

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 3, 2012, in Henrico County, Virginia, to receive and act upon Christine Gaither’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Gaither may have violated certain laws and regulations governing nursing practice. Ms. Gaither was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Christine Gaither was issued License No. 0001-171042 to practice professional nursing in the Commonwealth of Virginia on September 14, 2000. Said license was suspended by Order of the Board entered on August 6, 2009. Her primary state of residence is Virginia. She holds expired professional nursing licenses in the States of California, Georgia, Hawaii, and Maryland.
2. By letter dated March 1, 2012, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Gaither notifying her that an informal conference would be held on April 3, 2012. The Notice was sent by certified and first class mail to 5061 Gatehouse Way, Virginia Beach, Virginia 23455, the address of record on file with the Board of Nursing.
3. Ms. Gaither submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on December 14, 2011.

4. On April 18, 2011, in the Circuit Court for the City of Chesapeake, Virginia, Ms. Gaither was convicted of one count of misdemeanor prescription fraud, for an offense that occurred on March 17, 2007. She had originally been charged with a felony and was placed on first offender status, with the understanding that the charge would be reduced to a misdemeanor if she complied with all terms and conditions of probation.

5. Ms. Gaither acknowledged that she may be unable to safely practice professional nursing due to substance abuse.

6. Ms. Gaither entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on January 19, 2012, and a Recovery Monitoring Contract on March 5, 2012. By letter dated March 26, 2012, her HPMP case manager indicated that she was in full compliance with her Recovery Monitoring Contract.

7. Ms. Gaither's addiction medicine treatment provider, K. LeGree Hallman, M.D., appeared at the informal conference and stated that he has treated Ms. Gaither for approximately three years, that he now sees her every six weeks, that she has been subject to random drug screens, all of which have been negative, and that she is in a very sound and stable phase of her recovery. He recommended that her license be reinstated.

8. Ms. Gaither stated that she attends frequent AA meetings and that her date of sobriety was August 7, 2009. She sees a licensed clinical social worker at Meridian Psychotherapy for individual counseling.

9. Ms. Gaither has been employed in a non-nursing capacity with Boston Reed College. She has had no disciplinary issues. She has completed the required continuing education credits for reinstatement of her license.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.
3. The Committee concludes that Ms. Gaither has otherwise demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:


1. The license of Christine Gaither to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED contingent upon Ms. Gaither's continued compliance with the terms and conditions of the HPMP for the period specified by the HPMP.
2. 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.
3. 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.
4. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. 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. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- 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 HPMP. However, upon receipt of evidence of Ms. Gaither's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

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.

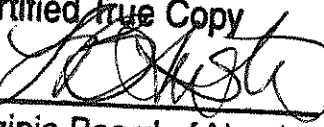
Pursuant to Section 54.1-2400(10) of the Code, Ms. Gaither may, not later than 5:00 p.m., on **May, 21, 2012**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:


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

ENTERED: April 18th, 2012

This Order shall become final on **May 21, 2012**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing