

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.

**In the Matter of
Permanent Registered Nurse
License Number 699475 &
Permanent Vocational Nurse
License Number 185875
Issued to CARLOS ALBERTO LAPE,
Respondent**

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

ORDER OF THE BOARD

TO: Carlos Lape
1864 Don Quixote St
Brownsville, TX 78521

During open meeting held in Austin, Texas, on June 13, 2023, 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 699475, and Permanent Vocational Nurse License Number 185875, previously issued to CARLOS ALBERTO LAPE to practice nursing in the State of Texas be, and the same is/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 June, 2023.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charges filed April 10, 2023

d17r(2023.05.26)

Re: Permanent Registered Nurse License Number 699475
& Permanent Vocational Nurse License Number 185875
Issued to CARLOS ALBERTO LAPE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of June, 2023, a true and correct copy of the foregoing

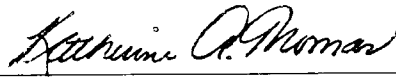
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,

Copy Via USPS First Class Mail

Carlos Lape
1864 Don Quixote St
Brownsville, TX 78521

BY:



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

In the Matter of §
Permanent Registered Nurse §
License Number 699475 & § **BEFORE THE TEXAS**
Permanent Vocational Nurse §
License Number 185875 §
Issued to CARLOS ALBERTO LAPE, a/k/a § **BOARD OF NURSING**
ALBERTO CARLOS LAPE
Respondent

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CARLOS ALBERTO LAPE a/k/a ALBERTO CARLOS LAPE, is a Registered Nurse holding license number 699475, which is in current status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 185875, which is in delinquent 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 July 5, 2022, while employed as a Registered Nurse with Brownsville Nursing and Rehabilitation, Brownsville, Texas, Respondent inappropriately accessed the medication cart, when there were no medications due for patients, and diverted five (5) tablets of Tramadol 50mg, fifteen (15) capsules of Lyrica 50mg, and 30ml of Morphine 20mg/ml oral solution. These medication boxes were found empty on top of the medications cart outside of the safety box. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications. Furthermore, unlawful possession of Tramadol, Lyrica, and Morphine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE II.

On or about July 5, 2022, while employed as a Registered Nurse with Brownsville Nursing and Rehabilitation, Brownsville, Texas, Respondent engaged in the intemperate use of narcotics and lacked fitness to practice nursing in that he exhibited signs of impaired behavior while on duty, including, but not limited to: being unable to walk straight, had slurred speech, and went unconscious while sitting down. Subsequently, Emergency Medical Services (EMS) had to place

an intravenous catheter in each arm and administer two (2) cans of Narcan. Respondent was transported to Valley Regional Medical Center where he remained for eight (8) days undergoing treatment for opioid and benzodiazepine overdose after testing positive for opiates, benzodiazepine, and phencyclidine (PCP). Respondent's condition could have affected his ability to recognize subtle signs, symptoms, or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10),(12)&(14)[effective 9/1/2021], Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(10)(A)&(11)(B).

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, and on adopted policies related to 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.

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.

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(s) of the Board dated July 19, 2016.

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CONTINUED ON NEXT PAGE.

Filed this 10th day of April, 2023.

TEXAS BOARD OF NURSING

Jena Abel

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

JoAnna Starr, Assistant General Counsel
State Bar No. 24098463

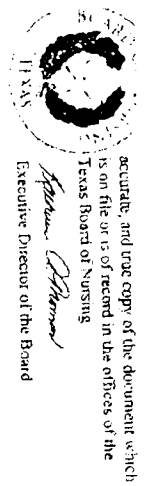
Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

1801 Congress Avenue, Suite 10-200
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512) 305-7401

Attachment(s): Order(s) of the Board dated July 19, 2016.

D(2023.02.02)



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 185875 §
and Registered Nurse License Number 699475 §
issued to CARLOS ALBERTO LAPE §


ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, entered the SUSPENSION of Vocational Nurse License Number 185875 and Registered Nurse License Number 699475, issued to CARLOS ALBERTO LAPE, hereinafter referred to as Respondent. This action was taken in accordance with chapters 231 and 232, Texas Family Code.

On June 17, 2016, Respondent's license to practice nursing was ordered Suspended by the Attorney General of the State of Texas. A copy of the June 17, 2016, Order is attached and incorporated herein. NOW, THEREFORE, IT IS ORDERED that the Suspension of License Number 185875 and Registered Nurse License Number 699475, heretofore issued to CARLOS ALBERTO LAPE, to practice nursing in the State of Texas, is entered by the Executive Director on behalf of the Texas Board of Nursing. Said Suspension SHALL be in effect until such time that the Attorney General of the State of Texas notifies the Board that the Suspension of Respondent's vocational license to practice in this state has been lifted. In connection with this action, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or "registered nurse", or the abbreviation "LVN" or "RN", or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. Upon the Suspension being lifted, RESPONDENT SHALL satisfy all then existing requirements for relicensure, if any.

