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**BEFORE THE**
**BOARD OF REGISTERED NURSING**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

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| In the Matter of the Accusation Against:<br><br>**PAUL ANTHONY LARA, AKA PAUL LAPASARAN LARA**<br>**1635 Date Palm Drive**<br>**Palmdale, CA 93551**<br><br>**Registered Nurse License No. 711090**<br><br>Respondent. | Case No. 2011-753<br><br>**ACCUSATION** |

Complainant alleges:

**PARTIES**

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 23, 2007, the Board of Registered Nursing (Board) issued Registered Nurse License No. 711090 to Paul Anthony Lara, aka Paul Lapasaran Lara (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2011, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 490 states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Nothwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

. . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

## REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444, states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160."

## COST RECOVERY

9. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FIRST CAUSE FOR DISCIPLINE

**(Conviction of a Substantially-Related Crime)**

10. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and (f) and 490, as defined in California Code of Regulations, title 16, section 1444, in that Respondent has been convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse, as follows:

a. On or about January 19, 2010, after pleading *nolo contendere,* Respondent was convicted of one misdemeanor count of violating Penal Code section 240 [assault], in the criminal proceeding entitled *The People of the State of California v. Paul Anthony Lara* (Super. Ct. Los Angeles County, 2009, No. 9CA01211). Respondent was sentenced to 45 days in the Los Angeles County Jail, placed on probation for a period of 36 months, and fined. The circumstances surrounding the conviction are that on or about August 1, 2008, while on patrol, two Van Nuys Police Officers, received a radio call to investigate an attack at a local hospital that occurred on July 29, 2008. On or about July 29, 2008, a female patient being treated in the Emergency Room at Valley Presbyterian Hospital, located in the city of Van Nuys, reported to be forced to inappropriately touch a male nurse during treatment. During a follow-up investigation, Respondent was identified as the nurse on duty by Valley Presbyterian's Staffing Coordinator. Respondent was subsequently convicted of violating Penal Code section 240 [assault].

## SECOND CAUSE FOR DISCIPLINE

**(An Act Violating the Nursing Practice Act)**

11. Respondent is subject to disciplinary action under section 2761, subdivisions (a), (d), and (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of a crime involving an act that violated the Nursing Practice Act. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraph (a), as though set forth fully.

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## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 711090, issued to Paul Anthony Lara, aka Paul Lapasaran Lara;

2. Ordering Paul Anthony Lara to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/7/11

for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
*Complainant*

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