

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: AMANDA GALLIER, C.N.A.**

**Certificate No.: 1401-144968**

**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 October 29, 2014, in Henrico County, Virginia. Amanda Gallier, C.N.A., was present and was not by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gallier 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. Amanda Gallier was issued Certificate No. 1401-144968 to practice as a nurse aide in Virginia on May 26, 2011. The certificate is scheduled to expire on May 31, 2015.
2. By letter dated September 30, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gallier notifying her that an informal conference would be held on October 29, 2014. The Notice was sent by certified and first class mail to 2917 Centre Avenue NW, Roanoke, Virginia 24017, the address of record on file with the Board of Nursing.
3. By Order of the Board entered February 12, 2014 ("Board's Order"), Ms. Gallier's certificate to practice as a nurse aide was indefinitely suspended, with the suspension stayed contingent upon her continued compliance with the terms and conditions imposed by the Health Practitioners' Monitoring Program. This action was the result of Ms. Gallier's diversion of narcotic medications from her employer.
4. Term 4 of the Board's Order" required Ms. Gallier to continue to comply with the terms and

conditions of her HPMP contract. On May 16, 2014, Ms. Gallier was dismissed from the HPMP for noncompliance with her contract as a result of her failure to call the test line on February 7, 2014, and February 18, 2014, missed testing on February 17, 2014, failure to attend an intensive outpatient program or a 12-Step program, and failure to submit a monthly report for February.

5. Ms. Gallier stated that she began attending Narcotics Anonymous in August 2014. She attends meetings three times a week, but does not have a sponsor at this time. She reported that her date of sobriety was July 19, 2014.

6. Ms. Gallier stated that she was given first offender status regarding the diversion from her former employer. She will be on court-ordered probation until August 2015. Ms. Gallier stated that she is performing the court-ordered community service and is paying on her associated court fees. Ms. Gallier stated that she has had four drug screens and they all have been negative.

7. Ms. Gallier stated that she entered the Burrell Center, Roanoke, Virginia, on October 27, 2014. The Burrell Center is a division of the Blue Ridge Behavioral Health that provides substance abuse treatment. She attends an intensive outpatient program three nights a week. She sees a counselor and psychiatrist once a month to manage her bipolar disorder and she states that she is compliant with her medication.

8. Ms. Gallier stated that she is currently employed as a delivery driver for Domino's Pizza. She stated that she was dismissed from the HPMP for noncompliance because she could not afford to pay for the drug testing due to her unemployment. Ms. Gallier stated that she has been in contact with the HPMP, and is willing to re-enter now that she has a stable employment.

#### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of Term 4 of the Board's Order entered February 12, 2014.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-144968 of Amanda Gallier to practice as a nurse aide is INDEFINITELY SUSPENDED.

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

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

5. This suspension shall be STAYED upon proof of entry into and compliance with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Gallier 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 certificate of Ms. Gallier, and an administrative proceeding shall be held to determine whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

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

ii. Ms. Gallier's participation in the HPMP has been terminated;

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

6. Upon receipt of evidence of Ms. Gallier's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Gallier's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. Ms. Gallier is hereby REPRIMANDED.


8. Ms. Gallier shall maintain a course of conduct in her capacity as a certified nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Gallier may, not later than 5:00 p.m., on **March 9, 2015**, 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 BOARD:

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

ENTERED: February 4, 2015

This Order shall become final on March 9, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By L. Math  
Virginia Board Of Nursing