

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: CHRISTINE MARY GAITHER, R.N.
License Nos.: 0001-171042

ORDER

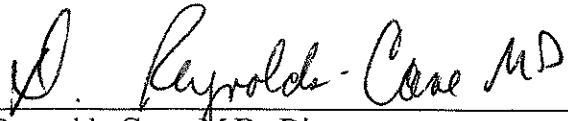
In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the State of California Board of Registered Nursing revoked the license of Christine Mary Gaither, R.N., to practice as a registered nurse in the State of California by Default Decision and Order effective March 28, 2013. A certified copy of the Default Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Christine Mary Gaither, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.

Certified True Copy

By Andrea Butler
Virginia Board Of Nursing



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: 7-17-13



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

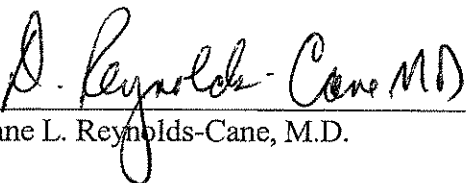
Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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FAX (804) 527-4475

CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order effective March 28, 2013, regarding Christine Mary Gaither, R.N., are true copies of the records received from the State of California Board of Registered Nursing.



Dianne L. Reynolds-Cane, M.D.

Date: 7-17-13

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:
CHRISTINE MARY GAITHER
4253 Smithsonian Drive
Tucker, GA 30084
Registered Nurse License No. 618558

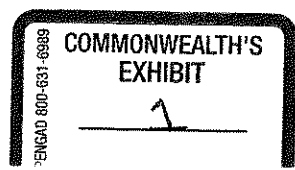
Respondent.

Case No. 2012-659
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 26, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-659 against Christine Mary Gaither (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
2. On or about May 15, 2003, the Board of Registered Nursing (Board) issued Registered Nurse License No. 618558 to Respondent. The Registered Nurse License expired on May 31, 2005, and has not been renewed.
3. On or about April 26, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-659, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's last address of record and another address. Respondent's last address of record was: 4253 Smithsonian Drive, Tucker, GA 30084. The other address served was 5061 Gatehouse Way, Virginia Beach, VA 23455.



1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Business and Professions Code section 124 and Government Code section 11505.

3 5. On or about May 30, 2012, one of the mailings to the address of record was returned
4 by the U.S. Postal Service marked "Not Delivered As Addressed, Unable to Forward" and on or
5 about June 22, 2012 the other was returned by the U.S. Postal Service marked "Unclaimed." The
6 address on the documents was the same as the last address on file with the Board.

7 6. Government Code section 11506 states, in pertinent part:

8 (c) The respondent shall be entitled to a hearing on the merits if the respondent
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts
10 of the accusation not expressly admitted. Failure to file a notice of defense shall
11 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
12 may nevertheless grant a hearing.

13 7. Notice having been given under Business and Professions Code section 124,
14 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
15 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
16 659.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions
20 or upon other evidence and affidavits may be used as evidence without any notice to
21 respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 2012-659, finds
27 that the charges and allegations in Accusation No. 2012-659, are separately and severally, found
28 to be true and correct by clear and convincing evidence.

 10. Taking official notice of its own internal records, pursuant to Business and
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
and Enforcement is \$357.50 as of June 27, 2012.

DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Christine Mary Gaither has
3 subjected her Registered Nurse License No. 618558 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
6 Nurse License based upon the following violations alleged in the Accusation which are supported
7 by the evidence contained in the Default Decision Evidence Packet in this case:

8 a. Violation of Business and Professions Code section 2761(a)(4) on the grounds of
9 unprofessional conduct because she was disciplined by the Virginia Board of Nursing in February
10 2008 for stealing narcotics from two different employers in 2006 and 2007 and disciplined again
11 by the Virginia Board in 2009 for failing to comply with its substance abuse treatment program.

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1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 618558, heretofore issued to
3 Respondent Christine Mary Gaither, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on MARCH 28, 2013.

9 It is so ORDERED FEBRUARY 26, 2013.

10
11 Louis R. Bailey, A.Ed., RN

12 FOR THE BOARD OF REGISTERED NURSING
13 DEPARTMENT OF CONSUMER AFFAIRS

14 10919056.DOC
15 DOJ Matter ID:LA2012602499

16 Attachment:
17 Exhibit A: Accusation
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Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GEOFFREY WARD
Deputy Attorney General
4 State Bar No. 246437
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2660
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-659**

11 **CHRISTINE MARY GAITHER**

ACCUSATION

12 4253 Smithsonia Drive
13 Tucker, GA 30084

14 Registered Nurse License No. 618558

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about May 15, 2003, the Board issued Registered Nurse License Number
22 618558 to Christine Mary Gaither ("Respondent"). The Registered Nurse License expired on
23 May 31, 2005 and has not been renewed.

24 **JURISDICTION**

25 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
26 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
27

1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Section 2811
6 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over
9 suspended, expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license issued by a
11 board in the department, or its suspension, forfeiture, or cancellation by order of the
12 board or by order of a court of law, or its surrender without the written consent of the
13 board, shall not, during any period in which it may be renewed, restored, reissued, or
14 reinstated, deprive the board of its authority to institute or continue a disciplinary
proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the
licensee on any such ground."

15 STATUTES

16 6. Section 2761 of the Code provides grounds for disciplinary action:

17 "The board may take disciplinary action against a certified or licensed
18 nurse or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

20
21 (4) Denial of licensure, revocation, suspension, restriction, or any other
22 disciplinary action against a health care professional license or certificate by another
23 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action."

24 COST RECOVERY

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 13. Under Section 2761 subdivision (a)(4) of the Code, the Virginia Board's disciplinary
2 actions against Respondent for stealing and using controlled substances and for failing to
3 complete her substance abuse treatment program are grounds for the California Board to take its
4 own disciplinary action.

