

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ELLYN E. ALGARIN

CONSENT ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on February 24, 2003, in Henrico County, Virginia, to receive and act upon evidence that Ellyn E. Algarin, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Algarin was present and was not represented by counsel.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Ellyn E. Algarin, -R.N., holds License No. 0001-121823 issued by the Virginia Board of Nursing. Ms. Algarin also previously held License No. 0024-121823 to practice as a licensed nurse practitioner in the category of family nurse practitioner, issued by the Committee of the Joint Boards of Nursing and Medicine.
2. Pursuant to a Consent Order entered July 27, 1994, Ms. Algarin's license to practice professional nursing was indefinitely suspended based on her obtaining prescriptions by fraud. Pursuant to a Consent Order entered July 29, 1994, by the Committee of the Joint Boards of Nursing and Medicine, Ms. Algarin's license to practice as a licensed nurse practitioner was indefinitely suspended also.
3. Pursuant to an Order entered September 20, 2001, Ms. Algarin's license to practice professional nursing was reinstated on terms and conditions, to include complying with all terms and conditions of the Health Practitioners' Intervention Program. Ms. Algarin violated § 54.1-3007(2), (3) and (6) of the Code and Term No. 1 of the Board's Order, in that, by her

own admission, in the spring of 2002, she relapsed and began drinking alcohol and later began using Ultram (tramadol HCl, Schedule VI), escalating to fifty tablets a day. On or about November 2, 2002, she reported her relapse to the Health Practitioners' Intervention Program.

4. Ms. Algarin violated § 54.1-3007(2), (3) and (6) of the Code, in that: In June 2002, she obtained an initial prescription from her employer under the auspices that the medication was needed until she could see her regular physician. Ms. Algarin then obtained fraudulent prescriptions from various pharmacies by calling in the prescriptions and providing Robin Freeman-Bragg, M.D., as the prescriber.
 - a) Between July 11, 2002 and September 28, 2002, Ms. Algarin fraudulently obtained approximately 480 dosage units of Ultram from the Sam's Club Pharmacy, Virginia Beach, Virginia, using her daughter's name as the patient. On or about November 29, 2002, she attempted to obtain another prescription; however, the pharmacist refused to fill it until he received verification from the physician.
 - b) Between August 24, 2002 and October 19, 2002, Ms. Algarin fraudulently obtained approximately 400 dosage units of Ultram from Kroger Pharmacy #535, Virginia Beach, Virginia, using her daughter's name as the patient. Further, on two occasions, she left the store without paying for the prescriptions.
 - c) Between August 31, 2002 and October 16, 2002, Ms. Algarin fraudulently obtained approximately 300 dosage units of Ultram from Rite Aid Pharmacy #4386, Virginia Beach, Virginia, under her maiden name "Baranowski."
 - d) As a result of the above activity, her employment at Greenbrier OB/GYN was terminated on or about November 1, 2002.
4. Ms. Algarin admitted to the Committee that she relapsed with alcohol in December 2002;

however, she failed to report this relapse to the HPIP or to her therapist Sherry Sigafos, C.S.A.C., L.P.C. Ms. Algarin also stated that she is willing to surrender her license at this time.

5. Linda Kleiner, Case Manager with the HPIP, reported several missed calls for drug screens in January and February 2003. She also stated that Ms. Algarin will be recommended for dismissal at the April meeting of the Intervention Program Committee, if there are any further instances of non-compliance.

CONSENT

Ellyn E. Algarin, R.N., by affixing her signature hereon, agrees to the following:

1. She acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. She acknowledges that she is fully aware that without her consent, no legal action can be taken against her, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1, et seq, of the Code of Virginia, 1950, as amended;
3. She acknowledges that she has the following rights, among others: the right to a formal hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
4. She waives all such rights to a formal hearing;
5. She admits to the above Findings of Fact; and
6. She consents to the entry of the following Order affecting her license to practice professional nursing in the Commonwealth of Virginia.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of the license of Ellyn E. Algarin, R.N., to practice professional nursing in the Commonwealth of Virginia. At such time that

Ms. Algarin petitions the Board for reinstatement of her license, a meeting will be convened to receive evidence satisfactory to the Board that she is able to resume the safe and competent practice of nursing.

Upon entry of this Consent Order, the license of Ellyn E. Algarin, R.N., will be recorded as suspended and no longer current. Consistent with the terms of this Consent Order, in the event Ms. Algarin seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, the signed original of this Consent 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

Certified True Copy
By DL 9/3/03
Virginia Board of Nursing

Janet B Younger
Janet Younger, Ph.D., R.N., P.N.P.
President

ENTERED: May 14, 2003

Janet B Younger 8/27/03
neither copy in nor deny.

Seen and Agreed to:

Ellyn E. Algarin
Ellyn E. Algarin, R.N.

COMMONWEALTH OF VIRGINIA,
County/City of Virginia Beach, to wit:

Subscribed and sworn to before me, Robin A. Hoefle, a Notary Public, by Ellyn E. Algarin, R.N., this 8th day of April, 2003.

My commission expires the 30th day of November, 2006.

Robin A. Hoefle
Notary Public