Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

August 13, 2004

Barbara Ann Hollar
119 Thurman Road
San Marcos, Texas 78666

Dear Ms. Hollar:

Our file reflects that all requirements of the Order of the Board entered on June 10, 2003, have been met.

If you have any questions, please contact me at (512) 305-6827.

Sincerely,

Diane E. Burell
Investigator
Monitoring

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Members of the Board

Joyce Adams, PhD, RN, Houston; Deborah Bell, CLU, ChFC, Abilene; George Buchenau, Jr., BSN, RN, MBA, Amarillo; Virginia Campbell, BSN, RN, CNOR, Mesquite; Blanca Rosa Garcia, PhD, RN, Corpus Christi; Richard Gibbs, LVN, Mesquite; Rachel Gomez, LVN, Harlingen; Brenda Jackson, PhD, RN, San Antonio; Beverley Jean Nutall, LVN, Bryan; Anita Palmer, ME, MA, Olney; Phyllis Rawley, CPC, *Vice-President*; Linda Rounds, PhD, FNP, RN, *President*; Frank Sandoval, Jr., J.D., San Antonio

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of License Number 533598	§	AGREED
issued to BARBARA ANN HOLLAR	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of BARBARA ANN HOLLAR, License Number 533598, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.

2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Austin Community College, Austin, Texas, on May 9, 1986. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 1986.

5. Respondent's professional employment history includes:

1986 - 9/92	Staff/Charge Nurse	Seton Medical Center Austin, Texas
1989 - 1990	Staff Relief	Nursefinders Austin, Texas

Respondent's professional employment history continued:

10/92 - 12/95	Nurse Supervisor	San Marcos Treatment Center San Marcos, Texas
1/96 - 12/97	Director of Nursing	Essential Home Health Austin, Texas
12/96 - 6/00	Diabetic Educator	Texas Comm'n. for the Blind Austin, Texas
5/98 - 7/99	Heath Educator	Texas Comm'n. for the Blind/Criss Cole Rehabilitation Center Austin, Texas
10/99 - 6/00	Staff Relief	Nursefinders Austin, Texas
6/00 -present	Staff Nurse	Austin State Hospital Austin, Texas

6. On or about June 13, 2000, Respondent received the sanction of a Warning with Stipulations, through an Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the June 13, 2000, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On or about March 15, 2001, and June 15, 2001, while employed with Austin State Hospital, Austin, Texas, Respondent failed to comply with the Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on June 13, 2000. Non-compliance is the result of her failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part:

> (6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing....

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 violations of Section 301.452(b)(1), Texas Occupations Code.

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 533598, heretofore issued to BARBARA ANN HOLLAR, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of three hundred fifty ($350.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of October, 2003.

Barbara Hollar

BARBARA ANN HOLLAR, Respondent

Sworn to and subscribed before me this 24th day of October, 2003.

Noemi Leal

Notary Public in and for the State of TX

SEAL

NOEMI LEAL
Notary Public, State of Texas
My Commission Expires
MAY 14, 2007

Notary without Bond

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 24th day of October, 20 03, by BARBARA ANN HOLLAR, License Number 533598, and said Order is final.

Effective this 22nd day of January, 20 04.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 533598	§	AGREED
issued to BARBARA ANN HOLLAR	§	ORDER

An investigation by the Board produced evidence indicating that BARBARA ANN HOLLAR, hereinafter referred to as Respondent, License Number 533598, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on January 25, 2000, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; J. Kent Black, General Counsel; Gary Walters, RN, Senior Investigator; Diane Barnet, RN, Investigator; and Diane Morrisett, RN, Investigator.

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.

2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in Texas.

4. Respondent received an Associate Degree in Nursing from Austin Community College, Austin, Texas in 1985. Respondent was licensed to practice professional nursing in the State of Texas in 1986.

5. Respondent's professional employment history includes:

1986-September 1992	Staff/Charge Nurse Seton Medical Center Austin, Texas
1989-1990	Staff Relief Nursefinders Austin, Texas
October 1992-December 1995	Clinical Nurse Supervisor San Marcos Treatment Center San Marcos, Texas
January 1996-December 1997	Director of Nursing Essential Home Health Austin, Texas
November 1996-Present	Diabetic Educator Texas Commission for the Blind Austin, Texas
May 1998-July 1999	Health Educator Texas Commission for the Blind -Criss Cole Rehabilitation Center Austin, Texas
October 1999-Present	Staff Relief Nursefinders Austin, Texas

6. At the time of the incidents, Respondent was employed as a Staff Nurse with Texas Commission for the Blind-Criss Cole Rehabilitation, Austin, Texas, and had been in this position one (1) year and two (2) months.

7. On or about July 1, 1999, while employed as a Registered Nurse with Texas Commission for the Blind, Austin, Texas, Respondent failed to ensure that scheduled prescriptions for Consumer A. H., that were ordered and picked up, were kept in a secure location. Respondent placed a bottle of Darvocet N-100 prescribed for the consumer on a counter in the facility. The medication later was found to be missing. Respondent's failure to place the scheduled medication in a secure location allowed the medication to be misappropriated.

8. On or about July 1, 1999, while employed as a Registered Nurse with Texas Commission for the Blind, Austin, Texas, Respondent failed to document that Darvocet N-100 had been ordered or received by her for Consumer A. H. Respondent's conduct could have deprived the facility of recompense for the ordered medication.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(15)&(5).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 533598, heretofore issued to BARBARA ANN HOLLAR, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to BARBARA ANN HOLLAR, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course must be a minimum of six (6) hours in length. In order for the course to be approved, the target audience must include registered nurses. The course must contain content on the following: guidelines and processes for good reporting and recording; legal guidelines for recording; methods of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form,

provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board has for relicensure.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(4) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

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(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3rd day of May, 2000.

Barbara Ann Hollar

BARBARA ANN HOLLAR, Respondent

Sworn to and subscribed before me this 3rd day of MAY, 2000.

SEAL

KORENA A. SCHAAF
Notary Public, State of Texas
My Commission Expires
February 27, 2004

Korena A Schaaf

Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of May, 20 00, by BARBARA ANN HOLLAR, License Number 533598, and said Order is final.

Effective this 13th day of June, 20 00.

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