

**SPEECH-LANGUAGE PATHOLOGY GOVERNING BOARD
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
ALLIED HEALTH PROFESSIONALS
Philbrook Building, 121 South Fruit Street
Concord, New Hampshire 03301**

In The Matter Of:

Docket #07-2015

**Holly E. Taft
(Application for Licensure)**

DECISION AND ORDER

By the Board: Robyn Kingsley, SLP, Presiding Officer, Laura Darling, SLP, and Deborah Snow-Major, SLP

Also present: Tina M. Kelley, Administrator to the Board,

Appearances: None

On August 6, 2015, the New Hampshire Speech-Language Pathology Governing Board (“Board”) voted to DENY a request of Holly E. Taft (“Ms. Taft” or “Applicant”) for initial licensure. Ms. Taft petitioned the Board for a hearing on August 12, 2015 and the Board issued a “Notice of Hearing, Order to Show Cause” on September 8, 2015.

On October 1, 2015, the hearing was held in accordance with RSA 328-F: 23 and 328-F:24; Aph 200 and Spe 200. Ms. Taft appeared before the Board and was represented by Attorney Jason Reimers.

Background Information

On April 27, 2015 Ms. Taft called the Board’s office and spoke with Traci Weber, Executive Secretary (“Ms. Weber”). Ms. Taft described for Ms. Weber both her current and past employment. Ms. Taft stated that she was currently employed in New Hampshire. Ms. Weber informed Ms. Taft that she must stop practicing. She explained she must hold a license issued by the State of New Hampshire in order to practice in the State of New Hampshire. Ms. Weber documented the conversation in a memo dated April 27, 2015.

On April 27, 2015 Ms. Taft requested an application for licensure from the Office of Licensed Allied Health Professionals.

On April 28, 2015 Ms. Taft submitted a letter of recommendation from JeanMarie K. Oakman, WS Principal at the Weathersfield School in Ascutney Vermont. This letter stated that Ms. Taft had been practicing at Weathersfield School for a period of time no less than 5 years.

On May 4, 2015 Ms. Taft submitted an application for initial licensure. The application stated that Ms. Taft's place of employment was "Pathways of the River Valley" located in Claremont, New Hampshire.

On May 4, 2015 the Board's office received verification from the American Speech-Language-Hearing Association ("ASHA") showing that Ms. