



COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Nursing

Nancy K. Durrett, R.N., M.S.N.
Executive Director
nurseabd@dhp.state.va.us

February 14, 2001

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717
(804) 662-9909
Nurse Aide Registry (804) 662-7310
FAX (804) 662-9512
TDD (804) 662-7187

Mathew J. Sykes, R.N., L.N.P.
Rt. 3, Box 414-D
Lebanon, VA 24266

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P 973 178 395

Dear Mr. Sykes:

This is official notification that an Informal Conference will be held, pursuant to § 9-6.14:11 and § 54.1-110 of the Code of Virginia (1950), as amended, and 18 VAC 90-30-230(A) and (B) of the regulations governing the licensure of nurse practitioners, before a Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine on March 7, 2001, at 9:00 a.m., in the offices of the Department of Health Professions, 6606 West Broad Street, Southern States Building, Fourth Floor, Richmond, Virginia.

The Special Conference Committee, which is comprised of three (3) members of the Committee of the Joint Boards of Nursing and Medicine, will inquire into allegations that you may have violated certain laws and regulations governing the practice of licensed nurse practitioners in Virginia.

Specifically, you may have violated § 54.1-2957.01(B) of the Code of Virginia (1950), as amended, 18 VAC 90-30-220(3) and (4) of the regulations governing the licensure of nurse practitioners in the Commonwealth of Virginia; and 18 VAC 90-40-130(A) of the regulations for prescriptive authority for licensed nurse practitioners, in that:

1. You hold License Number 0001-162394, issued by the Board of Nursing, to practice professional nursing in the Commonwealth, and to practice as a licensed nurse practitioner in the category of adult nurse practitioner. You also hold License Number 0017-001774 for prescriptive authority, issued by the Committee of the Joint Boards of Nursing and Medicine.
2. During the course of your employment with Family Healthcare Associates of Southwest Virginia, P.C., Lebanon, Virginia:
 - a) On or about February 17, 2000, Patient A presented to the office for treatment. Subsequently, you provided her with a prescription for Xanax (alprazolam, Schedule IV) and Lortab (hydrocodone, Schedule III) under the signature of Dwight Bailey, M.D.; however, Dr. Bailey was not present in the office that day.
 - b) On or about May 11, 2000, Patient B presented to the office for treatment. Subsequently, you provided her with a prescription for Lortab under the signature of Dr. Bailey; however, he was not present in the office that day.
 - c) By your own admission, Dr. Bailey maintains a pre-signed prescription pad in the office, which you often carry while treating patients.

Mathew J. Sykes, R.N., L.N.P.

Page 2

You may be represented by an attorney at the Informal Conference. After the conference, the Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine is authorized to take the following actions:

1. If the committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the committee shall notify you by mail that your record has been cleared of any charge which might affect your right to as a licensed nurse practitioner in the Commonwealth;
2. The committee may place your license on probation with such terms as it may deem appropriate;
3. The committee may reprimand you;
4. The committee may refer the case to the Committee of the Joint Boards of Nursing and Medicine for a formal hearing. If the Special Conference Committee is of the opinion that a suspension or revocation of your license may be justified, the committee may offer you a consent order in lieu of a formal hearing.

If you fail to appear at the informal conference, the Special Conference Committee will proceed to hear the case in your absence, and may take any of the actions outlined above.

At least ten (10) days prior to the scheduled date of the conference, please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at (804) 662-9950 or by sending us a letter at the address listed above.

If you have any additional documents to be presented to the Special Conference Committee, please bring five (5) copies of each document with you.

You have the right to information, which will be relied upon by the Board in making a decision. Therefore, I enclosed a copy of the documents, which will be distributed to the members of the Special Conference Committee and will be considered by the Special Conference Committee when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office.**

Enclosed you will find copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as the laws and regulations relating to the practice of nursing in Virginia.

Sincerely,



Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Assistant Executive Director

JPD/tdh/klb
Enclosures

cc: John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Tammie D. Hall, Senior Legal Assistant
Patricia Fisher, Senior Investigator (76579)