

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AUDREY W. HOLLAR, R.N. REINSTATEMENT APPLICANT
License No.: 0001-117631

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 16, 2012, in Henrico County, Virginia, to receive and act upon the application of Audrey W. Hollar for reinstatement of her license to practice professional nursing in Virginia, which was suspended by Order of the Board entered August 11, 2011, and to inquire into evidence that she may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Hollar was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Audrey W. Hollar was issued License No. 0001-117631 to practice professional nursing in the Commonwealth of Virginia on February 15, 1990. Said license was suspended by Order of the Board entered on August 10, 2010. Ms. Hollar holds a suspended nursing license in the State of West Virginia and an active nursing license in the State of New York, which is scheduled to expire on November 30, 2012. Her primary state of residence is Virginia.

2. Ms. Hollar submitted an application for reinstatement of her license to the Board on November 1, 2011.

3. Ms. Hollar entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on August 30, 2010. The HPMP assessed Ms. Hollar with alcohol dependence and "complex traumatic stress disorder" and recommended that she enter outpatient substance abuse treatment. Ms. Hollar was dismissed from the HPMP on February 18, 2011, due to her failure to enter outpatient substance abuse treatment and a failure to respond to HPMP communication. Ms. Hollar thereafter sought readmission to HPMP. Her request was initially deferred pending a decision on Ms. Hollar's reinstatement application by the Board but she was subsequently deemed eligible and sent a Participation Contract on July 6, 2012. Ms. Hollar has not returned a signed Participation Contract.

4. Following an assessment on August 25, 2011, a certified substance abuse specialist diagnosed Ms. Hollar with "Alcohol Dependency, Sustained Full Remission (self-report)" and recommended that she attend a three-month intensive outpatient program. Ms. Hollar failed to attend this program.

5. On December 9, 2011, Ms. Hollar told an investigator for the Department of Health Professions that her only medication was HCTZ; however, a patient prescription history report generated on November 16, 2011, indicated that Ms. Hollar received ten prescriptions for 120 tablets of hydrocodone/acetaminophen (Schedule III) and two prescriptions for clonazepam (Schedule IV) between December 7, 2010, and October 18, 2011.

6. Ms. Hollar is currently receiving Social Security Disability payments but declined to reveal the nature of her disability.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(n) of the Regulations Governing the Practice of Nursing.
3. Ms. Hollar has not demonstrated satisfactory evidence that she is prepared to resume practice

in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The application of Audrey W. Hollar for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia is hereby DENIED.
2. License No. 0001-117631 issued to Audrey W. Hollar to practice professional nursing in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION.
3. The license will be recorded as suspended.
4. At such time as Ms. Hollar shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Hollar shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
5. This suspension applies to any multistate privilege to practice professional nursing.
6. Said suspension shall be STAYED upon proof that Ms. Hollar has entered into the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of her contract with the HPMP and the following terms and conditions:
 - a. Ms. Hollar shall comply with all terms and conditions for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Hollar and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - i. Ms. Hollar is not in compliance with the terms and conditions specified by the

HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

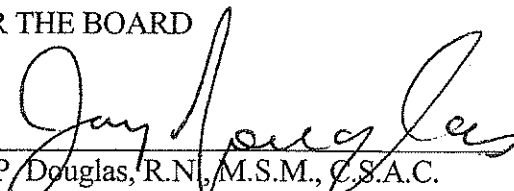
7. Upon receipt of evidence of Ms. Hollar's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Hollar's appearance before the Board, and conduct an administrative review of this matter.

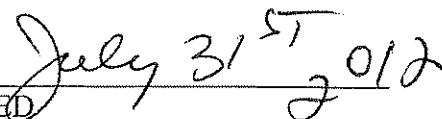
8. This Order shall be applicable to Ms. Hollar's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Hollar may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.

9. Ms. Hollar shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of §54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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

FOR THE BOARD


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


ENTERED

Certified True Copy
By 
Virginia Board of Nursing

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 P. Douglas, R.N., M.S.M., C.S.A.C., 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.