State of New Hampshire
Office of Licensed Allied Health Professionals
Speech-Language Pathology Governing Board
Concord, New Hampshire

In the Matter of:
Mary B. Asper
(Application Licensure)

ORDER ON APPLICATION DENIAL

The New Hampshire Governing Board of Speech-Language Pathology ("Board") received a completed application on April 27, 2016 from Ms. Mary B. Asper ("Ms. Asper" or "Petitioner") for a Speech-Language Pathologist initial license. With the application Ms. Asper submitted a letter reporting that she had practiced without a license in the State of New Hampshire. For the following reasons, the Board has voted to **DENY** the Petitioner's request for licensure as a Speech-Language Pathologist.

Background

On April 18, 2016 Ms. Asper submitted an application for licensure as a Speech-Language Pathologist. The Application was returned to her for failure to complete all sections.

On April 27, 2016 Ms. Asper re-submitted the application for licensure with all sections completed (***Exhibit #1***). On the application Ms. Asper marked "Yes" to the question "Have you committed any act(s) that would violate the laws and/or rules that govern the profession for which you are applying." Included with the application was a letter (***Exhibit #2***) from Ms. Asper explaining the "Yes" answer. Ms. Asper stated that she had practiced in New Hampshire without a license.

On June 1, 2016 Ms. Asper submitted an e-mail (***Exhibit #3***) providing the exact time frame in which she practiced without a license in the State of New Hampshire. The dates she reported practicing is from July 6, 2014 to August 7, 2015.

Relevant Law:

RSA 328-F:23, II:
Misconduct sufficient to support disciplinary proceedings shall include:

(i) Practice without a currently valid license.

RSA 328-F:23, II:
Misconduct sufficient to support disciplinary proceedings shall include:

(j) Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A, or of any state or federal law reasonably related to the licensee's authority to practice or ability to practice safely.

RSA 328-F:27, II:
Unauthorized Practice

II. Practice of an allied health profession by any person who is not, and was never, licensed to practice such profession shall constitute unauthorized practice. A business which holds itself out, through advertising or in any other way, as providing an allied health service but does not have available to supervise its services an allied health professional licensed to provide the services which the business purports to offer, is engaging in unauthorized practice.

RSA 326-F:8:
Professional Identification

I. Individuals holding currently valid licenses issued under this chapter may use the title ""speech-language pathologist" and write the designation ""licensed speech-language pathologist" following his or her written name.
II. No person shall represent himself or herself or the services offered by using the letters "SLP" or the words "speech-language pathologist", ""speech-language pathology", ""speech pathologist", ""speech pathology", ""speech therapist", ""speech therapy", ""speech correctionist", ""speech correction", ""speech clinician", ""language pathologist", ""language pathology", ""aphasiologist", voice pathologist", ""voice pathology", ""language therapist", ""language therapy", ""communication disorders", or any similar words if the intent of such use it to imply that the person is licensed, unless licensed under this chapter.
III. Any person who states or implies by word or act that he or she is currently licensed to practice speech-language pathology at a time when she or he does not hold a currently valid license shall be guilty of a misdemeanor.

Spe 404.01(h):
Misconduct shall be:

(h) Practice without a currently valid license or certificate:

Spe 404.01(i):
Misconduct shall be:

(i) Violation of:
(1) Any provision of RSA 328-F;
(2) Any provision of RSA 326-F;
(3) Any rule adopted by the board; or.....

Findings of Fact and Rulings of Law:

- The Petitioner's completed application was received by the Board's office on April 27, 2016
- By her own admission in a letter received by the Board on April 27, 2016 the Petitioner practiced without a license. In an e-mail dated June 1, 2016 the Petitioner stated that the dates of practice without a license were from July 6, 2014 to August 7, 2015 in violation of RSA 328-F:23, II(i), RSA 328-F:23, II(j), RSA 328-F:23, II, Spe 404.01(h), and Spe 404.01(i).
- The Petitioner referred to herself as a Speech-Language Pathologist and used the credentials "SLP" in conjunction with her name from July 6, 2014 to August 7, 2015 in the State of New Hampshire in violation of RSA 328-F:23, II(j), RSA 326-F:8, and Spe 404.01(i).
- The Petitioner has not demonstrated to the Board "sufficient evidence of good professional character and reliability" as evidenced by practicing without a license from July 6, 2014 to August 7, 2015 and using the credentials "Speech-Language Pathologist"/"SLP" in the State of NH without a license in violation of RSA 328-F:23, II(i), RSA 328-F:23, II(j), RSA 328-F:27, II, RSA 328-F:8, Spe 404.01(h), and Spe 404.01(i).

Conclusion:

For the reasons stated above, and in light of RSA 328-F:23, V, the Petitioner's application for licensure is **DENIED**.

THEREFORE IT IS ORDERED this Order on Application Denial ("Order") will become a 'final order' within fifteen (15) days of the effective date of this Order, as defined further below, unless prior to 4:00 p.m. on the fifteenth day of the effective date of this Order the Board receives a written request for a hearing; and

IT IS FURTHER ORDERED that receipt of a timely filed hearing request shall automatically stay this Order and a further order shall be issued in due course in which the Board establishes a date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED that any hearing held in response to this Order shall be a non-adjudicatory hearing conducted pursuant to RSA chapter 326-F; RSA chapter 328-F and RSA chapter 541-A. The Petitioner may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Petitioner has identified disputed factual issues which require resolution. Subsequent to such hearing, the Board will issue a 'final order' within the statutory amount of time; and

IT IS FURTHER ORDERED that once a Board order is a 'final order' in accordance with either of the circumstances outlined above, such order shall become a public document and the petitioner has thirty (30) days to file a request for reconsideration pursuant to RSA 541:3. Such motion shall comply with RSA 541:4.

IT IS FURTHER ORDERED that this order shall take effect as an Order of the Board on the date it is signed by an authorized representative of the New Hampshire Governing Board of Speech-Language Pathology.

BY ORDER OF THE BOARD

Date: July 7, 2016

Tina M. Kelley, Administrator
Authorized Representative of the
Speech-Language Pathology Governing Board