5 PRAYER

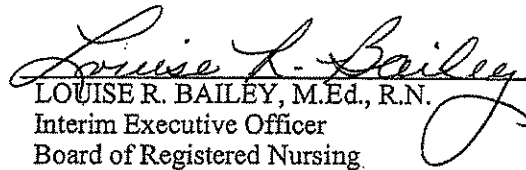
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 618558, issued to
9 Christine Mary Gaither;

10 2. Ordering Christine Mary Gaither to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code Section 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.

14
15 DATED: April 26, 2012


16 LOUISE R. BAILEY, M.Ed., R.N.
17 Interim Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHRISTINE MARY GAITHER

Case No. 2012-659

Registered Nurse License No. 618558

Respondent

**ORDER CORRECTING CLERICAL ERROR IN
DECISION AND ORDER**

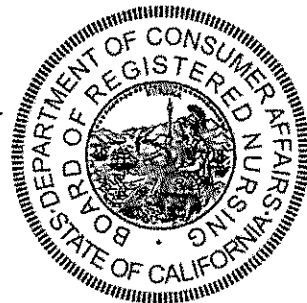
On its own motion, the Board of Registered Nursing (hereafter "Board") finds that there was a clerical error in the Decision and Order in the above-entitled matter and that such clerical errors should be corrected so that it will conform to the Board's intention as follows:

1. On or about February 26, 2013 a Decision and Order was issued adopting the Proposed Decision which erroneously showed the signature Louise R. Bailey as Board President.


I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING


Louise R. Bailey M.Ed., RN
Louise R. Bailey, M. ED., RN
Executive Officer



IT IS HEREBY ORDERED that the signature on that Decision and Order in the above-entitled matter be and is hereby amended and corrected nunc pro tunc as should be as follows:


Board of Registered Nursing,
President
Department of Consumer Affairs
State of California"

IT IS SO ORDERED this 28th day of February, 2013.


BOARD OF REGISTERED NURSING,
PRESIDENT
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CHRISTINE MARY GAITHER, R.N.
License No.: 0001-171042

CONSENT ORDER

The Virginia Board of Nursing ("The Board") and Christine Mary Gaither, R. N., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Ms. Gaither to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings of fact in this matter:

1. Christine Mary Gaither, R.N., was issued license number 0001-171042 by the Board to practice nursing in the Commonwealth of Virginia on September 14, 2000. Said license is active and will expire on April 30, 2014, unless renewed or otherwise restricted. Ms. Gaither's primary state of residence is Virginia.
2. By Order entered February 14, 2008, the Virginia Board of Nursing took no action contingent upon Ms. Gaither's compliance with her Recovering Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") (formerly the Health Practitioners' Intervention Program "HPIP") for the period specified by the contract. This action was based upon Ms. Gaither's admission that during the course of her employment with Children's Healthcare of Atlanta, Georgia in September 2006, and her employment with Chesapeake General Hospital in Chesapeake, Virginia, in March, 2007, she diverted Dilaudid, Demerol and Benadryl for her personal and unauthorized use.

3. By Order entered August 6, 2009, the Virginia Board of Nursing suspended Ms. Gaither's license to practice nursing for not less than two years. This action was based on Ms. Gaither's violation of § 54.1-3007(6) of the Code and her violation of Term #1 of the Board's Order entered on February 14, 2008, in that the Board's Order required that she remain in compliance with her HPMP Recovery Monitoring Contract that she signed on October 16, 2007. Ms. Gaither had not been compliant with her HPMP contract, in that she missed a urine drug screen; she failed to inform her health care providers of her history of chemical dependence; she failed to notify the HPMP staff when she was prescribed controlled substances; and she failed to arrange for a chemical dependency assessment as requested by the HPMP.

4. By Order entered April 18, 2012, the Board reinstated Ms. Gaither's license to practice nursing in the Commonwealth of Virginia, contingent upon her continued compliance with the terms and conditions of the HPMP for the period specified by the HPMP.

5. By Default and Decision Order effective on March 28, 2013, the State of California Board of Registered Nursing revoked the Registered Nurse License issued to Christine Mary Gaither, R.N. This action was based solely on the Virginia Board's Order of entered February 14, 2008 and subsequent Order entered August 6, 2009.

4. By Order entered July 17, 2013, the Director of the Department of Health Professions mandatorily suspended Ms. Gaither's license pursuant to Section 54.1-2409 of the Code due to the action of the California Board.

CONCLUSIONS OF LAW

This matter of the reinstatement of Ms. Gaither's license to practice nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

I, Christine Mary Gaither, R.N., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to an informal conference before the Board; and
 - b. the right to appear in person or by counsel, or other qualified representative before the agency.
4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice nursing in the Commonwealth of Virginia.

ORDER


WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Christine Mary Gaither, R.N., to practice nursing in the Commonwealth of Virginia, be, and hereby

is, REINSTATED effective July 17, 2013, pursuant to the terms and conditions placed on her as referenced in the Board's Order of April 18 2012.

Ms. Gaither shall maintain a course of conduct in her practice of nursing commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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:



Jane R. Ingalls, R.N., Ph. D.
President, Virginia Board of Nursing

ENTERED: July 17, 2013

Certified True Copy

By Andrea Butler
Virginia Board Of Nursing

SEEN AND AGREED TO:

Christine M. Gaither RN
Christine Mary Gaither, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF VIRGINIA BEACH TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 19TH day of JUNE, 2013, by Christine Mary Gaither, R.N.



Melissa Tan
Notary Public
Registration Number: 7142594
My commission expires: 12/31/2016