



# COMMONWEALTH of VIRGINIA

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## NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

November 21, 2013

Amanda Gallier, C.N.A., R.M.A.  
2917 Centre Avenue NW  
Roanoke, Virginia 24017

**CERTIFIED MAIL**  
**7196 9008 9111 9190 5244**

RE: VA Registration No.: 0031-004961  
Expiration Date: September 30, 2013

VA Certificate No.: 1401-144968  
Expiration Date: May 31, 2013

Dear Ms. Gallier:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **December 17, 2013, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing medication aide and nurse aide practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (3), (5), (6) and (8) of the Code, 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 in that during your employment with Pheasant Ridge Senior Living Assisted Living Facility, Roanoke, Virginia:

a. By your own admission, from June to August 2013, you diverted approximately 55 dosage units of Vicodin (hydrocodone/acetaminophen, Schedule III) and 32 dosage units of hydrocodone (Schedule II) from three residents. You 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, you wrote less than the correct amount on the new page and kept the excess. Finally, you stated that sometimes you withdrew a narcotic, kept it, and administered a non-narcotic pill to the resident.

b. On or about August 10, 2013, you diverted a Fentanyl patch from a resident. You accomplished the diversion by signing out a Fentanyl patch for the resident, but you did not replace the patch already on the resident.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice as a registered medication aide and a certified nurse due to substance abuse as evidenced by Allegation No. 1 above, and your verbal and written admissions on or about September 26, 2013, that you diverted Lortab (hydrocodone/acetaminophen, Schedule II) because you were dependent on the narcotic, and you ingested several tablets of narcotics per day. Moreover, you stated that in the weeks after you left Pheasant Ridge Senior Living Assisted Living Facility, you smoked marijuana.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a medication aide and nurse aide in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your registration and/or certificate, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

### **Board's Review of Agency Subordinate's Recommended Decision**

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and

will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**


To facilitate this proceeding, you should submit eight copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, by December 10, 2013. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on December 17, 2013. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on December 10, 2013. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after December 10, 2013 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4614.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,  
  
Brenda Krohn, R.N., M.S.  
Deputy Executive Director

BK/fb

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division  
James E. Rutkowski, Adjudication Specialist  
James Wall, Senior Investigator (Case no.152259 & 152284)  
Agency Subordinate