

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
PHYSICAL THERAPISTS**

IN RE:
JEFFREY P. JAURIGUE
License No. 040.0002611

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Docket No. 2014-775

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. Jarvis, and the respondent in this matter, Jeffrey P. Jaurigue, represented by Devin McLaughlin Esq., who stipulate and agree as follows:

Authority

1. The Administrative Law Officer (ALO) has jurisdiction to hear matters involving allegations of unprofessional conduct by Physical Therapists pursuant to 26 V.S.A. Chapter 28; 3 V.S.A. §§129 and 129a; and the Administrative Rules of the Office of Professional Regulation and the Administrative Rules for Physical Therapists.

Statement of Facts

2. Jeffrey P. Jaurigue ("Respondent") of Rutland, Vermont is licensed by the State of Vermont as a Physical Therapist under license number 040.0002611. This license was originally issued on or about October 17, 1991, and is currently set to expire on or about September 30, 2016.
3. During the relevant time period, the Respondent was employed as a Physical Therapist at Rutland Health and Rehabilitation Center, in Rutland, Vermont.
4. On or about November 29, 2014, the Respondent was working with patient D.F. on gait training skills using a two wheel walker and gait belt. The Respondent was walking behind D.F. with a wheel chair, in the hallway from D.F.'s room to the nurses' station.
5. The Respondent pulled vigorously on D.F.'s gait belt when D.F. ignored the Respondent's cues and requests to sit down in the wheel chair when the hallway became too crowded for D.F. to walk safely. This caused D.F. to land back into the wheelchair.
6. The Respondent then pointed and yelled at D.F., using the word "fuck." The Respondent explained to D.F. that he could not continue with D.F.'s therapy if D.F. continued to not show improvement and to not follow cues, and walked off the unit.
7. The Respondent admits to vigorously pulling D.F. down into the wheelchair. He also admits to using the "F-word" to describe the situation and convey a sense of desperation and urgency in getting D.F. to understand the importance of the exercise they were engaged in.

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Office of
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89 Main Street
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05620-3402

Violations

8. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. §129a(b)(1) and (2) (Failure to practice by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

9. The Respondent admits that the facts set out above are true and that the Order set out below is appropriate to address the violations found.
10. Respondent understands that the Administrative Law Officer must review and accept the terms of the Consent Order. If the ALO rejects any portion, the entire Stipulation and Consent Order shall be null and void.
11. Respondent specifically waives any claims that any disclosures made to the ALO during its review of this agreement will prejudice his right to a fair and impartial hearing if this agreement is not accepted by the ALO and later proceeds to a contested hearing before the same decision-maker.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
14. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
15. Respondent voluntarily waives his rights to a contested hearing before an ALO and waives any right to appeal from this Stipulation and Consent Order.
16. Respondent agrees that the Order set forth below may be entered by the ALO.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Respondent's license is hereby **WARNED**.
- B. The Respondent's license is **CONDITIONED** as follows:

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- a. The Respondent shall, within ninety days of this Order, at his own expense, complete the following pre-approved courses offered through Relias Learning:
 - i. Abuse and Neglect of the Elderly #REL-C2L-1054-V2; 4.25 hours
 - ii. Ethics and Boundaries #REL-C2L-1313AD; 3 hours
 - b. Failure to complete these courses within the prescribed timeframe shall constitute a violation of this Order.
 - c. Upon receipt of satisfactory evidence that the Respondent has completed the described courses, the conditions upon Respondent's license shall be terminated and the Respondent's license shall be restored to unencumbered status.
- C. Notwithstanding any provision above, the Respondent must continue to meet all requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. This Stipulation and Consent Order will remain part of Respondent's licensing files and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 9/24/15

By: Elizabeth A. Jarvis
Elizabeth A. Jarvis
State Prosecuting Attorney

JEFFREY JAURIGUE
RESPONDENT

Dated: 9/21/2015

By: Jeffrey Jaurigue
Jeffrey Jaurigue

APPROVED AS TO FORM:

DEVIN MCLAUGHLIN, ESQ.
ATTORNEY FOR RESPONDENT

Dated: 9/14/15

By: Devin McLaughlin, Esq.
Devin McLaughlin, Esq.

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Office of
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89 Main Street
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APPROVED AND SO ORDERED:

Dated: 9/24/2015

Date of Entry: 9/24/2015

By: Robert V. Simpson
Administrative Law Officer

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