



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 630719 § AGREED
and Vocational Nurse License Number 148098 §
issued to LANCE M. HOLLOWAY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LANCE HOLLOWAY, Registered Nurse License Number 630719 and Vocational Nurse License Number 148098, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 27, 2012, 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(s).
2. Respondent waived informal proceedings, 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. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.
4. Respondent received an Associates Degree in Nursing from the US Army Practical Nurse Program, Fort Sam Houston, Texas, on December 14, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on September 1, 1994. Respondent received an Associates Degree in Nursing from Texarkana Community College, Texarkana, Texas, on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 2, 1996.

5. Respondent's professional and vocational nursing employment history includes:

09/1994 - 08/2001 Employment history unknown.

08/2001 - 02/2006 RN Overton Brooks VA Medical Center
Shreveport, Louisiana

02/2006 - 03/2007 Employment history unknown.

03/2007 - 09/2009 RN RHD Memorial Medical Center
Dallas, Texas

10/2009 - 07/2011 RN University of Texas Health Science Center
Tyler, Texas

08/2011 - Present RN Select Specialty Hospital
Longview, Texas

6. It was reported to the Texas Board of Nursing that on or about July 24, 2011, while employed as a Registered Nurse with the University of Texas Health Science Center at Tyler, Tyler, Texas, Respondent emotionally and/or physically abused Patient Medical Record Number 2031991, in that he "grabbed the patient's right arm very hard and rough, giving it a twist and mashing it into the mattress"; "turned the patient to the left side of the bed and slammed her into the rail very roughly"; "grabbed the patient's nose roughly, pressed her nostrils together and pulled down on her nose"; and tied the patient's restraints so tightly that the patient complained of leg pain. Upon inspection, the leg restraints were tied in such a way at the ankles that the knots were "digging" into her skin.

7. In response to Finding of Fact Number Six (6), Respondent states: "This particular patient has been characterized by both the nursing staff and the patient's physician as being difficult. She has a documented history of substance abuse and was often problematic to work with and provide care. Even though the patient was intubated and required mechanical ventilator assistance, she repeatedly tried to remove her endotracheal tube. During the course of her care, the patient required a propofol IV drip at max dose, Lorazepam hourly, and a continuous drip of Fentanyl. Even then, the patient would at times still be combative and belligerent. It was not uncommon for her to kick her care givers. The incident under consideration involved a patient encounter that lasted approximately five minutes. On the day of the event, the patient was being actively weaned from all sedation and was only on half of her usual dose. It had been documented numerous times that the patient was continuously pulling at her restraints, and when the restraints were removed for even a brief period, the patient would not only attempt to remove her tubes, but would also attempt to kick her care givers. On this occasion, the patient had just had a bowel movement, and was released from her restraints in order for her to be cleaned. Almost immediately after the restraint was removed from the patient's right arm, she reached for her endotracheal tube. I did reach and take her hand to put it back down to the mattress. Although I was firm in

doing so, I did not twist or mash the patient as alleged. Thereafter, I attempted to turn the patient to her left side. The patient resisted every effort to move her even though it was being done in an effort to clean stool off of her body. When the patient momentarily stopped resisting, she turned and made contact with the bed rail; however, I turned her using a draw sheet and did not "slam" or otherwise use excessive force as alleged. Once the patient had been turned to her left side, I began to clean off stool and change the linens. At this point, I noticed that the patient was attempting to use the side rail of the bed to dislodge not only the endotracheal tube, but also her nasogastric tube. I responded by reaching with my right hand to secure the endotracheal tube between my thumb and forefinger, and then used the end of my thumb to secure the nasogastric tube while trying to move the patient's face away from the rail. I did not press or pull that patient's nose, but merely secured the nasogastric tube. As for the allegation that the restraints were digging into the patient, it should be noted that they had been readjusted many times due to the patient continuously pulling against them. The restraints themselves are made of velcro, and there is no knot that could touch the patient's skin unless she had been vigorously pulling against them. The patient's continuous efforts to pull against the restraints had been documented that day."

8. In response to Finding of Fact Number Six (6), Respondent states: "I do not admit to any violations set forth herein, but have entered into this agreed order to show good faith cooperation with the Board and to avoid the expense and inconvenience of a contested hearing."

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 may be sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 630719 and Vocational Nurse License Number 148098, heretofore issued to LANCE M. HOLLOWAY.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH

STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder;

and Lying and Falsification. 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 shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Detecting and Preventing Abuse and Neglect ...," a five (5) contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the

Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order to each future employer prior to accepting an offer of employment.

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

(6) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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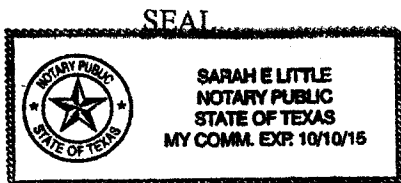
RESPONDENT'S CERTIFICATION

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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of August, 2012.

Lance M. Holloway RN RSN
LANCE M. HOLLOWAY, Respondent

Sworn to and subscribed before me this 1st day of August, 2012.



Sarah Little
Notary Public in and for the State of Texas


Approved as to form and substance.

Tim Weitz
Tim Weitz, Attorney for Respondent

Signed this 3rd day of Aug., 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of August, 2012, by LANCE M. HOLLOWAY, Registered Nurse License Number 630719 and Vocational Nurse License Number 148098, and said Order is final.

Effective this 11th day of September, 2012.



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