



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.
Patricia O'Hanrahan
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
JORGE ALBERTO ZAPIEN, §
Registered Nurse License Number 863584 §

ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JORGE ALBERTO ZAPIEN, Registered Nurse License Number 863584, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received an Associate Degree in Nursing from Brookhaven College, Farmers Branch, Texas, on December 1, 2013. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 2014.
4. Respondent's nursing employment history includes:

08/2014-01/2016	Unknown	
02/2016	RN	Garland Behavioral Hospital Garland, Texas
03/2016-Present	Unknown	

5. Formal Charges were filed on June 25, 2021. A copy of the Formal Charges, dated June 25, 2021, is attached and incorporated herein by reference as part of this Order.
6. On September 22, 2021, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated September 21, 2021, is attached and incorporated herein by reference as part of this Order.

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 violation(s) of 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B)
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 863584, heretofore issued to JORGE ALBERTO ZAPIEN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 863584 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 21st day of September, 2021



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

From: jazapien@aol.com [mailto:jazapien@aol.com]

Sent: Wednesday, September 22, 2021 10:03 AM

To: Abel, Jena <Jena.Abel@bon.texas.gov>

Subject: Re: Board of Nursing

09/21/21

09:53a

I, Jorge A. Zapien, hereby voluntarily surrender my Registered Nurse License issued to me by the Texas Board of Nursing as of today, September 21st, 2021 due to personal matters as dictated by the Board. Please accept this letter of license surrender and with this said, future considerations into the profession can be considered. For any further questions, needs or concerns do not hesitate to contact me at provided contact information below

Phone: (469)414-2955

Jazapien@Aol.com

5902 Ross Ave.

Dallas, TX 75206

Sincerely,
Jorge A. Zapien

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 863584	§	
Issued to JORGE ALBERTO ZAPIEN,	§	BOARD OF NURSING
Respondent	§	

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JORGE ALBERTO ZAPIEN, is a Registered Nurse holding license number 863584 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 February 4, 2016, while employed as a Registered Nurse with Garland Behavioral Hospital, Garland, Texas, Respondent engaged in the intemperate and/or unlawful use of Marijuana in that he produced a specimen for a reasonable suspicion drug screen that resulted positive for Marijuana. Unlawful possession of Marijuana is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. The use of Marijuana by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger. Further, Respondent's conduct may indicate a lack of current fitness to practice nursing with reasonable skill and safety.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9), (10), & (12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).

CHARGE II.

On or about November 5, 2018, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), and employed with Medical City Green Oaks Hospital, Dallas, Texas, Respondent engaged in the intemperate use of Alcohol in that he submitted a specimen that resulted positive for Ethyl Glucuronide (ETG) and Ethyl Sulfate (ETS), metabolites of Alcohol (ethanol). Subsequently, Respondent withdrew from the program. The use of Alcohol by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate,

and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger. Further, Respondent's conduct may indicate a lack of current fitness to practice nursing with reasonable skill and safety.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5)&(10)(A).

CHARGE III.

On or about April 7, 2016, Respondent was diagnosed with a moderate cannabis substance use disorder and recommended to participate in the Texas Peer Assistance Program for Nurses (TPAPN). On January 25, 2017, Respondent was re-evaluated for current fitness to practice nursing following a positive drug screen indicating alcohol consumption in violation of the terms and conditions of the TPAPN program, and recommending outpatient therapy and support group meetings and continued compliance with TPAPN. Respondent withdrew from TPAPN on November 16, 2018. Respondent's conduct, as outlined in Formal Charges I and II herein, coupled with the withdrawal from TPAPN may indicate a lack of current fitness to practice nursing with reasonable skill and safety.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(12).

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) and/or privilege(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.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, 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.

Filed this 25th day of June, 2021.

TEXAS BOARD OF NURSING

Jena Abel

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

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