

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
JEANNE E. HOWRIGAN) **Docket No: NU 36-1204**
License No: 026-0007164)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Jeanne E. Howrigan, R.N., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct pursuant to 3 V.S.A. §129, §129a, and §814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Statement of Facts

3. The Respondent, Jeanne E. Howrigan, is licensed in the State of Vermont as a Registered Nurse under license number 026-0007164. This license is currently set to expire on March 31, 2007.
4. At all times relevant, the Respondent was employed as a R.N. by Saint Albans City School ("the School") located in Saint Albans, Vermont.
5. In or about June 2002, the Respondent photocopied the medical records of several clients of the School's nursing office. The Respondent subsequently filed the medical records along with a claim to the Office of Professional Regulation. The Respondent did not obtain client or administrative permission prior to filing these records which were submitted with a few of the client's names intact. Before presenting these records to Investigator Cholewa, the Respondent had a discussion with Executive Director Anita Ristau. Ms. Ristau informed the Respondent that the type of conduct that she was alleging

STATE OF VERMONT



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and utilizing the records to substantiate should be reported to the Board. Ms. Ristau also informed the Respondent that there could be some issues with her having removed the records without the School's permission.

6. The Respondent asserts that she tried to contact the School Administration two or three times in respect to her concerns, but she does not recall hearing back from the School Administration.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

(i) 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of federal or state statutes or rules governing the practice of the profession); and

Understandings

8. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

11. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

12. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

(i) 3 V.S.A. §129a(a)(3) (Failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

STATE OF VERMONT



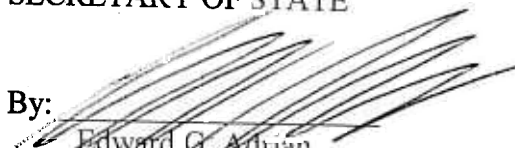
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- B. The Board of Nursing hereby issues a **WARNING** against the Respondent's license to practice nursing.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 1/4/

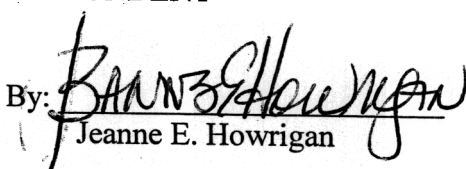
By: 

Edward G. Adrian

State Prosecuting Attorney

JEANNE E. HOWRIGAN
RESPONDENT

Dated: 12/14/2005

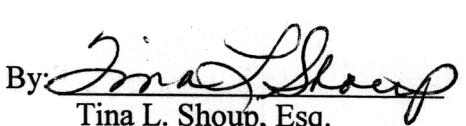
By: 

Jeanne E. Howrigan

Approved as to Form:

ATTORNEY FOR RESPONDENT

Dated: 12/12/05

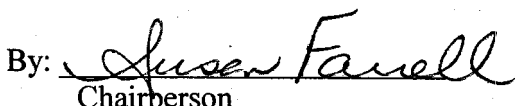
By: 

Tina L. Shoup, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/13/06

By: 

Chairperson

Date of Entry: 2/16/06

nu.howrigan.stip3

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