

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ELLYN W. ALGARIN, R.N. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on June 7, 2010, 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 governing professional nursing practice. Ms. Algarin was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Ellyn W. Algarin, R.N., was issued License No. 0001-121823 to practice professional nursing in the Commonwealth of Virginia on January 9, 1991. Said license was voluntarily surrendered for indefinite suspension by an Order of the Board entered July 27, 1994. This action was a result of Ms. Algarin obtaining narcotic medications by fraud. On December 3, 1997, Ms. Algarin appeared before a Committee to petition for reinstatement of her license. By Order entered December 19, 1997, Ms. Algarin’s petition was denied. Ms. Algarin’s license was reinstated by Order of the Board entered September 20, 2001, contingent upon her compliance with the terms and conditions of her Recovery Monitoring Contract with the Health Practitioners’ Monitoring Program (“HPMP”) [*formerly the Health Practitioners’ Intervention Program*]. By Order of the Board entered on August 27, 2003, Ms. Algarin’s license was suspended as a result of her noncompliance with HPMP and obtaining narcotic medication by fraud.

2. Ms. Algarin submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on November 19, 2009.

3. On June 8, 2004, Ms. Algarin was convicted of prescription fraud in the Virginia Beach, Virginia, Circuit Court. Ms. Algarin pled guilty to calling in prescriptions for herself in 2002, without authorization of her employing physician. Ms. Algarin was released from incarceration in 2007, and successfully completed supervised probation on July 31, 2009. Ms. Algarin remains on unsupervised probation.

4. Ms. Algarin acknowledged in her Participation Contract and three Recovery Monitoring Contracts with the HPMP that her chemical abuse and/or dependency may have impaired her ability to practice as a professional nurse. Ms. Algarin signed her most recent Recovery Monitoring Contract on May 10, 2009.

5. In April 2009, Ms. Algarin relapsed with alcohol and self-reported to the HPMP and to her physician, who she sees on a monthly basis for treatment of major depression and opioid dependency. According to the HPMP, Ms. Algarin is currently in compliance with her contract.

6. Ms. Algarin stated that her date of sobriety is April 15, 2009.

7. Ms. Algarin stated that she attends Alcoholics Anonymous meetings four times a week and is currently working on steps 8 and 9; making amends to the people she hurt.

8. Ms. Algarin submitted evidence of competing 15 hours of nursing continuing education.

CONCLUSIONS OF LAW

1. Finding of Fact No 3 constitutes a violation of § 54.1-3007(4) of the Code.

2. Finding of Fact No 5 constitutes a violation of § 54.1-3007(6) of the Code.

3. Based on the above Findings of Fact, the Committee concludes that Ms. Algarin is properly enrolled in the HPMP.

4. The Board concludes that Ellyn W. Algarin has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing hereby ORDERS that the application of Ellyn W. Algarin, R.N., for reinstatement of her license to practice professional nursing in the Commonwealth be APPROVED contingent upon the following conditions shall apply:

1. Ms. Algarin shall continue to comply with all terms and conditions of the Recovery Monitoring Contract (“Contract”) with the HPMP for the period specified in the Contract.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Algarin, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Algarin shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Algarin is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Algarin involving a violation of law or regulation or any term or condition of [probation or] this Order; or

c. Ms. Algarin has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Algarin’s participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Algarin’s appearance before the Board and conduct an administrative review of this matter.

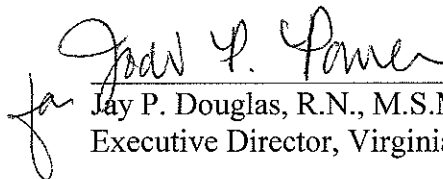
3. This order shall be applicable to Ms. Algarin’s multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Algarin shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the

written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Algarin wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Ms. Algarin shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 COMMITTEE


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: June 25, 2010

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.