

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BREYARN S. MATTOX, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-127027

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 10, 2014, in Henrico County, Virginia, to receive and act upon the application of Breyarn S. Mattox for reinstatement of her certificate to practice as a nurse aide in Virginia, and to receive and act upon Ms. Mattox’ petition for removal of a finding of neglect based on a singular occurrence, pursuant to an Order entered September 12, 2012. Ms. Mattox 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. Breyarn S. Mattox was issued Certificate No. 1401-127027 to practice as a nurse aide in the Commonwealth of Virginia on November 17, 2008. Said certificate was suspended by Order of the Board entered on September 12, 2012, and a finding of Neglect was entered against Ms. Mattox in the Virginia Nurse Aide Registry, due to findings that she transferred residents without assistance, which resulted in a resident sustaining a laceration to her leg.

2. By letter dated January 7, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mattox notifying her that an informal conference would be held on February 10, 2014. The Notice was sent by certified and first class mail to 1728 Lucy Wade Road, Rocky Mount, Virginia 24151, the address of record on file with the Board of Nursing.

3. Ms. Mattox submitted an application for reinstatement of her certificate to practice as a nurse aide which was received by the Board on September 20, 2013, and included a petition for removal of a finding of neglect.

4. Ms. Mattox showed remorse for her actions.

5. Ms. Mattox has been employed as a personal care aide with Public Partnership, L.L.C., since November 2012. She currently cares for two clients and works 40 hours a week.

CONCLUSIONS OF LAW

1. The Board concludes that Breyarn S. Mattox has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

2. Further, the Board concludes that Ms. Mattox has demonstrated sufficient evidence that her employment and personal history do not reflect a pattern of abusive behavior or neglect, pursuant to 18 VAC 90-25-81(A) of the Regulations Governing Certified Nurse Aides.

ORDER

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

1. The certificate of Breyarn S. Mattox is REINSTATED without restriction.


2. Ms. Mattox' petition for removal of the finding of neglect is hereby GRANTED.

3. Ms. Mattox shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing Certified Nurse Aides.

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, Ms. Mattox may, not later than 5:00 p.m., on **March 31, 2014**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she 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, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: February 26th, 2014

This Order shall become final on **March 31, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By _____
Virginia Board of Nursing