

IN THE MATTER OF PERMANENT §
REGISTERED NURSE LICENSE §
NUMBER 507785 ISSUED TO §
NANCY LATHAM DEKLYN §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
Nancy Latham Deklyn
Executive Director of the Board

ORDER OF THE BOARD

TO: Nancy Latham Deklyn
3250 O'Neal Circle #37 K
Boulder, CO 80301

During open meeting held in Austin, Texas, on **August 6, 2013**, 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 507785, previously issued to NANCY LATHAM DEKLYN, 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 6th day of August, 2013.

TEXAS BOARD OF NURSING

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

Attachment: Formal Charge filed May 3, 2013.

Re: Permanent Registered Nurse License Number 507785
Issued to NANCY LATHAM DEKLYN
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2013, 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

Nancy Latham Deklyn
3250 O'Neal Circle #37 K
Boulder, CO 80301

Via USPS First Class Mail

Nancy Latham Deklyn
238 Tom Circle
Chico, CA 95973

BY:



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

In the Matter of Permanent	§	BEFORE THE TEXAS
Registered Nurse License	§	
Number 507785 Issued to	§	
NANCY LATHAM DEKLYN,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, NANCY LATHAM DEKLYN, is a Registered Nurse holding License Number 507785 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 September 20, 1987, Respondent received a Stipulation and Order from the Colorado State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Colorado was placed on two (2) years of probation with requirements for drug testing. A copy of the Stipulation and Order from the Colorado State Board of Nursing, dated September 20, 1987, is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4525(b)(7).

CHARGE II.

On or about August 10, 2012, Respondent received a Default Decision and Order from the California State Board of Nursing wherein Respondent's license to practice professional nursing in the State of California was Revoked due to allegations of Respondent's inability to practice nursing safely due to use of controlled substances. A copy of the Default Decision and Order issued by the California State Board of Nursing, dated August 10, 2012 is attached and incorporated by reference as part of this charge.

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

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, 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.

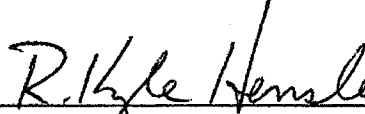
NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Stipulation and Order from the Colorado State Board of Nursing, dated September 20, 1987 and Default Decision and Order issued by the California State Board of Nursing, dated August 10, 2012.

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CONTINUED ON NEXT PAGE.

Filed this 3rd day of May, 2013.

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

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512)305-7401

Attachments: Stipulation and Order from the Colorado State Board of Nursing, dated September 20, 1987 and Default Decision and Order issued by the California State Board of Nursing, dated August 10, 2012.

D/2012.06.19

BEFORE THE STATE BOARD OF NURSING
STATE OF COLORADO
Proceeding No. RG NU DAHDP



I do hereby certify the foregoing to be a true copy of the document which is on file or is of record in my office

Charles K. Douglas
Authorized Signature

3/21/12

STIPULATION AND ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PROFESSIONAL NURSING OF NANCY LATHAM DEKLYN, R.N., LICENSE NO. 79423

IT IS HEREBY STIPULATED by and between the Colorado State Board of Nursing (the "Board") and Nancy Latham DeKlyn, R.N., ("respondent") as follows:

1. The Board has jurisdiction over the person of respondent and the subject matter of this stipulation.
2. Respondent has been licensed to practice professional nursing in the State of Colorado at all relevant times herein.
3. Respondent admits as follows:
 - a. On or about August 1986, respondent sought treatment for substance abuse at the Addictions Recovery Treatment Service (ARTS), Denver, Colorado, which included weekly meetings and random urine screens.
 - b. The above treatment was sought by respondent for a history of use of hallucinogens, marijuana and cocaine since 1979. Respondent used IV Demerol between April and July 1986. In August 1986 she entered into a 6-month contract with Boulder Community Hospital wherein she promised not to use drugs.
 - c. On or about March 7, 1987, while employed as a professional nurse at Boulder Community Hospital, Boulder, Colorado, respondent diverted for her personal use the controlled substance Demerol from patient D.V. She was terminated from Boulder Community Hospital as a result.
 - d. On or about March 16, 1987 - April 17, 1987,

respondent received intensive partial hospitalization (day treatment) at Whole Person Health Center, Boulder, Colorado for substance abuse.

e. Respondent admits and acknowledges a chemical dependence and is currently involved in a counseling and therapy program.

4. By virtue of the facts admitted in paragraph 3 above, respondent admits, and the Board hereby finds, that respondent violated section 12-38-117(1)(i), C.R.S. (1985).

