



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
Stephanie Johnson
Executive Director of the Board

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 753317
ISSUED TO
DERINDA A. CLAFLIN

§
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§

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

ORDER OF THE BOARD

TO: Derinda A. Clafin
165 Rogers Cove
Waynesville, NC 28785

During open meeting held in Austin, Texas, on Tuesday, May 8, 2012, the 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 of the Texas Board of Nursing 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 to practice professional 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 Eligibility and Disciplinary 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 Certificate Number 753317, previously issued to DERINDA A. CLAFLIN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 8th day of May, 2012.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charges filed March 1, 2012.

Re: Permanent Certificate Number 753317
Issued to DERINDA A. CLAFLIN
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Derinda A. Clafin
165 Rogers Cove
Waynesville, NC 28785



BY:

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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 753317, Issued to §
DERINDA A. CLAFLIN, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DERINDA A. CLAFLIN, is a Registered Nurse holding license number 753317, 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 May 11, 2010, Respondent's license to practice nursing in the State of North Carolina was SUSPENDED by the North Carolina Board of Nursing, Raleigh, North Carolina, and was to stay suspended until Respondent became a participant in the Chemical Dependency Discipline Program (CDDP). On or about June 24, 2010, Respondent signed a Contract Section I and enrolled in the CDDP. A copy of the North Carolina Board of Nursing Consent to Suspend License to be Considered for the CDDP, dated May 11, 2010 and a copy of the Chemical Dependency Discipline Program (CDDP) Contract Section I, dated June 24, 2010, is attached and incorporated by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about November 19, 2010, Respondent's license to practice nursing in the State of North Carolina was SUSPENDED by the North Carolina Board of Nursing, Raleigh, North Carolina, based on her non-compliance with the terms of her Chemical Dependency Discipline Program (CDDP) contract. A copy of the Order to Suspend Following Non-Compliance with Chemical Dependency Discipline Program (CDDP), dated November 19, 2010, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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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 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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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 to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

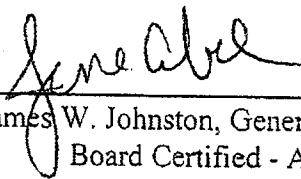
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: North Carolina Board of Nursing Consent to Suspend License to be Considered for the Chemical Dependency Program, dated May 11, 2010; North Carolina Board of Nursing Chemical Dependency Discipline Program Contract Section I, dated June 24, 2010; and North Carolina Board of Nursing Order to Suspend Following Non-Compliance with Chemical Dependency Discipline Program, dated November 19, 2010.

Filed this 15th day of March, 2012

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

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State Bar No. 24052269

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TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
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Attachments: North Carolina Board of Nursing Consent to Suspend License to be Considered for the Chemical Dependency Program, dated May 11, 2010;
North Carolina Board of Nursing Chemical Dependency Discipline Program Contract Section I, dated June 24, 2010; and
North Carolina Board of Nursing Order to Suspend Following Non-Compliance with Chemical Dependency Discipline Program, dated November 19, 2010.

D/2012.02.21

Pamela B. Edwards, Ed.D, MSN, RN-BC, CNE
Chair
Deborah L. Jenkins, LPN
Vice-Chair
Julia L. George, RN, MSN, FRE
Executive Director

NC BOARD OF NURSING

P.O. Box 2129
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December 13, 2010

Texas Board of Nursing
Ms. Barbara Darling, Administrative Assistant III
NCSBN/HIPDB Coordinator
333 Guadalupe, Suite 3-460
Austin, TX 78701

RE: DERINDA CLAFLIN, RN# 218982


Dear Ms. Darling:

In response to your request dated November 29, 2010, enclosed are true copies of the disciplinary action taken against Ms. Claflin's RN license. This information is as follows:

- 1) North Carolina Board of Nursing Consent to Suspend License to be Considered for the Chemical Dependency Discipline Program dated 5/11/2010
- 2) North Carolina Board of Nursing Chemical Dependency Discipline Program (CDDP) Contract Section I dated 6/24/2010
- 3) Order to Suspend Following Non-compliance with Chemical Dependency Discipline Program (CDDP) dated November 19, 2010

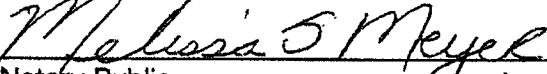
As custodian of the records, I certify that this information is true and accurate. If I can be of further assistance, please do not hesitate to call or write.