Entered this 19th day of July, 2016.


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

FILED

2016 JUN 17 AM 8:00

CONFIDENTIAL
Pursuant to Texas Family Code
§ 231.108 and 42 USCA § 654(26)

OFFICE OF THE
ATTORNEY GENERAL-CSD
COORDINATOR

SOAH DOCKET NO. 302-16-4570.CS
OAG DOCKET NO. 16-321-0012209745

ATTORNEY GENERAL OF TEXAS,
Petitioner

v.

CARLOS ALBERTO LAPE,
Respondent

§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DECISION AND ORDER

Petitioner, the Office of the Attorney General of Texas, seeks to suspend the license(s) issued by the Texas Department of Public Safety and Texas Board of Nursing to Respondent, **CARLOS ALBERTO LAPE**, based on the alleged failure of Respondent to pay child support in accordance with a court order. Because Respondent failed to request a hearing, the allegations of the petition for suspension are deemed admitted, and the license(s) should be suspended.

I. FINDINGS OF FACT

1. Petitioner, the Office of the Attorney General sent the Notice of Filing of Petitioner to Suspend License and a Petition to Suspend License (Petition) on April 22, 2016.
2. Respondent was duly served with notice of the Petition. The notice informed Respondent of the right to a hearing before the Title IV-D agency and the deadline for requesting a hearing, and it included a hearing request form.
3. Respondent failed to respond to the notice of the Petition by requesting a hearing.
4. Respondent is the holder of one or more licenses issued by the Texas Department of Public Safety and Texas Board of Nursing.
5. Respondent's child support and medical support obligations for a 3-month period is \$3,156.00.
6. Respondent's total overdue child support (arrearage) owed under a child support order is \$14,392.50 as of April 5, 2016.
7. Respondent owes overdue child support in an amount equal to or greater than the total support due for three months.
8. Respondent entered into a voluntary or court ordered repayment schedule. Respondent is not in compliance with the repayment schedule.

II. CONCLUSIONS OF LAW

1. The Office of the Attorney General for the State of Texas (Petitioner), as a Title IV-D agency under Title IV, Part D of the federal Social Security Act of 1935, as amended, 42 USCA § 651 *et seq.*, has jurisdiction to bring a Petition to Suspend License pursuant to Texas Family Code chs. 231 and 232. Jurisdiction to hear the petition in this matter resides with the State Office of Administrative Hearings (SOAH) pursuant to the Interagency Cooperation Act, Texas Government Code § 771.001 *et seq.*, and pursuant to authority granted to SOAH by Texas Government Code § 2003.024 and to the Petitioner pursuant to Texas Family Code § 231.002(a)(2) and (c).
2. Notice was effected upon Respondent in accordance with Texas Family Code §§ 232.005 and 232.006, and Texas Government Code §§ 2001.051 and 2001.052.
3. Pursuant to Texas Family Code § 232.009 and based on Respondent's failure to respond to the notice of the Petition by requesting a hearing or appearing at the scheduled hearing, Petitioner's allegations against Respondent, reflected in the Findings of Fact, are deemed admitted.
4. Pursuant to Texas Family Code §§ 232.008-232.009, Respondent's licenses referred to in Finding of Fact No. 4 should be suspended.


ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and pursuant to Texas Family Code §§ 232.008-232.009, **IT IS ORDERED** that any or all licenses issued by the Texas Department of Public Safety and Texas Board of Nursing to **CARLOS ALBERTO LAPE** be suspended and notice of said suspension be given to the issuers of the licenses.

CARLOS ALBERTO LAPE IS ORDERED NOT TO ENGAGE IN ANY ACTIVITY COVERED BY A LICENSE THAT HAS BEEN SUSPENDED PURSUANT TO THESE PROCEEDINGS. THE LICENSE MAY NOT BE REISSUED, REINSTATED, OR OTHERWISE RENEWED AUTHORIZING THE SAME OR SIMILAR ACTIVITY UNTIL AN APPROPRIATE ORDER VACATING OR STAYING THE SUSPENSION IS ISSUED TO THE LICENSING AUTHORITY.

AN INDIVIDUAL WHO CONTINUES TO ENGAGE IN THE BUSINESS, OCCUPATION, PROFESSION, OR OTHER LICENSED ACTIVITY AFTER THE IMPLEMENTATION OF THE ORDER SUSPENDING THE LICENSE BY THE LICENSING AUTHORITY IS LIABLE FOR THE SAME CIVIL AND CRIMINAL PENALTIES PROVIDED FOR ENGAGING IN THE LICENSED ACTIVITY WITHOUT A LICENSE OR WHILE A LICENSE IS SUSPENDED THAT APPLY TO ANY OTHER LICENSE HOLDER OF THAT LICENSING AUTHORITY.

