

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

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 Board of Nursing ("Board") on July 26, 2012, in Henrico County, Virginia. Breyarn Mattox, C.N.A., was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 12, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mattox was not present nor was she represented by legal counsel.

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

FINDINGS OF FACT

1. Breyarn Mattox, C.N.A., was issued Certificate No. 1401-127027 to practice as a nurse aide in Virginia on November 17, 2008. The certificate is scheduled to expire on November 30, 2012.
2. By letter dated June 7, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mattox notifying her that an informal conference would be held on July 26, 2012. The Notice was sent by certified and first class mail to 4323 Garst Mill Road, Apt. E, Roanoke, Virginia 24018, the address of record on file with the Board of Nursing. The certified mail was forwarded by the U.S. Postal Service to 1728 Lucy Wade Road, Rocky Mount, Virginia 24151, and the certified mail receipt was signed on June 14, 2012 by Ms. Mattox. The first class mail was not returned. The Agency

Subordinate concluded that adequate notice was provided to Ms. Mattox and the informal conference proceeded in her absence.

3. During the course of her employment with Richfield Recovery and Care Center, Salem, Virginia, on July 17, 2011, by her own admission, when transferring Resident A from her wheelchair to the bed, Ms. Mattox failed to obtain the assistance of another person or to use a gait belt as required by the resident's care plan. As a result, Resident A sustained a laceration to her lower leg which required sutures to close.

4. On July 19, 2011, Ms. Mattox was given an inservice on proper transfer policy. On December 28, 2011, Ms. Mattox's employment was terminated after she transferred another resident without assistance; however, there was no harm to that resident. Ms. Mattox was employed at Richfield Recovery and Care Center from June 30, 2010, to December 28, 2011. Prior to this, in 2009, Ms. Mattox worked at a nursing facility for eight months. In 2008, she worked in a private home care setting until the patient expired. Ms. Mattox has been employed with Nurse Finders, in home health, since January 2012.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-127027 of Breyarn Mattox, C.N.A., is INDEFINITELY

SUSPENDED for a period of not less than one year.

2. The certificate will be recorded as suspended and no longer current.

3. At such time as Ms. Mattox shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent nurse aide practice. Ms. Mattox shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

4. A Finding of Neglect shall be ENTERED against Ms. Mattox in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Mattox's employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

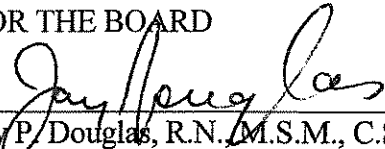
5. Since this Finding of Neglect was based on a singular occurrence, Ms. Mattox is eligible to petition the Board for removal of the Finding of Neglect one time, after a period of one (1) year from the date of entry of this Order, if she can demonstrate that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

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.

Since Ms. Mattox failed to appear at the informal conference, this Order shall be considered final. Ms. Mattox has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Mattox has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M.,

C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

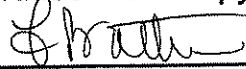
FOR THE BOARD



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

Entered: September 19th, 2012

Certified True Copy

By 

Virginia Board of Nursing