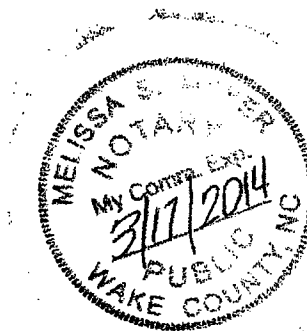
Sincerely,


Donna H. Mooney, RN, MBA
Manager of Discipline Proceedings

State of North Carolina
County of Wake

Sworn to and subscribed before me
This the 13th day of December, 2010


Notary Public
My commission expires 3/17/2014



NORTH CAROLINA BOARD OF NURSING

CONSENT TO SUSPEND LICENSE

TO BE CONSIDERED FOR THE CHEMICAL DEPENDENCY DISCIPLINE PROGRAM

I, Derinda Claphin, LPN(RN) Certificate # 218982, having been advised by a Representative of the North Carolina Board of Nursing (hereafter known as the Board) of pending charges against me and, also, of my right to have an Administrative Hearing where I am afforded notice and an opportunity to confront witnesses against me, do hereby voluntarily waive my rights before the Board to an Administrative Hearing under G.S. 90-171.37 and G.S. 90-171.37A in exchange for ending this matter and no further investigation will be conducted.

I acknowledge chemical dependency and request to be considered for participation in the Board's Chemical Dependency Discipline Program (hereafter known as the CDDP).

Further, I hereby agree that upon signing this document my license to practice as a RN/LPN will be suspended until I become a participant in the CDDP and meet program requirements for returning to nursing practice. I fully understand that this suspension will be reported to NURSYS, National Practitioner Data Bank (NPDB), Health Care Integrity and Practitioner Data Bank (HIPDB) and any other state/jurisdiction in which I am or have been licensed.

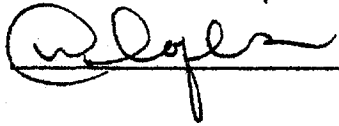
I fully understand that I shall not practice nursing while my license is suspended. If it is determined that I practiced nursing or worked in a licensed nursing position during the time my license is suspended, I understand that the status of my license will become a suspension for a minimum of one (1) year effective the date of that determination.

In the event it is determined I do not meet all program entry requirements and will not become a participant in the CDDP, the status of my license will become a suspension for a minimum of one (1) year effective the date of that determination.

Should a one (1) year suspension occur, it will be considered by the Board to be a disciplinary action and will be reported to the appropriate entities as outlined by Board policy, and as required by state and/or federal guidelines. Those entities include, but may not be limited to: NURSYS, National Practitioner Data Bank (NPDB), the Office of the Inspector General (OIG), Health Care Integrity and Practitioner Data Bank (HIPDB) and any other state/jurisdiction in which I am or have been licensed.

I fully understand and agree that I shall not practice nursing during the time my license is suspended and, in turn, the Board agrees to consider my petition for review of my status at some point in the future.

Prior to requesting reinstatement of my license, I must contact the Board to determine what types of evidence will be needed, in order that my petition for reinstatement will be considered. The requested information must be submitted with the request for reinstatement.

