

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           AMANDA GALLIER, C.N.A.  
                  Certificate No.: 1401-144968**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 23, 2016, in Henrico County, Virginia, to inquire into evidence that Amanda Gallier, C.N.A., may have violated certain laws governing nurse aide practice in Virginia and certain terms and conditions imposed on her, as set forth in the Order of the Board entered on February 4, 2015. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. James E. Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Gallier was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1.     Amanda Gallier, C.N.A., was issued Certificate No. 1401-144968 to practice as a nurse aide in the Commonwealth on May 26, 2011. Said certificate was suspended by Order dated September 25, 2015.
2.     Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in his absence.
3.     On February 4, 2015, this Board entered an Order indefinitely suspending Ms. Gallier's C.N.A. certificate and her right to renew her R.M.A. registration, which had expired on September 30, 2013. The suspensions were stayed contingent upon her continued compliance with the terms and conditions

imposed by Health Practitioners' Monitoring Program ("HPMP"). The Board based its action on findings that Ms. Gallier had previously diverted narcotic medication from her employer.

4. Term No. 4 of the Board's 2014 Order required Ms. Gallier to comply with the terms and conditions of her HPMP contract for the period specified by the HPMP. On May 16, 2014, she was dismissed from HPMP for noncompliance, including failure to call the test line twice in February 2014, missing a drug screen 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. On February 4, 2015, the Board entered indefinitely suspending Ms. Gallier's certificate to practice as a nurse aide. The Board made findings that Ms. Gallier had violated Term No. 4 of the 2014 Order as a result of her May 2014 dismissal from HPMP. Term No. 5(a) of the Board's Order stayed the suspension contingent upon proof of Ms. Gallier's re-entry into HPMP and compliance with all terms and conditions of the HPMP for the period specified by the HPMP.

6. Ms. Gallier signed a Participation Contract with HPMP on July 6, 2015. She completed an intensive outpatient treatment program with Blue Ridge Behavioral Healthcare between August 27, 2014 and June 5, 2015. On July 27, 2015, HPMP referred her to Blue Ridge for weekly group and individual treatment. Ms. Gallier did not engage in any further communication with HPMP. She did not continue treatment at Blue Ridge, and she did not begin screening as directed.

7. Ms. Gallier was placed on warning status on August 13, 2015, predissmissal status on August 21, 2015, and was ultimately dismissed from HPMP on September 18, 2015, for noncompliance, including failure to enter and complete treatment as recommend and failure to comply with the toxicology screening program.

8. In her interview with the DHP investigator, Ms. Gallier stated that she would not participate in the investigation and was not interested in pursuing any future employment in the medical field.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code and Term No 5(a) of the Board's 2015 Order.

ORDER


WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The certificate of Amanda Gallier, C.N.A., will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Gallier seek reinstatement of her certificate after three years, she shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance of her certificate to resume practice. The reinstatement of Ms. Gallier's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

2. At such time as Ms. Gallier shall petition the Board for reinstatement of her certificate, a hearing will be convened to determine whether she is able to return to the safe and competent practice of a nurse aide.

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.

FOR THE BOARD

  
So Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

April 20, 2014  
ENTERED

Certified True Copy  
By dgraham  
Virginia Board Of Nursing

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.