



COMMONWEALTH of VIRGINIA

Department of Health Professions

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

September 7, 2007

Christine Gaither, R.N..
2552 Belmont Stakes Drive
Virginia Beach, Virginia 23456

CERTIFIED MAIL
71603901984990860459

RE: VA License No. 0001-171042
Expiration Date: April 30, 2008

Dear Ms. Gaither:

This letter is official notification that an informal conference of the Virginia Board of Nursing will be held on **October 16, 2007, at 1:00 p.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 have violated certain laws and regulations governing the practice of Nursing in Virginia.

Specifically:

1. You may have violated § 54.1-3007(5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations ("Regulations") as follows:

a. In or about September, 2006, during the course of your employment with Children's Healthcare of Atlanta, Georgia, by your own admission, you diverted at least 20 units of injectable Dilaudid (hydromorphone, Schedule II) and Demerol (meperidine, Schedule II) from the Pyxis system and self-injected them while on duty.

b. On or about March 17, 2007, on your first day of orientation at Chesapeake General Hospital, Chesapeake, Virginia, by your own admission, you diverted injectable Dilaudid and Benadryl (diphenhydramine) from the Pyxis system and self-injected them while on duty. Thereafter, you appeared

lethargic and confused, with slurred speech and staggering, and were sent home. Your employment was terminated as a result of this incident.

2. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that on an application for employment with Chesapeake General Hospital, dated January 31, 2007, you stated that your reason for leaving Children’s Healthcare of Atlanta was “moved to Virginia Beach,” when, in fact, your employment there had been terminated for “violation of company policy.”

After consideration of all information, the agency subordinate may:

1. Recommend to the Board that you be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory/regulatory violation has occurred; or

2. 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.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4617.

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 have enclosed 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, and must be claimed at the post office.

To facilitate this proceeding, you should submit **four (4)** copies of any documents you wish for the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300,


Richmond, Virginia 23233, by **October 9, 2007**. Your documents may not be submitted by facsimile or e-mail.

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 **October 16, 2007**. 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 **5:00 p.m. on October 9, 2007**. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after **October 9, 2007**, 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) 367-4617.

Sincerely,


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

GDM/bl

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Patricia Harte-Byers, Senior Investigator (114230)
Agency Subordinate
Peggy Wood, Intervention Program Manager