

VIRGINIA:

BEFORE THE COMMITTEE OF THE JOINT BOARDS OF  
NURSING AND MEDICINE

IN RE: ELLYN WESSELLS ALGARIN, R.N.

CONSENT ORDER

The Committee of the Joint Boards of Nursing and Medicine (the "Committee") and Ellyn Wessells Algarin, R.N., enter into the following Consent Order affecting Ms. Algarin's license to practice as a licensed family nurse practitioner in the Commonwealth of Virginia.

FINDINGS OF FACT

1. Ellyn Wessells Algarin, R.N., holds nurse practitioner license number 0001-121823, issued by the Virginia Board of Nursing.
2. On or about October 9, 1993, Ms. Algarin fraudulently attempted to call in a prescription for intranasal Stadol, a Schedule VI controlled substance, at the K-Mart Pharmacy #3560, Virginia Beach, Virginia, without legal authorization, by posing as an office nurse for "Ramon Matawaran, M.D."
3. Between August 27, 1993, and October 5, 1993, Ms. Algarin fraudulently called in nine (9) prescriptions for various amounts of Darvocet N-100, a Schedule IV controlled substance, at various Virginia Beach, Virginia, area pharmacies, without legal authorization, by posing as an office nurse for "Ramon Matawaran, M.D."
4. On or about October 1, 1993, Ms. Algarin fraudulently called in a prescription for 40 dosage units of Fiorinal with Codeine, a Schedule III controlled substance, at the Revco

- Discount Drug #0374, Virginia Beach, Virginia, without legal authorization, by posing as an office nurse for "Ramon Matawaran, M.D."
5. On October 5, 1991, Ms. Algarin obtained 50 dosage units of Percocet, a Schedule II controlled substance, by fraud, at the Drug Emporium, Indian River Road, Virginia Beach, Virginia, using a prescription bearing the forged name of "Harriet Jones, M.D."
  6. On October 21, 1991, Ms. Algarin obtained 40 dosage units of Percocet, a Schedule II controlled substance, by fraud, at the Drug Emporium, Indian River Road, Virginia Beach, Virginia, using a prescription bearing the forged name of "Harriet Jones, M.D."
  7. On or about October 18, 1991, using the name "Harriet Jones, M.D.," Ms. Algarin fraudulently called in a prescription for 40 dosage units of Fiorinal with Codeine, a Schedule III controlled substance, at the Drug Emporium, Indian River Road, Virginia Beach, Virginia, without legal authorization.
  8. On or about December 7, 1991, using the name "Harriet Jones, M.D.," Ms. Algarin fraudulently attempted to call in a prescription for Fiorinal #3, a Schedule III controlled substance, at the Drug Emporium, Indian River Road, Virginia Beach, Virginia, without legal authorization.
  9. On September 21, 1992, in the Circuit Court of the City of Virginia Beach, Ms. Algarin was found guilty of one count of prescription fraud. In accordance with a plea agreement, she was sentenced to three (3) years imprisonment, with the

sentence suspended subject to her remaining on good behavior for three (3) years, and paying court costs of one hundred fourteen dollars (\$114.00). Three additional charges for prescription fraud were nolle prosequi.

10. In January, 1992, Ms. Algarin self-admitted to Peninsula Hospital, Hampton, for a chemical dependency evaluation, and to Perspectives Health Program, Hampton, Virginia, for chemical dependency treatment. Ms. Algarin successfully completed this program in April, 1992.
11. In July, 1993, Ms. Algarin relapsed on opiates and barbiturates and subsequently entered Harbours Chemical Dependency Program. She was followed in her progress by Pat Salisbury-Fitzgerald, L.P.C., and Linda M. Sabonya, M.D., at the Farley Institute, Hampton, Virginia.
12. On October 12, 1993, Ms. Algarin relapsed and was hospitalized under the care of Michael Bohan, M.D., addictionologist, at Norfolk Psychiatric Center, Norfolk, Virginia. Ms. Algarin remains in treatment with Dr. Bohan.
13. By her own admission before the Special Conference Committee on June 22, 1994, between January, 1994, and May, 1994, Ms. Algarin fraudulently called in prescriptions for various amounts of Vicodin, a Schedule III controlled substance, and for her personal and unauthorized use.
14. On March 16, 1994, Ms. Algarin signed a contract addendum with Peer Assistance for Chemically Dependent Nurses (PACDN) with additional terms and conditions. Ms. Algarin's new PACDN monitor under this contract was not aware of her recent

relapse.

15. Since April 26, 1994, Ms. Algarin has been employed with James M. Williams, M.D., her primary care physician, and reports she neither prescribes nor has access to narcotics. Her employer is aware of, and supportive of her recovery, but is not aware of Ms. Algarin's recent relapse.
16. Since June 7, 1994, Ms. Algarin has been in counselling with William Tatman, L.C.S.W., Ghent Psychological, Norfolk, Virginia.
17. Ms. Algarin currently attends Alcoholics Anonymous four to five times a week and Caduceus weekly. She has an Alcoholics Anonymous sponsor who gives her a favorable report.
18. Ms. Algarin states that her date of sobriety is May 30, 1994.

#### CONCLUSIONS OF LAW

The Committee concludes that Findings of Fact two (2) through thirteen (13) constitute a violation of § 54.1-2957.01(B), § 54.1-3303(D), § 54.1-3408(A) and §§ 54.1-3007(2), (4), (5) and (6) of the Code of Virginia (1950), as amended, § 4.1(B)(3) of the Board of Nursing Regulations, and §§ 5.1(A)(4), (5), and (6) of the regulations governing the licensure of nurse practitioners in the Commonwealth of Virginia.

#### CONSENT

Ellyn Wessells Algarin, by affixing her signature hereon, agrees to the following:

1. Ms. Algarin acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;

2. Ms. Algarin acknowledges that she is fully aware that without 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. Ms. Algarin acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Committee, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
4. Ms. Algarin waives all such rights to a formal hearing;
5. Ms. Algarin admits to the above Findings of Fact; and
6. Ms. Algarin waives her right to contest the foregoing Findings of Fact in any subsequent proceeding before the Committee;
7. Ms. Algarin consents to the entry of the following Order affecting her license to practice as a licensed family nurse practitioner in the Commonwealth of Virginia.

**ORDER**

Wherefore, on the basis of the foregoing, the Committee of the Joint Boards of Nursing and Medicine, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS that License No. 0001-121823, issued to Ellyn Wessells Algarin to practice as a licensed family nurse practitioner in the Commonwealth of Virginia, be and hereby is INDEFINITELY SUSPENDED. At such time as she shall petition the Committee for reinstatement of her license, a formal hearing will be convened to receive evidence satisfactory to the Committee that Ms. Algarin is able to resume the safe and competent practice of nursing.

Pursuant to § 9-6.14:14 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 COMMITTEE:

James R. [unclear], R.N.  
Chairman, Committee of the Joint  
Boards of Nursing and Medicine

Entered: July 29, 1994

Seen and Agreed to:

Ellyn Wessells Algarin  
Ellyn Wessells Algarin

*I neither confirm  
nor deny the  
above allegations.*

COMMONWEALTH OF VIRGINIA,  
County (City of) VA. Beach, to wit:

Subscribed and sworn to before me, MARIE S. Austin,  
a Notary Public, by Ellyn Wessells Algarin this 25<sup>th</sup> day of  
July, 1994.

My commission expires the 31<sup>st</sup> day of JANUARY, 1994.

Marie S. Austin  
Notary Public

Received: August 2, 1994

By: John W. Hasty  
John W. Hasty, Director  
Department of Health Professions

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ELLYN WESSELLS ALGARIN, R.N., L.N.P.

CONSENT ORDER

Pursuant to § 54.1-110 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 June 22, 1994, in Henrico County, Virginia, to receive and act upon evidence that Ellyn Wessells Algarin, R.N., L.N.P., 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

1. Ellyn Wessells Algarin holds License No. 0001-121823, issued by the Virginia Board of Nursing.
2. On or about October 9, 1993, Ms. Algarin fraudulently attempted to call in a prescription for intranasal Stadol, a Schedule VI controlled substance, at the K-Mart Pharmacy #3560, Virginia Beach, Virginia, without legal authorization, by posing as an office nurse for "Ramon Matawaran, M.D."
3. Between August 27, 1993, and October 5, 1993, Ms. Algarin fraudulently called in nine (9) prescriptions for various amounts of Darvocet N-100, a Schedule IV controlled substance, at various Virginia Beach, Virginia, area pharmacies, without legal authorization, by posing as an office nurse for "Ramon

Matawaran, M.D."

4. On or about October 1, 1993, Ms. Algarin fraudulently called in a prescription for 40 dosage units of Fiorinal with Codeine, a Schedule III controlled substance, at the Revco Discount Drug #0374, Virginia Beach, Virginia, without legal authorization, by posing as an office nurse for "Ramon Matawaran, M.D."
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8. On or about December 7, 1991, using the name "Harriet Jones, M.D.," Ms. Algarin fraudulently attempted to call in a prescription for Fiorinal #3, a Schedule III controlled substance, at the Drug Emporium, Indian River Road, Virginia Beach, Virginia, without legal authorization.



