



# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

## Department of Health Professions

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

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

Virginia Board of Nursing  
Jay P. Douglas, RN, MSM, CSAC  
Executive Director

Board of Nursing (804) 367-4515  
Nurse Aide Registry (804) 367-4569  
FAX (804) 527-4455

### NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

April 21, 2009

Christine Gaither, R.N.  
2932 Enchanting Circle  
Virginia Beach, Virginia 23456

**CERTIFIED MAIL**  
**71603901984534279495**

RE: **VA License No.:** 0001-171042  
**Expiration Date:** April 30, 2010

Dear Ms. Gaither:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **May 28, 2009, at 10:30 a.m.** at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, 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 be in violation of an Order of the Board entered February 14, 2008 ("Board Order"), which took no action against you contingent on certain terms and conditions. The agency subordinate will also inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

1. Term #1 of the Board Order requires that you remain in compliance with your Health Practitioners' Intervention Program ("HPIP") Recovery Monitoring Contract. Since the entry of the Board Order, you have not been in compliance with your contract in that you missed a urine drug screen; you failed to inform your health care providers of your history of chemical dependence; you failed to notify HPIP staff that you were prescribed controlled substances, Lunesta (eszopiclone – Schedule IV), Ambien (zolpidem – Schedule

IV), and flurazepam (Schedule IV); and you failed to arrange for an assessment at Marworth Alcohol and Chemical Dependency Center, Waverly, Pennsylvania, as requested by HPIP. You were subsequently dismissed from HPIP on October 17, 2008.

2. You may have violated §54.1-3007(6) of the Code and may be unsafe to practice nursing because of your continued health problems which have resulted in your continued use of narcotic pain medications and narcotic sleep aides.

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 nursing 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 license, 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 five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by May 21, 2009. 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 May 28, 2009. 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 May 21, 2009. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after May 21, 2009 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) 367-4634.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director, Discipline

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions  
Anne Josephs, Deputy Director, Administrative Proceedings Division  
Wendell C. Roberts, Adjudication Specialist  
Kelly Ashley, Senior Investigator (Case No. 122698)  
Agency Subordinate  
Peggy Wood, Intervention Program Manager