SIGNED June 17, 2017.


GARY W. PERKINS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE TO THE PARTIES

PURSUANT TO TEXAS GOVERNMENT CODE §§ 2001.142 AND 2001-144 - 2001.146, YOU ARE GIVEN NOTICE THAT THIS DECISION WILL BECOME A FINAL ORDER DISPOSING OF THE PETITION TO SUSPEND LICENSE UNLESS A REQUEST FOR REHEARING IS TIMELY FILED. A MOTION FOR REHEARING MUST BE FILED BY A PARTY NOT LATER THAN THE 20TH DAY AFTER THE DATE ON WHICH THE PARTY IS NOTIFIED BY FIRST CLASS MAIL OF THIS DECISION. A PARTY IS PRESUMED TO HAVE BEEN NOTIFIED ON THE THIRD DAY AFTER THE DATE ON WHICH THIS DECISION WAS MAILED.

IF YOU FILE A MOTION FOR REHEARING AND IT IS DENIED BY THE ADMINISTRATIVE LAW JUDGE IN A WRITTEN ORDER, YOU MAY FILE AN APPEAL IN A TRAVIS COUNTY DISTRICT COURT WITHIN 30 DAYS OF THE DATE THE ORDER DENYING THE REHEARING IS SIGNED . IF YOU DO NOT FILE A MOTION FOR REHEARING WITHIN 20 DAYS OF THE DATE OF YOU RECEIVED THIS NOTICE, THIS DECISION WILL BECOME FINAL AND YOU WILL LOSE YOUR RIGHT TO APPEAL TO DISTRICT COURT.

IN THE EVENT THE PARTIES MUTUALLY AGREE TO THE ENTRY OF A CONSENT ORDER BEFORE THE PERIOD FOR FILING A MOTION FOR REHEARING EXPIRES, THE ADMINISTRATIVE LAW JUDGE MAY SUBSTITUTE THE CONSENT ORDER FOR THIS DECISION.

IF YOU DO NOT RECEIVE A DECISION EITHER GRANTING OR DENYING THE MOTION FOR REHEARING WITHIN 45 DAYS OF BEING NOTIFIED OF THE DECISION, THE MOTION FOR REHEARING WILL HAVE BEEN OVERRULED BY OPERATION OF LAW, AND YOU MAY FILE AN APPEAL WITHIN 30 DAYS OF THAT DATE. THE ADMINISTRATIVE LAW JUDGE MAY, BY WRITTEN ORDER, EXTEND THE PERIOD OF TIME FOR FILING A MOTION FOR REHEARING AND REPLIES, AND TAKING AGENCY ACTION, EXCEPT THAT AN EXTENSION MAY NOT EXCEED 90 DAYS FROM THE DATE THE FINAL DECISION OR ORDER IS SIGNED.

IF YOUR LICENSE HAS BEEN SUSPENDED AS A RESULT OF THESE PROCEEDINGS AND NO MOTION FOR REHEARING HAS BEEN FILED, THIS DECISION WILL BE MAILED TO THE APPROPRIATE LICENSING AGENCY REQUESTING THE SUSPENSION OF YOUR LICENSE. YOU MAY REQUEST REINSTATEMENT OF YOUR LICENSE BY PAYING THE FULL AMOUNT OF THE ARREARAGE OR ESTABLISHING A SATISFACTORY PAYMENT RECORD AND ENTERING INTO A REPAYMENT AGREEMENT THROUGH YOUR LOCAL CHILD SUPPORT OFFICE. A SATISFACTORY PAYMENT RECORD MAY BE ESTABLISHED BY MAKING CONSISTENT PAYMENTS IN ACCORDANCE WITH YOUR MOST RECENT COURT ORDER, INCLUDING PAYMENTS AGAINST THE ARREARAGE, OR BY MAKING A SUBSTANTIAL LUMP-SUM PAYMENT SATISFACTORY TO THE OFFICE OF THE ATTORNEY GENERAL.

IT IS YOUR RESPONSIBILITY TO NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OR THE LOCAL CHILD SUPPORT OFFICE IF YOU HAVE PAID THE FULL AMOUNT OF THE ARREARAGE OR FEEL THAT YOU HAVE ESTABLISHED A SATISFACTORY PAYMENT RECORD. ONCE THESE CONDITIONS HAVE BEEN MET, EITHER YOU OR THE OFFICE OF THE ATTORNEY GENERAL MAY PETITION TO VACATE OR STAY THE SUSPENSION OF YOUR LICENSE.