9. On September 21, 1992, in the Circuit Court of the City of Virginia Beach, Ms. Algarin was found guilty of one count of prescription fraud. In accordance with a plea agreement, she was sentenced to three (3) years imprisonment, with the sentence suspended subject to her remaining on good behavior for three (3) years, and paying court costs of one hundred fourteen dollars (\$114.00). Three additional charges for prescription fraud were nolle prosequi.
10. In January, 1992, Ms. Algarin self-admitted to Peninsula Hospital, Hampton, for a chemical dependency evaluation, and to Perspectives Health Program, Hampton, Virginia, for chemical dependency treatment. Ms. Algarin successfully completed this program in April, 1992.
11. In July, 1993, Ms. Algarin relapsed on opiates and barbiturates and subsequently entered Harbours Chemical Dependency Program. She was followed in her progress by Pat Salisbury-Fitzgerald, L.P.C., and Linda M. Sabonya, M.D. at the Farley Institute, Hampton, Virginia.
12. On October 12, 1993, Ms. Algarin relapsed and was hospitalized under the care of Michael Bohan, M.D., addictionologist, at Norfolk Psychiatric Center, Norfolk, Virginia. Ms. Algarin remains in treatment with Dr. Bohan.
13. By her own admission before the Special Conference Committee on June 22, 1994, between January, 1994, and May, 1994, Ms. Algarin fraudulently called in prescriptions for various amounts of Vicodin, a Schedule III controlled substance, and for her personal and unauthorized use.

14. On March 16, 1994, Ms. Algarin signed a contract addendum with Peer Assistance for Chemically Dependent Nurses (PACDN) with additional terms and conditions. Ms. Algarin's new PACDN monitor under this contract was not aware of her recent relapse.
15. Since April 26, 1994, Ms. Algarin has been employed with James M. Williams, M.D., her primary care physician, and reports she neither prescribes nor has access to narcotics. Her employer is aware of, and is supportive of, her recovery, but is not aware of Ms. Algarin's recent relapse.
16. Since June 7, 1994, Ms. Algarin has been in counselling with William Tatman, L.C.S.W., Ghent Psychological, Norfolk, Virginia.
17. Ms. Algarin currently attends Alcoholics Anonymous four to five times a week and Caduceus weekly. She has an Alcoholics Anonymous sponsor who gives her a favorable report.
18. Ms. Algarin states that her date of sobriety is May 30, 1994.

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes that Ellyn Wessells Algarin, R.N., L.N.P., has violated §§ 54.1-3007(2), (4), (5) and (6) of the Code of Virginia (1950), as amended, and § 4.1(B)(3) of the Board of Nursing Regulations.

#### **CONSENT**

Ellyn Wessells Algarin, by affixing her signature hereon, agrees to the following:

1. Ms. Algarin acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. Ms. Algarin acknowledges that she is fully aware that without

- 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. Ms. Algarin acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
  4. Ms. Algarin waives all such rights to a formal hearing;
  5. Ms. Algarin admits to the above Findings of Fact; and
  6. Ms. Algarin consents to the entry of the following Order affecting her license to practice professional nursing in the Commonwealth of Virginia.

**ORDER**

Wherefore, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS that License No. 0001-121823, issued to Ellyn Wessells Algarin, be and hereby is INDEFINITELY SUSPENDED. Ms. Algarin may petition the Board after not less than eighteen months from the date of entry of this Order for reinstatement of her license to practice professional nursing, at which time 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.

Pursuant to § 9-6.14:14 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

Corinne E. Dorsey for  
Ann R. Yankovich, R.N.  
President

Entered: July 27, 1994

Seen and Agreed to:

Ellyn Wessells Algarin  
Ellyn Wessells Algarin

*I neither confirm nor deny the above allegations.*

COMMONWEALTH OF VIRGINIA,

County/City of VA. Beach., to wit:

Subscribed and sworn to before me, Marie S. Austin,  
a Notary Public, by Ellyn Wessells Algarin, this 25<sup>th</sup> day of  
July, 1994.

My commission expires the 31<sup>st</sup> day of January, 1994.

Marie S. Austin  
Notary Public

Received: Aug 1, 1994

By: John W. Hasty  
John W. Hasty, Director  
Department of Health Professions