

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           AMANDA GALLIER, C.N.A., R.M.A.**  
**Certificate No.: 1401-144968; Registration No.: 0031-004961**

**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 Virginia Board of Nursing ("Board") on December 17, 2013, in Henrico County, Virginia. Ms. Gallier was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, 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, C.N.A., R.M.A., 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. Ms. Gallier was issued Registration No. 0031-004961 to practice as a medication aide on April, 22, 2011. The registration expired on September 30, 2013.

2.       By letter dated November 21, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gallier notifying her that an informal conference would be held on December 17, 2013. 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.       During Ms. Gallier's employment with Pheasant Ridge Senior Living Assisted Living Facility, Roanoke, Virginia, by her own admission, from June to August 2013, she diverted approximately 55 dosage units of Vicodin (hydrocodone/acetaminophen, Schedule III) and 32 dosage units of hydrocodone (Schedule II)

from three residents. Ms. Gallier accomplished the diversion by signing out narcotics and failing to administer the narcotics. Moreover, when transferring the amount of a narcotic from one page to the next in the Controlled Drug Report, she wrote less than the correct amount on the new page and kept the excess. Finally, Ms. Gallier stated that sometimes she withdrew a narcotic, kept it, and administered a non-narcotic pill to the resident.

4. In Ms. Gallier's verbal and written admissions made to the Department of Health Professions investigator on September 26, 2013, she stated that she diverted Lortab (hydrocodone/acetaminophen, Schedule II) because she was dependent on the narcotic, and she ingested several tablets of narcotics per day. Moreover, Ms. Gallier stated that in the weeks after she left Pheasant Ridge Senior Living Assisted Living Facility, she smoked marijuana.

5. Ms. Gallier signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on October 11, 2013. At the informal conference, Ms. Gallier stated that her date of sobriety is the date she signed the Participation Contract.

6. On July 22, 2008, Ms. Gallier was convicted of misdemeanor possession of marijuana in the Roanoke, Virginia, General District Court.

7. At the informal conference, Ms. Gallier stated that she does not plan to renew her registration to practice as a medication aide. She further stated that she quit her current employment at a sporting goods store to attend treatment, and that she intends to start treatment within two weeks. Finally, Ms. Gallier stated that she has been diagnosed with depression and is taking medications prescribed by her physician to treat the depression.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (3), (5), (6) and (8) of the Code and 18 VAC 90-60-110(A)(2) and 18 VAC 90-60-120(2)(c), (d), (l), and (m) of the Regulations Governing the Registration of Medication Aides and 18 VAC 90-25-100(2)(c) and (d) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact #4 constitutes a violation of § 54.1-3007(6) of the Code.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

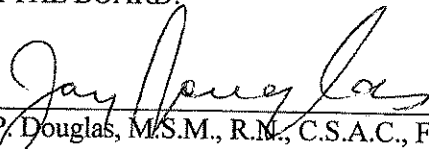
1. Certificate No. 1401-144968 and the right of Amanda Gallier, C.N.A, R.M.A., to renew Registration No. 0031-004961 are INDEFINITELY SUSPENDED.
2. The certificate and registration will be recorded as suspended and no longer current.
3. At such time as Ms. Gallier shall petition the Board for reinstatement of her certificate or registration, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent nurse aide or medication aide practice. Ms. Gallier shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate and registration prior to issuance of the certificate and registration to resume practice.
4. This suspension shall be STAYED upon Ms. Gallier's continued compliance with the HPMP for the period specified by the HPMP.
5. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate and registration of Ms. Gallier, and an administrative proceeding shall be held to decide whether her certificate or registration should be revoked. Ms. Gallier shall be noticed to appear before the Board at such time as the Board is notified that:
  - a. Ms. Gallier is not in compliance with the terms and conditions specified by the HPMP;
  - b. Ms. Gallier's participation in the HPMP has been terminated;
  - c. 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 shall maintain a course of conduct in her capacity as a nurse aide and medication aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing

Certified Nurse Aides and the Regulations Governing the Registration of Medication Aides.

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 17, 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 BOARD:

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

ENTERED: February 12<sup>th</sup>, 2014

This Order shall become final on March 17, 2014; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board Of Nursing