

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ELLYN W. ALGARIN, R.N. REINSTATEMENT APPLICANT
License No.: 0001-121823

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 25, 2015, in Henrico County, Virginia, to receive and act upon Ellyn W. Algarin's application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Algarin may have violated certain laws and regulations governing nursing practice in Virginia. The Commonwealth's case was presented by Anne Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Algarin was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Ellyn W. Algarin was issued License No. 0001-121823 to practice professional nursing in the Commonwealth of Virginia on January 9, 1991. Said license was suspended by Consent Order of the Board on July 27, 1994, reinstated by Board Order on September 20, 2001, re-suspended by Consent Order on August 27, 2003, reinstated by Board Order on June 25, 2010, and re-suspended by Consent Order of the Board on July 17, 2012. Ms. Algarin's primary state of residence is Virginia. She also held a license to practice as a nurse practitioner in Virginia, which was suspended by Consent Order of the Committee of the Joint Boards of Nursing and Medicine on July 29, 1994.

2. Ms. Algarin submitted an application for reinstatement of her license to the Board on June 11,

2014.

3. By her own admission, Ms. Algarin suffers from opioid and alcohol abuse. She relapsed on Suboxone (buprenorphine/naloxone, Schedule III) in or about September 2013.

4. Ms. Algarin entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on August 11, 2014. She entered into a Recovery Monitoring Contract on September 22, 2014. A report from the HPMP dated February 23, 2015 indicated that Ms. Algarin was in compliance with her Recovery Monitoring Contract but that HPMP had not determined that she was safe to return to practice.

5. Ms. Algarin testified that she intends to move to Georgia at the end of April; she does not intend to practice in Virginia.

6. Ms. Algarin stated that her sobriety date is January 19, 2014. However, she later testified that this is the date that she started tapering off of Suboxone, so she anticipates that she will have a different sobriety date whenever she is able to completely wean off of medication.

7. Ms. Algarin has not worked as a professional nurse since 2002.

CONCLUSIONS OF LAW

The Board concludes that:

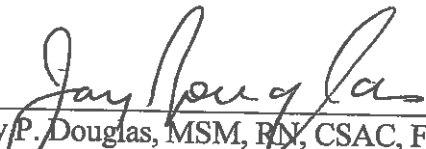
1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Ms. Algarin has not demonstrated that she is safe to resume the practice of nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application of Ellyn W. Algarin for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia is hereby DENIED.

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.

FOR THE BOARD



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

April 2nd, 2015

ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing