

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CHRISTINE GAITHER, R.N.

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 16, 2007, in Henrico County, Virginia. Ms. Gaither was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 30, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gaither was present and was not 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. Christine Gaither was issued License No. 0001-171042 to practice professional nursing in Virginia on September 14, 2000.. The license is current.
2. By letter dated September 7, 2007, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gaither notifying her that an informal conference would be held on October 17, 2007. The Notice was sent by certified and first class mail to 2552 Belmont Stakes Drive, the address of record on file with the Board of Nursing.
3. In September, 2006, during the course of her employment with Children's Healthcare of Atlanta, Georgia, by her own admission, Ms. Gaither diverted at least 20 units of injectable Dilaudid

(hydromorphone, Schedule II) and Demerol (meperidine, Schedule II) from the Pyxis system and self-injected them while on duty.

4. On March 17, 2007, on her first day of orientation at Chesapeake General Hospital, Chesapeake, Virginia, by her own admission, Ms. Gaither diverted injectable Dilaudid and Benadryl (diphenhydramine) from the Pyxis system and self-injected them while on duty. Thereafter, she appeared lethargic and confused, with slurred speech and staggering, and was sent home. Her employment was terminated as a result of this incident.

5. On an application for employment with Chesapeake General Hospital, dated January 31, 2007, Ms. Gaither stated that her reason for leaving Children's Healthcare of Atlanta was "moved to Virginia Beach," when, in fact, her employment there had been terminated for "violation of company policy."

6. Ms. Gaither stated at the informal conference that after the diversion at Chesapeake General, she knew she needed help, found the Health Practitioners' Intervention Program ("HPIP") on the internet, and contacted HPIP stating that she needed help. She entered into participation with HPIP in April 2007 and signed her latest Recovery Monitoring Contract on October 16, 2007.

7. Ms. Gaither stated that her sobriety date was July 4, 2007. She successfully completed a 28-day inpatient substance abuse treatment program at Marworth in Pennsylvania. She attends three AA meetings and two Caduceus meetings weekly and has a sponsor.

8. Ms. Gaither is employed at Amerigroup Corporation as a behavioral health consultant. In this position, she consults with patients by telephone. HPIP has approved this employment.

9. Donna Whitney, HPIP Outreach Program Manager, appeared at the informal conference and verified that Ms. Gaither is in compliance with her Recovery Monitoring Contract.

CONCLUSION OF LAW

Based on the above Findings of Fact, the Board concludes that Ms. Gaither is properly enrolled in the Health Practitioners' Intervention Program ("HPIP").

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION at this time contingent upon Ms. Gaither's continued compliance with her Recovery Monitoring Contract with the HPIP (and any subsequent contracts) for the period specified in the contract.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Christine Gaither, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gaither shall be noticed to appear before the Board at such time as the Board is notified that:
  - a. Ms. Gaither is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
  - b. There is a pending investigation or unresolved allegation against Ms. Gaither involving a violation of law or regulation or any term or condition of this Order; or
  - c. Ms. Gaither has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Gaither's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Gaither's appearance before the Board and conduct an administrative review of this matter.
3. This order shall be applicable to Ms. Gaither's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Gaither shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure

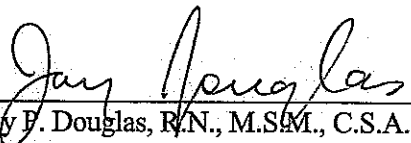
privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

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

This Order is subject to appeal to the Board. If Ms. Gaither desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

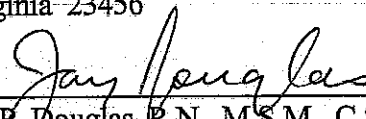
Entered: February 14<sup>TH</sup>, 2008

Order – Christine Gaither, R.N.

Page 5 of 5

Certificate of Service

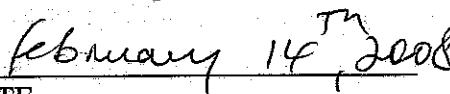
I hereby certify that a true copy of the foregoing Order was mailed this day to Christine Gaither, R.N., at 2552 Belmont Stakes Drive, Virginia Beach, Virginia 23456



Jay P. Douglas, R.N., M.S.M., C.S.A.C.

Executive Director

Board of Nursing



DATE