

STATE OF MAINE  
MAINE STATE BOARD OF NURSING

In re: )  
Jennifer L. Higgins ) DECISION  
AND ORDER

Pursuant to authority found in 32 M.R.S.A. § 2105-A(1-A) *et seq.*, 5 M.R.S.A. § 9051 *et seq.* and 10 M.R.S.A. § 8003(5) *et seq.*, the Maine State Board of Nursing (“the Board”) met in public session at the Board’s offices located in Augusta, Maine on October 6, 2004 for the purpose of determining whether grounds exist to grant the appeal of the Board’s preliminary denial of Ms. Higgins’ application for renewal/reinstatement of her license as a Registered Professional Nurse as stated in the Notice of Hearing dated September 7, 2004. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were: Board Chair Therese B. Shipp, R.N., Betty Conant, R.N., Charyl Daughty, L.P.N., Richard Sheehan, M.S., R.N., Karen Tripp, Public Member and Bruce O’Donnell, C.R.N.A. John Richards, Assistant Attorney General, presented the State’s case. Jennifer L. Higgins, R.N. was not present and was not represented by counsel. Ruth McNiff, Assistant Attorney General, served as the Board’s Hearing Officer.

Following a determination that none of the Board members had conflicts of interest which would have barred them from participating in the hearing, the Board admitted State’s Exhibits 1 through 3. The burden of proof was on the applicant to show, by a preponderance of the credible evidence, that grounds did not exist to support the Board’s preliminary denial of her application and her application should be granted.

### FINDINGS OF FACT

1. Jennifer L. Higgins had been licensed by the Board as a Registered Professional Nurse in the State of Maine since 1999.

2. By Decision and Order, dated July 23, 2002, the Board found that a combination of substance abuse and sleeping while on duty rendered her incompetent to practice nursing and revoked her license.

3. On April 27, 2004, the Board received an application for renewal from Ms. Higgins and treated it as an application for reinstatement of her license.

4. The Board preliminarily denied the application for renewal/reinstatement on June 9, 2004.

5. The Board sent a Notice of Hearing, dated September 7, 2004, to Ms. Higgins by regular mail to the address which Ms. Higgins had given to the Board. The Notice was not returned. Neither Ms. Higgins nor an attorney representing her attended the hearing. No evidence was presented on her behalf.

### CONCLUSIONS OF LAW

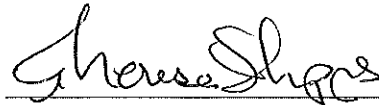
Based on the aforementioned findings of fact, the Board concluded that the applicant, Jennifer Higgins, did not meet her burden of proof and failed to demonstrate that she was qualified, competent and sufficiently rehabilitated to support reinstatement of her license. There was no evidence presented which demonstrated any change in Ms. Higgins' conduct since the previous Decision and Order, dated July 23, 2002, which revoked her license.

The Board, by a vote of 6 to 0, based on its findings of fact and its training and expertise, affirmed and made final its preliminary denial of Jennifer Higgins' application for renewal/reinstatement.

SO ORDERED.

DATED:

12-4-04



Therese M. Shipps, R.N., Chairperson  
Maine State Board of Nursing

#### APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. § 11001 and 10 M.R.S.A. § 8003(5), any party may appeal this Decision and Order by filing a Petition for Review in the Superior Court within thirty (30) days of the receipt of this Order. The Petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. The Petition shall contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which the relief is sought, and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested, upon the Maine State Board of Nursing, all parties to the agency proceedings and the Maine Attorney General.