

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: AMBER M. SYKES, R.N. ENDORSEMENT APPLICANT**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Amber M. Sykes, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Sykes' application for licensure by endorsement to practice as a professional nurse in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Amber M. Sykes submitted an application for licensure by endorsement to practice as a professional nurse in Virginia which was received by the Board on January 18, 2011. Ms. Sykes held a license to practice as a professional nurse in North Carolina until December 31, 2010. Her primary state of residence is Virginia.
2. When Ms. Sykes applied for licensure, she revealed that she was under investigation by the North Carolina Board of Nursing for diversion of controlled substances and possible chemical dependency.
3. By her own admission, during the course of her employment at Duke University Hospital, Durham, North Carolina, for a four-month period between July and October 2010, Ms. Sykes diverted oxycodone (Schedule II) and hydrocodone (Schedule III) for her personal and unauthorized use. Ms. Sykes accomplished this diversion by misreporting a patient's pain in order to withdraw more medication than was necessary. Her employment was terminated October 14, 2010, as a result.
4. Ms. Sykes' case was investigated by the North Carolina Board of Nursing, but the case was not pursued as she allowed her license to lapse and moved from North Carolina to Tennessee and then Virginia. During the investigation, Ms. Sykes expressed interest in receiving treatment for her problem.

5. On December 1, 2010, Ms. Sykes attended an intake session at Holton Counseling, Kingsport, Tennessee, where she was diagnosed with opiate abuse. She began an intensive outpatient program on December 2, 2010, was compliant with the program as of February 18, 2011, and was expected to complete the program on March 18, 2011.

6. Ms. Sykes signed a Participation Contract (“P.C.”) with the Virginia Health Practitioners’ Monitoring Program (“HPMP”) on February 16, 2011, and a Recovery Monitoring Contract (“R.M.C.”) on March 21, 2011. She is in compliance with her HPMP contracts.

7. Ms. Sykes has acknowledged her chemical dependency and is currently receiving outpatient treatment and is attending at least three 12-step meetings a week and two health professional meetings a month.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact Nos 5 and 7 constitute a violation of § 54.1-3007(6).

3. Ms. Sykes otherwise meets the requirements of § 54.1-3018 of the Code.

4. Ms. Sykes is properly enrolled in HPMP.

#### **CONSENT**

Amber M. Sykes, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;

2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;

5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her application to practice professional nursing in Virginia.

### **ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Ms. Sykes is hereby REPRIMANDED.

2. The application by endorsement of Amber M. Sykes to practice professional nursing in the Commonwealth of Virginia is hereby APPROVED subject to the following terms and conditions:

a. Ms. 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 revoking the license of Ms. Sykes, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Sykes shall be noticed to appear before the Board at such time as the Board is notified that:

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

ii. Her participation in the HPMP has been terminated;

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


iv. Ms. Sykes has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Sykes' participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Sykes' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Sykes shall not work outside of 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 Ms. Sykes wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Sykes shall maintain a course of conduct in her 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 upon request.

FOR THE BOARD

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

ENTERED: June 1, 2011

SEEN AND AGREED TO:

Amber M Sykes  
Amber M. Sykes

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Brist, TO WIT:

Subscribed and sworn to before me, Sheila C. Rohr, a Notary Public, this 23<sup>rd</sup> day of May, 2011.

My commission expires 12/31/2014.

Registration Number 290397.



Sheila C. Rohr  
NOTARY PUBLIC