5-11-10 

DATE SIGNATURE

NORTH CAROLINA BOARD OF NURSING

CHEMICAL DEPENDENCY DISCIPLINE PROGRAM (CDDP)
CONTRACT
SECTION I

The North Carolina Board of Nursing (hereinafter referred to as ("Board")), is mandated by the Nursing Practice Act G.S. 90-171.37 to intervene when the Board determines that a licensee "(3) has a mental or physical disability or uses any drug to a degree that interferes with his or her fitness to practice nursing; (4) engages in conduct that endangers the public health; (5) is unfit or incompetent to practice nursing by reason of deliberate or negligent acts or omissions regardless of whether actual injury to the patient is established; and (6) engages in conduct that deceives, defrauds, or harms the public in the course of professional activities or services".

The Licensee, Derinda A. Claflin is a RN in the State of North Carolina holding certificate number(s) 218982.

The Licensee was offered the Chemical Dependency Discipline Program by

Employer Complaint
(Settlement Committee, Administrative Hearing, Licensure Committee, Letter of Charges, One year sobriety notebook)

on 6/24/10 with the outcome of partial probation in the CDDP

The Licensee freely and voluntarily admits the following facts are true:

- The Licensee acknowledges a chemical dependency problem, in particular abuse of Opiates (Norco)
(substance(s) of preference)
- The Licensee began to abuse chemical substances October/November 2009,
(date/time) (setting)
which continued until 1/6/2010.
** Prior to 10/11/09 had been in recovery for seven (7) years.*
- Brief description of drug abuse habits emphasizing the amount/time/place/pattern of consumption (i.e.: "The Licensee used between 5-10 Percocets daily, both on and off the job"):
At height Licensee used eight (8) 10/325mg Norco pills a day off and on the job. Licensee took more than prescribed (Xanax) 1x.
- Brief description of incidents resulting from addiction/diversion/impairment.
loss of job family issues

Based upon the facts listed, Licensee admits that his/her license(s) to practice nursing is (are) subject to suspension or revocation pursuant to the Nursing Practice Act. The Licensee knowingly and voluntarily agrees to participate in the Chemical Dependency Discipline Program (CDDP) and consents to the following terms and conditions:

Licensee understands participation in this Program does not preclude action by law enforcement or other agencies.

Treatment received or in process will be evaluated according to criteria established by the Board of Nursing.

Licensee assumes financial responsibility for treatment and random body fluid screens.

Licensee agrees to participate and successfully complete all conditions of treatment and aftercare set forth by the treatment program. This contract requires participation in aftercare for one (1) year which involves a minimum of one (1) meeting each week. If aftercare is already completed, indicate date of completion *one (1) year required.*

The licensee may not be employed as a NAI or NAIL.

If seeking reinstatement of license following discipline action and is directed to participate in the Chemical Dependency Discipline Program, he/she may petition the Re-Entry/Reinstatement Committee for reinstatement *time (3)* months from the date the ~~Chemical Dependency Discipline Program Contract is signed.~~ *Licensee had an assessment @ a Board participating facility.* If employed prior to returning to licensed nursing employment, licensee must notify the Program of place of employment and job responsibilities. Licensee may not be employed in any position providing access to controlled substances.

Licensee shall abstain from the use of all chemical and alcohol substances except as may be prescribed for him/her for a medical condition by a licensed practitioner.

Some prescriptions and over-the-counter drugs may affect recovery or cause positive drug screen results. It is the Licensee's responsibility to assure that any medication taken will not affect recovery or test results. Whenever medication is prescribed, it is the Licensee's responsibility to provide the prescribing practitioner with the form supplied by FirstLab and entitled "Prescription Identification Form." The prescribing practitioner returns the completed form to FirstLab within five (5) days of prescribing the medication, and licensee submits a copy to the Program within five (5) days. The consumption of any over-the-counter antihistamine, decongestant or cough syrup medications must be reported in writing within seventy-two (72) hours of the first dose. Any concerns regarding appropriateness of medications as they relate to participation in the Program will be reviewed.

Licensee agrees to contact the treatment program for consultation regarding OTC drugs.

Licensee agrees to notify the Program if hospitalized or scheduled to undergo any surgical procedure on an inpatient/outpatient basis.

This document and all information regarding the Licensee's participation in the Program will be shared with other jurisdictions as it is public information.