5. The statutory authority of the Board is as follows:

(1) The board has the power to revoke, suspend, withhold, or refuse to renew any license, to place on probation a licensee or temporary license holder, or to issue a letter of admonition to a licensee in accordance with the procedures set forth in subsection (3) of this section, upon proof that such person:

....

(i) Is addicted to or dependent on alcohol or habit-forming drugs or is a habitual user of controlled substances, as defined in section 12-22-303(7), or other drugs having similar effects; except that the board has the discretion not to discipline the licensee if he is participating in good faith in a program approved by the board designed to end such addiction or dependency;

....

6. Respondent shall hereby be placed on probation for a period of 2 years, commencing from the effective date of this Stipulation and Order. Credit towards the period of probation will be given only for the periods of time during which the respondent is in compliance with all terms of this stipulation. At any time respondent is employed in a capacity for which a nursing license is required, respondent agrees to comply with all terms of probation. It is acknowledged by respondent that the respondent's nursing license is restricted by the terms of proba-

tion. The respondent who performs any nursing must, as a condition of licensure, request submission of reports from the treating monitor and nursing supervisor. Failure to make the requests will subject the respondent to sanctions for nursing without a license and may subject the employer to liability for employing an unlicensed person.

Terms of the probation shall be as follows:

a. The probation period shall be served only while respondent is employed at least an average of 16 hours per week in a capacity for which a professional nursing license is required by statute and in which employment the respondent will be subject to adequate supervision. The employment must be acceptable to the Board in these respects. Respondent is required to notify the Board in writing within 72 hours after the commencement or termination of any such nursing employment;

b. Upon the effective date of this stipulation or upon obtaining such nursing employment (whichever later occurs), respondent shall provide a copy of this Stipulation and Order to the immediate nursing supervisor. Within 1 month after beginning such nursing employment, said nursing supervisor shall submit a report directly to the Board, in writing, setting forth:

1) the name and address of the employer of respondent;

2) the duties and responsibilities to be carried out by the respondent;

3) a discussion of the quality of nursing care being provided by respondent to patients, including a discussion of the handling of narcotics and other drugs by respondent and including any evidence of any alcohol, drug, or other substance abuse;

4) a discussion of the respondent's attendance record;

5) acknowledgements from the nursing supervisor that this Stipulation and Order was read and that the role of nursing supervisor is understood by that supervisor.

c. Additional written reports containing the same information as is set out above in subparagraphs b(1-5) shall be submitted directly to the Board from the immediate nursing supervisor of respondent on a quarterly basis throughout the term of

probation, beginning 3 months subsequent to the commencement of the probation and in accordance with a schedule to be established by the Board. Any nursing supervisor who aids or knowingly permits respondent to violate this Order may be sanctioned pursuant to section 12-38-117(1)(e), C.R.S. (1985).

d. At the expense of respondent, respondent shall be treated on a regular and professional basis by a licensed physician, psychologist, or drug counselor ("treating monitor") who is approved by the Board. Respondent agrees to comply with the treatment program established by the treating monitor. Respondent is required to provide the treating monitor with a copy of this Stipulation and Order. The treating monitor must agree in writing to submit written reports to the Board according to the following schedules setting forth the following information:

1) The initial report shall be submitted directly to the Board within 1 month after obtaining nursing employment or the effective date of this Stipulation and Order (whichever later occurs). Subsequent reports shall be submitted quarterly throughout the term of probation in accordance with a schedule to be established by the Board.

2) All reports shall set forth the following:

a) number and frequency of visits by respondent with the treating monitor;

b) the progress and mental condition of respondent;

c) a statement that the respondent is able to practice nursing with reasonable skill and safety to patients, so long as this remains true or a statement that respondent is unable to practice with reasonable skill and safety to patients, along with an explanation of the reasons for that view, if same be the case. If the monitor opines that the respondent is unable to practice nursing safely the monitor agrees to notify the Board within 72 hours after formulating this opinion.

d) any evidence of any alcohol, drug, or other substance abuse;

e) an acknowledgement that the treating monitor has read and understands this Stipulation and Order and the role of the treating monitor pursuant to this Stipulation

and Order.

