

VIRGINIA:

**BEFORE THE COMMITTEE OF
THE JOINT BOARDS OF NURSING AND MEDICINE**

IN RE: MATTHEW J. SYKES, R.N., L.N.P.

ORDER

In accordance with §§2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on July 1, 2010, in Henrico County, Virginia. Matthew J. Sykes, R.N., L.N.P., was present and was not represented by legal counsel. Janet B. Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Committee of the Joint Boards, submitted a Recommended Decision for consideration.

On October 13, 2010, a quorum of the Committee of the Joint Boards met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Sykes was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Committee of the Joint Boards makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Matthew J. Sykes, R.N., L.N.P., was issued License No. 0001-162394 to practice as a professional nurse by the Virginia Board of Nursing on December 30, 1998. Mr. Sykes was issued License No. 0024-162394 to practice as a licensed nurse practitioner, in the category of adult care, by the Committee of the Joint Boards of Nursing and Medicine on April 6, 1999. Mr. Sykes was issued License No. 0017-001774 for prescriptive authority on April 27, 1999. All licenses are current and are set to expire November 30, 2010.

2. By entry of an Order dated April 5, 2001, the Committee of the Joint Boards found Mr. Sykes in violation of law and regulations governing the practice of nurse practitioners for admittedly utilizing a pre-signed prescription pad by his primary supervising physician. However, the Committee of the Joint Boards determined no disciplinary action be taken against Mr. Sykes at that time.

3. By letter dated June 10, 2010, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Sykes notifying him that an informal conference would be held on July 1, 2010. 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.

4. Mr. Sykes has a history of alcoholism and depression. Beginning on December 2, 2009, Mr. Sykes was hospitalized at Life Center of Galax, Galax, Virginia, for substance abuse treatment, following a family intervention. He was discharged against medical advice on December 4, 2009, with diagnoses of alcohol and opioid dependence.

5. When interviewed by an investigator with the Virginia Department of Health Professions in March, 2010, Mr. Sykes’ former outpatient therapist, who began treating Mr. Sykes in December, 2009, stated that it was her opinion that Mr. Sykes was not currently safe to practice.

6. Mr. Sykes reported his sobriety date as being approximately four to six months ago.

7. On April 16, 2010, Mr. Sykes entered into a participation contract with the Health Practitioners’ Monitoring Program (“HPMP”), which stipulated that he refrain from practice until approved to return by HPMP staff. A compliance report dated May 4, 2010, indicated that on April 28, 2010, Mr. Sykes informed HPMP staff that he had returned to practice, although he had not yet been approved to return to practice by HPMP staff. Mr. Sykes indicated to HPMP staff that he misunderstood the requirement that he refrain from practice. HPMP staff advised Mr. Sykes to immediately stop practice and to contact HPMP staff to confirm when he had ceased practice. On May

3, 2010, HPMP staff attempted to contact Mr. Sykes by telephone to confirm that he had stopped practice. When Mr. Sykes failed to return a phone call to HPMP staff, a letter was mailed to him on May 4, 2010, providing a deadline of May 7, 2010, to confirm to HPMP staff that he had stopped practice; however, Mr. Sykes failed to contact HPMP by the deadline noted in the letter. Accordingly, Mr. Sykes was urgently dismissed from HPMP on May 12, 2010. At the informal conference, Mr. Sykes reported that he missed the deadline to respond to HPMP staff's request due to his son's illness and hospitalization in Tennessee. However, he stated that he is willing to reenter HPMP and comply with the requirements related thereto.

8. A review of personnel records from Mr. Sykes' employer prior to his hospitalization revealed no reported practice issues, nor any disciplinary actions related to impaired behavior.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0024-162394 and Prescriptive Authority No. 0017-001774 of Matthew J. Sykes, R.N., L.N.P., is INDEFINITELY SUSPENDED.
2. The license and prescriptive authority will be recorded as suspended and no longer current.
3. At such time as Mr. Sykes shall petition the Committee of the Joint Boards for reinstatement of his license and prescriptive authority, an administrative proceeding will be convened to determine whether he is capable of resuming safe and competent practice as a nurse practitioner. Mr. Sykes shall be responsible for any fees that may be required for the reinstatement and renewal of the license and/or prescriptive authority prior to issuance of the license to resume practice.

4. This suspension shall be STAYED upon proof that Mr. Sykes has entered into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP within 90 days of the entry of this Order. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Mr. Sykes shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Mr. Sykes, and an administrative proceeding shall be held to determine whether his license and prescriptive authority shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Committee of the Joint Boards is notified that:

i. Mr. Sykes is not in compliance with the terms and conditions specified by the HPMP;

ii. Mr. Sykes' participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Mr. Sykes involving a violation of law, regulation, or any term or condition of this order.


5. Mr. Sykes shall maintain a course of conduct in his capacity as a nurse practitioner with prescriptive authority commensurate with the requirements of § 54.1-3000 *et seq.* and § 54.1-2957 *et seq.* of the Code and the Regulations Governing the Licensure of Nurse Practitioners and the Regulations for Prescriptive Authority for Nurse Practitioners.

This Order is subject to appeal to the Committee of the Joint Boards. If Mr. Sykes desires a formal administrative hearing before the Committee of the Joint Boards pursuant to §§2.2-4020 and 2.2-4021 of

the Code, he must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to §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 a public record, and shall be made available for public inspection and copying upon request.

FOR THE COMMITTEE OF THE JOINT BOARDS



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

Entered: October 29th, 2010