Licensee agrees to notify the Program if planning a move to another state. Relocating to another state may result in termination from the Program and suspension of the license.

In order to successfully complete the Program, Licensee must work in a licensed nursing position, continue in compliance with all conditions of the contract and submit satisfactory required reports for a period of three (3) years. The Monitoring Coordinator will notify Licensee upon successful completion of the Program.

Licensee will sign releases for the treatment program to release pertinent treatment records (medical and psychiatric) to the Program and to discuss issues relating to the Licensee's chemical dependency and recovery program.

The Licensee agrees to have detailed written reports and evaluations submitted to the Program Coordinator:

- a) Upon completion of the initial assessment by the treatment program;
- b) Upon completion of the inpatient and/or outpatient treatment program;
- c) Submit random urine or blood drug specimens for analysis showing chain of custody as requested by employer or the Program. Licensee must comply with policies related to screening process and remain current with any fees related to screening.
- d) The following reports are to be submitted beginning on the date agreed upon:
 1. Therapist/Counselor reports; 6/30/10
 2. List of attendance at self-help recovery program meetings: must submit evidence of attending a minimum of three (3) 12-step meetings each week for one (1) year following signing of contract and a minimum of two (2) each week for the remainder of participation in the Program. Caduceus and aftercare attendance do not qualify as a 12-step meeting.
 3. Sponsor Report from an approved self-help recovery program. (The Licensee will specify the self-help recovery program the Licensee is attending and the sponsor's first name who is submitting reports);
 4. Self Report from Licensee describing compliance and progress in recovery.
 5. Reports from probation officer if under court ordered probation.
- e) Any additional reports, evaluations, and verifications as requested by the Program.

Approved self-help recovery programs consist of programs approved by any treatment program which has met criteria established by the Board. Should the Licensee request permission to attend a self-help recovery program not approved by a treatment program, the Program will consult with the medical director or designate of the treatment program the Licensee attends for a recommendation of approval or non-approval.

Licensee shall provide within five (5) days written notification of any change in the licensee's name, address, and/or phone number to the Program Coordinator.

Licensee shall not violate any laws of the United States and North Carolina and inform the Program Coordinator, in writing within five (5) days, if charged with a misdemeanor or felony (other than minor traffic violation).

Licensee will not violate the Nursing Practice Act nor any rules promulgated by the Board of Nursing.

Licensee agrees, upon reasonable notice, to appear in person for an evaluation and/or reassessment as requested.

* Licensee will immediately report relapse to the Program by telephone within twenty-four (24) hours and in writing within three (3) days.

Relapse will be evaluated on an individual basis and may result in termination from the program. If Licensee is allowed to remain in the program following relapse and has signed Section II of the Contract, there must be a period of three (3) continuous years with no occurrence of relapse while employed in a licensed position for the licensee to successfully complete the program.

Relapse may result in termination of this Contract. Licensee would then be required to complete the initial license suspension of one (1) year prior to seeking reinstatement and submit documentation evidencing a minimum of one (1) year of sobriety.

Licensee understands if the Program has evidence the Licensee is not in compliance with the Program, participation in the Program will be terminated and the Licensee must complete the initial license suspension of one (1) year and submit documentation evidencing a minimum of one (1) year of sobriety prior to seeking reinstatement. This and subsequent action will be public information. Further, the Licensee may withdraw from the Contract at any time and complete the initial license suspension.

All disciplinary actions taken by the Board will be reported to the appropriate entities as outlined in Board Policy which includes on the Board's website, and as required by State and/or Federal guidelines. Those entities include, but may not be limited to: Nursing license database (NURSUS); National Practitioner Databank (NPDB); the Office of the Inspector General (OIG); Healthcare Integrity and Protection Databank (HIPDB); and any other state/jurisdiction in which we know the licensee is or has been licensed.

It is the Licensee's responsibility to contact the Program if the Licensee has any questions concerning this Contract.