e. During the first 12 months of the probation, respondent shall submit to unannounced random urine screens at least once a week, monitored, administered, and under the direct observation of the treating monitor or of a trusted member of the staff of the treating monitor. Each urine sample shall be split and if the first sample tests positive for controlled substances, habit-forming drugs, or any other drug with the same or similar effect, the second half is also to be tested. In the event of a positive test, the pertinent sample is to be frozen or otherwise preserved by the analyst. Unless the Board otherwise requires, the treating monitor shall report the results of said urine screens to the Board beginning 90 days after the commencement of this probation and quarterly thereafter in accordance with a schedule to be established by the Board. In the event that any urine sample test is positive for alcohol, a controlled substance, habit-forming substance, or any other drug with the same or similar effects that respondent used without a current prescription, the treating monitor shall report such finding in writing to the Board within 72 hours after the treating monitor obtains said result. The respondent shall furnish written proof of prescriptions.

f. Upon request of the immediate nursing supervisor, respondent agrees to submit to test to determine the presence in respondent's blood of alcohol or any other controlled substances as defined in section 12-22-303(7), C.R.S. (1985), not currently prescribed for respondent by a physician or dentist. Within 72 hours after obtaining the results, the results (including negative results) of any such test shall be reported in writing to the Board by the nursing supervisor with accompanying documentation explaining the reason for requesting the test. Refusal to submit to such a test on request as described herein shall be deemed a violation of this probation.

g. Whether or not respondent is employed as a nurse, respondent shall abstain from the use of all alcohol, controlled substances, habit-forming drugs, or any drugs with the same or similar effects that are not currently prescribed in writing for respondent by a physician or dentist.

h. It is the obligation of respondent to insure that all the written reports of the nursing supervisor and treating monitor required pursuant to this paragraph 6 are submitted to the Board on time. The failure to submit the reports on time may be deemed a violation of this Stipulation and Order by the Board and the Board may decide to proceed in accordance with

paragraph 8 below.

i. In the event the Board determines that any report submitted pursuant to this paragraph 6 is not substantially favorable, respondent may be deemed to be in violation of this stipulation, and the Board may proceed in accordance with paragraph 8 as set forth below.

j. Prior to the effective date of this Stipulation and Order, respondent must sign a medical information and records release form for use by the Board for the purpose of allowing the Board to obtain any medical information and records of respondent during the term of probation. Respondent further agrees that any ~~revocation of the medical information and records release before~~ completion of probation shall constitute a violation of this stipulation, subject to discipline in accordance with paragraph 8 below.

k. During the period of probation, if respondent receives treatment not previously disclosed to the Board for any alcohol or drug related condition, or for any condition arising from alcohol or drug related involvement or use, respondent agrees to inform the Board of this treatment and to provide the Board with a medical information and records release to obtain medical information with respect to this treatment.

l. The respondent agrees to inform the Board of any acts committed by respondent which constitute violations of this stipulation, including, but not limited to, any relapse or resumption of the use of alcohol, controlled substances, habit-forming drugs, or any drugs with the same or similar effects that are not currently prescribed by a physician or dentist, or any failure to comply with the treatment program.

m. In the event respondent relapses and voluntarily informs the Board in writing prior to the Board's independently learning of the relapse, then respondent agrees that the period of probation shall be increased one year. Urine screens shall be provided for an additional period of time to be determined by the Board. Subsequent relapses will be brought before the Board for action pursuant to the provisions of paragraph 8, below.

n. In the event of relocation to another state, respondent shall notify the Board of the change of address within 30 days of such relocation and hereby gives consent to the Board that it may notify the Board of Nursing or the equivalent regulatory agency in any state to which respondent relocates, of the

existence and terms of this Stipulation and Order.

o. Respondent shall comply with all the provisions of the Nurse Practice Act and the rules and regulations of the Board.

p. Throughout the period of probation, respondent shall attend any meeting with the Board upon the Board's request and upon reasonable notice.

7. Respondent is aware of and understands the right to receive a formal notice of hearing and charges and to have a formal disciplinary hearing pursuant to section 12-38-120, C.R.S. (1985) and hereby waives those rights and requests that this Stipulation and Order be accepted by the Board with the same force and effect as an order entered as a result of a formal disciplinary proceeding. The respondent further waives the right to appeal the Order entered herein.

8. Respondent understands that if, during the pendency of this agreement, the Board has reasonable grounds to believe that respondent is abusing alcohol, controlled substances, habit-forming drugs, or other drugs with the same or similar effects, or is otherwise in violation of this Stipulation and Order, the Nurse Practice Act or both, the Board may refer the respondent to hearing or may suspend, on a summary and immediate basis, the license of respondent pending a prompt postsuspension formal disciplinary hearing. In the event an alleged violation of this Stipulation and Order is taken to hearing and the facts that constitute the violation are determined to be not proven, no disciplinary action shall be taken by the Board, and this Stipulation and Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Stipulation and Order shall not affect the obligation of respondent to comply with the terms of this Stipulation and Order.

