

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 May 28, 2009, in Henrico County, Virginia. Christine Gaither, R.N., was not present and was not represented by legal counsel. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 22, 2009, 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. Ms. Gaither submitted written comments.

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, R.N., was issued License No. 0001-171042 to practice as a practical nurse in Virginia on September 14, 2000. The license is current and will expire on April 30, 2010.
2. By letter dated April 21, 2009, the Board sent a Notice of Informal Conference ("Notice") to Ms. Gaither notifying her that an Informal Conference would be held on May 28, 2009. The Notice was sent by certified and first class mail to 2932 Enchanting Circle, Virginia Beach, Virginia 23456, the address of record on file with the Board. The certified letter was delivered on April 23, 2009, and the Board received the US Postal Service delivery confirmation on April 24, 2009. The first class mail was not returned to the Board. The Agency Subordinate concluded that Ms. Gaither was provided adequate notice and the informal conference proceeded in her absence.

3. Term #1 of the Board Order entered February 14, 2008 (“Board Order”), required that Ms. Gaither remain in compliance with her Health Practitioners’ Intervention Program (“HPIP”) Recovery Monitoring Contract. The Board Order was based on Ms. Gaither’s admission that on March 13, 2007, she diverted injectable Diluadid (hydromorphone – Schedule II) and Benadryl (diphenhydramine) from the Pyxis system of her employer, Chesapeake General Hospital, Chesapeake, Virginia, and self-injected them while she was on duty. The Board Order took no action against Ms. Gaither contingent upon her remaining in compliance with her HPIP contract.

4. Since the entry of the Board Order, Ms. Gaither has not been in compliance with her HPIP 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 HPIP staff that she was prescribed controlled substances, Lunesta (eszopiclone – Schedule IV), Ambien (zolpidem – Schedule IV), and flurazepam (Schedule IV); and she failed to arrange for an assessment at Marworth Alcohol and Chemical Dependency Center, Waverly, Pennsylvania, as requested by HPIP.

5. Ms. Gaither is unsafe to practice due to continued health problems which have resulted in her continued use of narcotic pain medications and narcotic sleep aides.

6. Ms. Gaither has been charged with a felony violation of §18.2-258.1 of the Code (Prescription Fraud) in the Circuit Court of the City of Chesapeake, Virginia. Ms. Gaither is a fugitive.

CONCLUSIONS OF LAW

1. Finding of Fact #4 constitutes a violation of Term #1 of the Board Order.
2. Finding of Fact #5 constitutes a violation of §54.1-3007(6) of the Code.

ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-171042 of Christine Gaither, R.N., is INDEFINITELY SUSPENDED for a period of not less than two years.
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.

Since Ms. Gaither failed to appear at the informal conference, this Order shall be considered final. Ms. Gaither has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Gaither has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

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

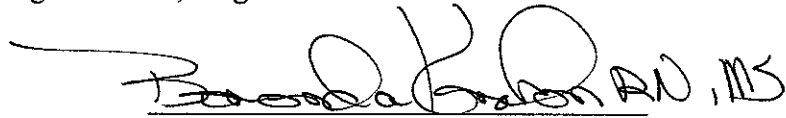

Jay P. Douglas, R.N., M.S.M., C.S.A.C.

Executive Director
Board of Nursing

Entered: August 6, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Christine Gaither, R.N., at 2932 Enchanting Circle, Virginia Beach, Virginia 23456.


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

Executive Director
Board of Nursing

August 6, 2009
DATE