnes and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

### FINDINGS OF FACT

1. Barbara Lynn Starnes, R.N., holds License Number RN 804561 to practice professional nursing in the State of Texas and a multistate privilege to practice professional nursing in the Commonwealth of Virginia. Said license is scheduled to expire on May 31, 2018. At all times relevant to the findings contained herein, said license was in full force and effect. Her primary state of residence is Texas.
2. During the course of her employment with the Hospice Care Program of Pro Healthcare Services, Fairfax, Virginia:
  - a. Ms. Starnes failed to provide assessments and treatments to Patient A and falsely documented providing the same, as evidenced by the following:
    - i. On June 17, 2016, she failed to assess Patient A's bed sores or change his wound dressing, failed to conduct a pain assessment but falsely documented that Patient A did not have pain, and falsely documented that she spent one and a half hours with Patient A when she actually spent approximately five minutes with him.
    - ii. On June 20, 2016, she failed to visit Patient A or to treat his wound, but falsely documented that she had done so.
  - b. Ms. Starnes failed to complete necessary assessments for new Patients B and C, resulting in the delay of hospice treatment.
3. On July 20, 2016, upon resigning from Pro Healthcare Services, she stole her personnel file, patient records, and a computer belonging to the agency.
4. Ms. Starnes failed to respond to contact attempts by an investigator for the Department of Health Professions.

5. The Board heard testimony from the administrator of Pro Healthcare Services, Mr. Cheng, who was Ms. Starnes' supervisor. Mr. Cheng testified that Ms. Starnes had a clear understanding of her duties and the on-call nature of her position being the clinical director of nursing for the program and the primary field nurse for the hospice clients.

#### CONCLUSIONS OF LAW

1. Findings of Facts Nos. 2(a)(i) and 2(a)(ii) constitute a violation Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") (currently found at 18 VAC 90-19-230(A)(2)(e) and (f), effective February 24, 2017).

2. Finding of Fact No. 2(b) constitutes a violation of Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(f), effective February 24, 2017).

3. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(c) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017).

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The privilege of Barbara Starnes, R.N., to practice professional nursing in the Commonwealth of Virginia is REVOKED.

2. The privilege of Barbara Starnes, R.N., will be recorded as REVOKED.

3. This revocation applies to any multistate privilege to practice professional nursing.

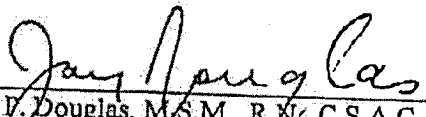


4. Pursuant to Virginia Code § 54.1-2408.2, should Ms. Starnes seek reinstatement of her privilege after three years, the reinstatement of Ms. Starnes's privilege shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by the Board. At such time, the burden shall be on Ms. Starnes to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Starnes shall be responsible for any fees that may be required for the reinstatement and/or renewal of the privilege prior to issuance of the privilege to resume practice.

5. Barbara Starnes, R.N., is assessed a MONETARY PENALTY of \$5,000.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 90 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
Jay D. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

August 10, 2017  
ENTERED AND MAILED ON:

Certified True Copy

By   
Virginia Board Of Nursing

ORDER – Barbara Starnes, R.N.  
Page 5 of 5  
August 9, 2017

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: BARBARA STARNES, R.N.**  
**Texas License Number: RN 804561 with multistate privilege**  
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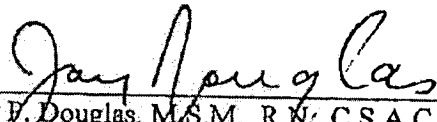
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FOR THE BOARD

  
\_\_\_\_\_  
Jay F. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

August 10, 2017<sup>PM</sup>  
ENTERED AND MAILED ON:

Certified True Copy

By   
\_\_\_\_\_  
Virginia Board Of Nursing

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