

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**MATTHEW SYKES, R.N., L.N.P.
LICENSE NO.: 0001-162394**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on February 15, 2012, in Henrico County, Virginia, to receive and act upon Matthew Sykes’ application for reinstatement of his license to practice professional nursing in Virginia and to inquire into evidence that Mr. Sykes may have violated certain laws and regulations governing nursing practice. Mr. Sykes was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Matthew Sykes was issued License No. 0001-162394 to practice professional nursing in the Commonwealth of Virginia on December 30, 1998. Said license was suspended by Order of the Board entered on September 27, 2010. Mr. Sykes was issued License No. 0024-162394 to practice as a licensed nurse practitioner, in the category of adult care, by the Virginia Committee of the Joint Boards of Nursing and Medicine on April 6, 1999. Mr. Sykes was issued Prescriptive Authority No. 0017-001774 on April 27, 1999. Said license and prescriptive authority were suspended by the Committee of the Joint Boards by Order entered on October 29, 2010. His primary state of residence is Virginia.

2. By letter dated January 26, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Sykes notifying him that an informal conference would be held on February 15, 2012. The Notice was sent by certified and first class mail to 21 High Meadows Drive, Lebanon, Virginia 24266, the address of record on file with the Board of Nursing.

3. Mr. Sykes submitted an application for reinstatement of his license to practice professional nursing which was received by the Board on August 19, 2011.

4. Between October 27, 2010, and April 26, 2011, during the course of his employment with Clinch Valley Physicians, Richlands, Virginia, Mr. Sykes practiced professional nursing after the Board had suspended his license to do so. Mr. Sykes acknowledged at the informal conference that he failed to retrieve the Board's Order of suspension that had been mailed to him and that it was his responsibility to follow up with the status of his license.

5. Mr. Sykes suffers from alcohol and mental health disorders, as he acknowledged in signing his application for reinstatement of his license and a Recovery Monitoring Contract with the Health Practitioners' Monitoring program ("HPMP").

6. Mr. Sykes received inpatient substance abuse treatment from May 9, 2011 through August 5, 2011. He stated that his sobriety date was May 8, 2011. He entered into a Recovery Monitoring Contract with the HPMP on August 19, 2011. He attends an Alcoholics Anonymous or Narcotics Anonymous meeting daily, has a sponsor, and has a relapse prevention plan. A memorandum from his HPMP case manager dated February 15, 2012, indicated that Mr. Sykes is in compliance with his Recovery Monitoring Contract.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of §§ 54.1-3007(3) and 54.1-3008(5) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.
3. Mr. Sykes has demonstrated satisfactory evidence that he is prepared to resume professional nursing practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Matthew Sykes to practice professional nursing in Virginia is hereby REINSTATED, with the following terms and conditions:

a. Mr. Sykes shall continue to comply with all terms and conditions of the Recovery Monitoring Contract (“Contract”) with the HPMP for the period specified in the Contract.

b. Mr. Sykes shall pay a MONETARY PENALTY of \$300.00 to the Board within 90 days of the date this Order is entered.

2. This order shall be applicable to Mr. Sykes’ multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Sykes shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where he wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Sykes, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Sykes shall be noticed to appear before the Board at such time as the Board is notified that:

a. He is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. He has failed to pay the monetary penalty within the ordered time.

c. There is a pending investigation or unresolved allegation against him involving a violation of law or regulation or any term or condition of this Order; or

d. He has successfully completed the above-referenced period of participation in the HPMP.


However, upon receipt of evidence of Mr. Sykes’ participation in and compliance with the HPMP, the Board, at its discretion, may waive his appearance before the Board and conduct an administrative review of this matter.

4. Mr. Sykes shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Sykes may, not later than 5:00 p.m., on April 4, 2012, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: March 2nd, 2012

This Order shall become final on April 4, 2012, unless a request for a formal administrative hearing is received as described above.