Licensee acknowledges that any untrue or fraudulent statements made to the Program in preparation of or during the term of this Contract are a violation of the Contract.

LICENSEE HEREBY AGREES THAT IN ACCORDANCE WITH THE INTERSTATE COMPACT FOR NURSE LICENSURE, LICENSEE SHALL NOT PARTICIPATE IN ANY OTHER PARTY STATE WHILE PARTICIPATING IN THE CHEMICAL DEPENDENCY DISCIPLINE PROGRAM WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE NORTH CAROLINA BOARD OF NURSING AND THE OTHER PARTY STATE. LICENSEE MUST PROVIDE EVIDENCE OF SUCH AUTHORIZATION FROM THE OTHER PARTY STATE TO THE NORTH CAROLINA BOARD OF NURSING.

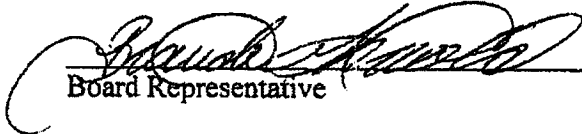
Derinda A. Clafin, agrees to participate in the Chemical Dependency Discipline Program at the North Carolina Board of Nursing. Licensee agrees to participate in the Program and agrees to adhere to Section I of this contract.



Signature of Licensee

6-24-10

Date



Board Representative

6/24/10

Date

Ms. Clafin must register for drug screening @ FirstLab by the deadline of 7/8/10. Failure to register by this deadline will result in termination of the contract and suspension of the license.

Ms. Clafin must have the records regarding her tx at BHU and ^{Balsam} ~~Atch~~ submitted to the Board by ~~7/24/10~~ ^{6/23/10} 7/23/10.

Origin: 9/27/05
Revised: 12/16/05
8/20/08

**ORDER to Suspend Following
Non-Compliance with
Chemical Dependency Discipline Program (CDDP)**

Before the Board of Nursing of the State of North Carolina

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) **suspends** the Registered Nurse license of Derinda A. Claflin for violation of the CDDP contract.

- 1) Derinda A. Claflin is the holder of Registered Nurse Certificate # 218982 in the State of North Carolina which expires on 06/30/2011.
- 2) On **6/24/10**, Derinda A. Claflin signed a contract for participation in the Board's CDDP.
- 3) Participation in the program requires that the Licensee must adhere to all the provisions of the contract.
- 4) The contract clearly states that if evidence was received of non-compliance with the terms of the contract, participation in the program would be terminated and the license would be **suspended** for a **minimum of one (1) year** and until the Licensee submits evidence of **one (1) year of sobriety**.
- 5) On **11/19/10**, it was determined Derinda A. Claflin failed to comply with the terms of the CDDP Contract.
- 6) Therefore, the license of Derinda A. Claflin is hereby **SUSPENDED** and the Licensee must immediately **CEASE AND DESIST** from the practice of Nursing in North Carolina.
- 7) Because the violation constitutes a breach of a contract, with specified consequences related to such breach, there is no right to appeal this decision.
- 8) This ORDER to **Suspend** will be placed in the Licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
- 9) The Licensee's name will appear on the Board's Website indicating that the license was **suspended** for non-compliance with program requirements.
- 10) During the time of **suspension**, the Licensee is not to work as an NAI, and it will be recommended to Division of Health Services Regulation that the Licensee not be allowed to list as a NAI.

- 11) All disciplinary actions taken by the Board of Nursing will be reported to the appropriate entities as outlined in Board policy, and as required by State and/or Federal guidelines. Those entities include, but may not be limited to: NURSYS; National Practitioner Databank (NPDB); the office of the Inspector General; Healthcare Integrity and Protection Databank (HIPDB); and any other state/jurisdiction in which we know the Licensee is or has been licensed.

This the 19th day of November, 2010.

Kathleen G. Privette

Kathleen G. Privette, RN, MSN, ONAA-BC
Consultant, Drug Monitoring Programs
North Carolina Board of Nursing