9. If, at the end of the 2-year probation period, the Board finds that respondent has adhered to all the terms of this Stipulation and Order, then this proceeding shall be dismissed. This Stipulation and Order is a public record in the custody of the Board.

10. This Stipulation and Order is entered into by respondent voluntarily and without coercion after the opportunity to consult with counsel, and with full understanding of the legal consequences of this Stipulation and Order.

11. In the event this Stipulation and Order does not

become an order of the Board, it shall be void and respondent shall not be bound by any provisions hereof or admissions herein.

12. This Stipulation and Order shall become an Order of the Board when accepted by the Board and signed by an authorized Board member.

COLORADO STATE BOARD OF NURSING

Nancy Latham Deklyn R.N.

NANCY LATHAM DEKLYN, R.N.

By: *Sharon S. Joseph*

1525 Sherman Street, Room 132
Denver, Colorado 80203

Effective Date: This 20th day
of September, 1987.

APPROVED AS TO FORM:

FOR THE ATTORNEY GENERAL

Linda K. Baker

LINDA K. BAKER, 8442
First Assistant Attorney General
Regulatory Law Section

Attorneys for State Board
of Nursing

1525 Sherman Street, 3d Floor
Denver, Colorado 80203
Telephone: 866-5129
AG Alpha No. RG NU DAHDP
AG File No. DRL8705643/JR

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey, M.Ed., RN
Louise R. Bailey, M. Ed., RN
Executive Officer



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

In the Matter of the Accusation Against:

Case No. 2012-267

NANCY LATHAM DEKLYN
238 Tom Circle
Chico, CA 95973

DEFAULT DECISION AND ORDER

Registered Nurse License No. 738504

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 28, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, filed Accusation No. 2012-267 against Nancy Latham Deklyn (Respondent) before the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about October 16, 2008, the Board of Registered Nursing (Board) issued Registered Nurse License No. 738504 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-267 and will expire on February 29, 2012, unless renewed.

3. On or about October 28, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-267, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
2 which was and is:

3 238 Tom Circle
4 Chico, CA 95973.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code
7 section 124.

8 5. The documents were received by Respondent via Certified and U.S. Mail.

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts
12 of the accusation not expressly admitted. Failure to file a notice of defense shall
13 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
14 may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
17 267.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
22 respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 2012-267, finds
28 that the charges and allegations in Accusation No. 2012-267, are separately and severally, found
to be true and correct by clear and convincing evidence.

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1 incoherent. On or about July 1, 2009, based upon her behavior, her employer required
2 Respondent to submit to a drug screening test. The results were positive for Benzodiazepines
3 (Desmethyldaizepam, Oxazepam, Temazepam, and Lorazepam).

4 (ii) In or about January 2010, Respondent relapsed and abused alcohol and Vicodin.
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1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 738504, heretofore issued to
3 Respondent Nancy Latham Deklyn, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on August 10, 2012.

9 It is so ORDERED July 13, 2012

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12 BOARD OF REGISTERED NURSING
13 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

14 10836242.DOC
DOJ Matter ID: SA2011101533

15 Attachment:
16 Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART
Supervising Deputy Attorney General
4 State Bar No. 083047
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. *2012-267*

12 **NANCY LATHAM DEKLYN**
238 Tom Circle
13 Chico, CA 95973

ACCUSATION

14 **Registered Nurse License No. 738504**

15 **Respondent.**

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about October 16, 2008, the Board issued Registered Nurse License
22 Number 738504 to Nancy Latham Deklyn ("Respondent"). The license was in full force and
23 effect at all times relevant to the charges brought herein and will expire on February 29, 2012,
24 unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") 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.

4. Code 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 Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

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

(a) Unprofessional conduct.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

COST RECOVERY

7. Code 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.

1 No. RG NU DAHDP," Respondent's Colorado Registered Nurse License Number 39423 was
2 placed on probation for a period of two (2) years. The Findings of Fact and Conclusion of Law
3 was based on the following: 1) Respondent's history of substance abuse dating back to 1979,
4 including hallucinogens, marijuana, and cocaine; 2) Between April and July 1986, Respondent
5 used IV Demerol; and 3) On or about March 7, 1987, while employed at Boulder Community
6 Hospital, Respondent diverted Demerol for her own personal use.

7 PRAYER

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

10 1. Revoking or suspending Registered Nurse License Number 738504, issued to
11 Nancy Latham Deklyn;

12 2. Ordering Nancy Latham Deklyn to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
14 125.3; and

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

16 DATED: October 28, 2011

Louise R. Bailey
17 for LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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