

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ELLYN WESSELLS ALGARIN, R.N.
REINSTATEMENT APPLICANT
License Number: 0001-121823
Case Number: 177162

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on April 13, 2017, in Henrico County, Virginia, to receive and act upon Ellyn Wessells Algarin’s application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Ellyn Wessells Algarin, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 17, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Algarin notifying her that an informal conference would be held on April 13, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Ellyn Wessells Algarin, R.N., was issued License Number 0001-121823 to practice professional nursing 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, and reinstated by Board Order on June 25, 2010. Said license was re-suspended by

Consent Order of the Board on July 17, 2012, based upon findings that Ms. Algarin was dismissed from the Virginia Health Practitioners' Monitoring Program ("HPMP") due to her failure to comply with the urine toxicology screening program. Ms. Algarin's primary state of residence is Virginia. Ms. Algarin 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 October 28, 2016.

3. Ms. Algarin violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse and chemical dependency, as evidenced by the following:

a. Ms. Algarin has a history of chemical dependency including abusing opioids and alcohol.

b. In June 2015, Ms. Algarin began receiving substance abuse treatment and monitoring at the Trauma Recovery Clinic, Charlie Norwood VA Medical Center, Augusta, Georgia.

4. Ms. Algarin stated at the informal conference, that she is currently receiving mental health treatment. Ms. Algarin's psychiatrist submitted a letter to the Board, dated December 21, 2016, wherein he opined that she is stable and ready to resume her clinical duties.

5. Ms. Algarin's clinical psychologist also submitted a letter, dated December 23, 2016, that states that she fully supports Ms. Algarin's return to practice. On January 19, 2017, in an interview with an investigator with the Department of Health Professions, Ms. Algarin's psychologist reaffirmed her support of Ms. Algarin's return to her career, but stated that she believes it is healthier for Ms. Algarin to be placed in a position where she is not involved with medication.

6. Ms. Algarin has also received substance abuse treatment since June 2016 at the Addiction Recovery Center Medical Professionals Group, Augusta, Georgia.

7. At the informal conference, Ms. Algarin acknowledged her addiction and stated that she has had two years of sobriety. She stressed that she has been able to maintain her sobriety even through difficult life events.

8. Ms. Algarin maintains that her date of sobriety is July 1, 2015. She stated that she attends Alcoholics Anonymous and health professionals support meetings four times a week. She stated that she currently has a sponsor who is also a nurse. She stated that her recovery support network has broadened due to her increased efforts to meet other people in recovery. She stated that her adult daughters, with whom she is currently residing, and a close friend are her support system.

9. Ms. Algarin stated that she has contacted the HPMP to obtain information about re-enrolling. She stated that she believes she would be able to better comply with the program at the present time because she is confident in her recovery and recognizes her fiduciary duty in caring for her patients. She stated that she would be willing to take whatever steps the Board requires in order to get her license back, including participation in the HPMP.

10. Ms. Algarin stated that previously she suffered from feelings of depression and shame about her addiction. She is now honest with herself about her mistakes, and finds she is able to move on with the help of others. She surrounds herself with people in recovery who will be honest with her. She has been focusing on getting healthy and learning about things other than nursing.

11. Ms. Algarin stated that she has kept her Basic Life Support and Advanced Cardiovascular Life Support certifications current and taken online continuing nursing education courses. She submitted evidence of 29 credit hours of continuing nursing education courses to the Committee.

12. Ms. Algarin confirmed that the last time she worked as a nurse was in 2002. If her license is reinstated, Ms. Algarin stated that she would like to obtain employment at the VA Hospital in Georgia. She sees herself employed in a setting such as primary care or hemodialysis, where narcotic pain

medications are not an aspect of the care. She stated that she does not want to risk her recovery by placing herself in that kind of situation.

13. Ms. Algarin has demonstrated that she is able to resume the safe and competent practice of nursing with monitoring.

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The application of Ellyn Wessells Algarin, R.N., for reinstatement of her license to practice professional nursing is APPROVED contingent upon Ms. Algarin's entry into the Health Practitioners' Monitoring Program ("HPMP") or a Georgia equivalent. Thereafter, Ms. Algarin shall comply with the terms and conditions of the HPMP or Georgia equivalent for the period specified by the HPMP or Georgia equivalent.
2. Upon receipt of evidence of Ms. Algarin's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Algarin's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license
3. Ms. Algarin shall not practice professional nursing until such time as she has passed a Board-approved refresher course. The course shall be approved by the Board in advance of registration. Requests for approval must be received within 15 business days prior to the course date. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.
4. Ms. Algarin shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

5. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED:

April 21ST, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Algarin may, not later than 5:00 p.m., on May 24, 2017, notify Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on May 24, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 

Virginia Board of Nursing