

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

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 June 17, 2014, in Henrico County, Virginia. Christine M. Gaither, R.N., 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 September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gaither was not present nor was she 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 M. Gaither, R.N. was issued License No. 0001-171042 to practice professional nursing by the Virginia Board of Nursing on September 14, 2000. Said license is set to expire on April 30, 2016. Her primary state of residence is Virginia. Ms. Gaither holds License No. 618558 to practice professional nursing in the State of California, which was revoked by Default Decision and Order entered February 26, 2013. She also holds expired licenses to practice professional nursing in Hawaii and Georgia.

2. By letter dated May 14, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gaither notifying her that an informal conference would be held on June 17, 2014. 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. The Notice was also sent to 4654 Edwardian Court, Virginia Beach, Virginia 23455, a secondary address.

3. By Order entered February 14, 2008, the Virginia Board of Nursing took no action contingent upon Ms. Gaither's compliance with her Recovery 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 with Chesapeake General Hospital in Chesapeake, Virginia, in March 2007, she diverted Dilaudid, Demerol, and Benadryl for her personal and unauthorized use.

4. 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 continued use of narcotic pain medication and narcotic sleep aids, and her dismissal from the HPMP on October 17, 2008, for noncompliance. Specifically, 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.

5. 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.

6. 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 M. Gaither, R.N. This action was based solely on the Virginia Board's Order entered February 14, 2008 and

subsequent Order entered August 6, 2009.

7. By Order entered July 17, 2013, the Director of the Department of Health Professions mandatorily suspended Ms. Gaither's license pursuant to § 54.1-2409 of the Code of Virginia (1950), as amended ("Code"), due to the action of the California Board.

8. By Order entered July 17, 2013, 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 placed on her as reference by the Board's Order of April 18, 2012.

9. On August 29, 2013, Ms. Gaither was dismissed from the HPMP for failure to comply with the terms and conditions of her Recovery Monitoring Contract. Specifically, she began employment in a setting that was not approved by the HPMP.

10. Ms. Gaither has been employed with Hologic since July 17, 2013, as a clinical specialist consultant. She educates sales representatives that supply medical equipment to health care providers. The position requires her to enter hospital operating rooms to observe the use of the medical equipment being supplied by the company. The position does not require a nursing license nor was it approved by HPMP because of lack of supervision. At the informal conference, Ms. Gaither acknowledged knowing HPMP would not approve her work setting but felt it was the "job of her dreams" and plans to continue her employment with the company.

11. Ms. Gaither reported being hospitalized for shoulder surgery in February 2013, and for gastric bypass surgery in October 2013. During each hospitalization she was prescribed Vicodin (hydrocodone, Schedule III) and Dilaudid (hydromorphone, Schedule II) while in the hospital and post-operative at home. Ms. Gaither was hospitalized in February 2014, for a head injury and was prescribed Vicodin.

12. Ms. Gaither reported a sobriety date of August 7, 2009. She sees an addictionologist once

a month, who has prescribed Trazodone, Cymbalta and Zofran. Ms. Gaither also participates in psychotherapy bi-weekly and a health professionals' support group once a week. Ms. Gaither reported that all random and monthly urine drug screens have been negative. On November 27, 2013, the investigator for the Department of Health Professions contacted Ms. Gaither and requested that she submit to a urine drug screen. Ms. Gaither failed to submit the screen and when contacted on December 10, 2014, Ms. Gaither reported that she had gotten ill.

CONCLUSIONS OF LAW

Finding of Fact No. 9 constitutes a violation of Term No. 1 and 4(a) of the Board Order entered April 18, 2012.

ORDER

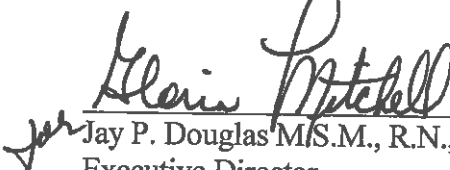
WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-171042 of Christine M. Gaither, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Gaither shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Gaither shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Gaither may, not later than 5:00 p.m., on **November 11, 2014**, notify Jay P. Douglas M.S.M., R.N., C.S.A.C., F.R.E., 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 BOARD:


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

ENTERED: October 9, 2014

This Order shall become final on **November 11, 2014**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By U. Robinson-Flowers
Virginia Board of Nursing