

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: Andrew C. Horrigan, M.D.

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Licensing Board Matter

**STATE'S RESPONSE TO RESPONDENT'S PETITION  
FOR RELIEF FROM CONDITIONS OF LICENSURE**

The State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, files this response to the petition of Respondent Andrew C. Horrigan, M.D., for relief from the current conditions upon his Vermont medical license.

1. Andrew C. Horrigan, M.D., Respondent, was issued a conditioned Vermont medical license No. 042-0011312 on or about March 21, 2007 by the Vermont Board of Medical Practice. Respondent also holds medical licensure in New Hampshire. Respondent currently is practicing as a psychiatrist in a clinical treatment program in Manchester, New Hampshire.

2. Jurisdiction vests with the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§ 1353, 1354, 1391 & 1398.

**I. Background.**

**A. 2005 New Hampshire Disciplinary Action.**

3. Respondent disclosed in applying for medical licensure in Vermont that he had been previously disciplined in the State of New Hampshire for acts of improper prescribing, including misuse of another physician's DEA registration number. Respondent,

who was then a resident, disclosed that he had entered into a Settlement Agreement with the New Hampshire Board of Medicine in March 2005. The New Hampshire agreement included the following discipline: (a) Respondent Horrigan was reprimanded by the New Hampshire Board for his conduct; (b) Dr. Horrigan's New Hampshire medical license was suspended for three months; (c) Dr. Horrigan was required to participate in the New Hampshire Physician Health Program<sup>1</sup> for a period of at least five years; and d) Dr. Horrigan was administratively fined \$1,500 by the New Hampshire Board.

4. On or about August 17, 2005, the New Hampshire Board of Medicine ended its suspension of Dr. Horrigan's medical license. On or about November 14, 2005, Dr. Horrigan returned to work and practice at Dartmouth Hitchcock Medical Center. Since 2005, Respondent's conduct and performance as a physician have been favorably characterized in all reporting reviewed by the Vermont Board of Medical Practice.

#### **B. New Hampshire Physician Health Program Contract Requirements.**

5. Respondent's practice of medicine in New Hampshire has been subject to his continuing compliance with a five-year evaluation, treatment, and monitoring program with the New Hampshire Physician Health Program (NHPHP). Requirements of his contract include evaluation and treatment, individual counseling, participation in self-help groups, random monitoring for drug and/or alcohol use, and abstention from the use of all medications and/or alcohol, unless properly prescribed. Respondent's contract with the NHPHP will continue until at least January 2010.

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1. The New Hampshire Physician's Health Program is analogous to the Vermont Practitioner Health Program (VPHP) of the Vermont Medical Society.

### **C. Medical Licensure in Vermont.**

6. Respondent's application for Vermont medical licensure in 2006 was intended to permit him to practice part-time in this State as a psychiatric resident. Respondent cooperated fully with the Vermont Board during its review of his past conduct and disciplinary history in New Hampshire. Respondent agreed with the Board that the circumstances involved in his history warranted the imposition of detailed conditions on his Vermont medical license, if one were to be granted to him. In fact, the Vermont Board imposed such conditions by Stipulation and Consent Order, as approved by the Board of Medical Practice in March 2007.

7. Under Respondent's agreement with the Vermont Board, principal oversight, monitoring, and direction of Respondent's recovery efforts was to be carried out by the New Hampshire Physician Health Program and the New Hampshire Board of Medicine. Copies of all written reporting regarding Respondent's recovery and abstinence were to be forwarded to the Vermont Board for review.<sup>2</sup>

8. All reporting received by the Vermont Board of Medical Practice regarding Respondent's recovery efforts and compliance with his agreement in New Hampshire has been positive. No adverse reports have been received.

### **II. Respondent's Request to Terminate Vermont Conditions of Licensure.**

9. Respondent has petitioned the Vermont Board of Practice for termination of

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2. Respondent also agreed that the Vermont Board of Medical Practice would refer his name, information, and his Board file to the Vermont Practitioner Health Program (VPH) for such action as that program might deem appropriate. In fact, VPH conducted an evaluation interview of Respondent and agreed that the New Hampshire Physician Health Program was the appropriate agency for continued oversight and supervision of Respondent's recovery efforts.

the conditions on his Vermont medical license. Respondent has represented the following: a) he no longer practices medicine in Vermont; b) he allowed his Vermont medical license to lapse on November 30, 2008; c) he has no current plan to practice medicine in Vermont; and d) he has continued his recovery efforts without interruption and participates faithfully in the New Hampshire Physician Health Program. In sum, Respondent represents that the continuation of conditions of licensure on his Vermont medical license no longer serves a useful purpose and is unnecessarily burdensome for both the Vermont Board and himself. Respondent emphasizes that oversight and monitoring of his recovery continues to be provided by the Physician Health Program and the New Hampshire Board of Medicine.

10. The Vermont Board's North Investigative Committee, to which this matter is assigned for monitoring, has considered Respondent's petition for relief and agrees with Respondent's reasoning, as set forth above. The Committee recommends that all conditions on Respondent's "lapsed" Vermont medical license be terminated. The State concurs in the Committee's recommendation.

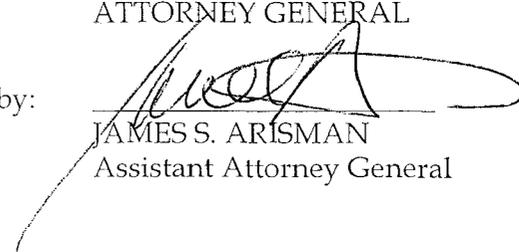
11. Respondent understands and has agreed that termination of the present conditions on his "lapsed" Vermont medical license shall in no way affect or limit the usual discretion and authority of the Vermont Board of Medical Practice as to any future review, consideration, and decision making regarding any application for medical licensure that he might submit to the Vermont Board at a future date. Respondent understands and agrees that the Vermont Board of Medical Practice may and shall review his history of treatment, recovery, monitoring, compliance, cooperation with regulatory agencies, practice activities, and record in the community, during its consideration of any future application for licensure that may be submitted by him to the Board.

The State of Vermont, for the reasons set forth above, expressly including those set forth in Paragraph 11, above, moves that the Vermont Board of Medical Practice approve Respondent's petition for relief and enter an order terminating all conditions of licensure previously imposed upon the Vermont medical license of Respondent, Andrew C. Horrigan, M.D.

Dated at Montpelier, Vermont, this 19<sup>th</sup> day of April 2009.

WILLIAM H. SORRELL  
ATTORNEY GENERAL

by:

  
JAMES S. ARISMAN  
Assistant Attorney General

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**STATE OF VERMONT  
DEPARTMENT OF HEALTH  
BOARD OF MEDICAL PRACTICE**

In re: Andrew C. Horrigan, M.D.

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MPN 1-0305

**NOTICE OF ENTRY OF ORDER**

**Approving physician's request for relief of conditions**

Please take notice that an Order was issued and entered by the Vermont Board of Medical Practice on May 6, 2009, approving Respondent's request for relief of conditions on his physician license by a Stipulation and Consent Order effective March 21, 2007. The relief from conditions is effective May 6, 2009, leaving respondent with a full, unconditional license.

Dated: May 6, 2009

William E. Wargo  
Director  
Board of Medical Practice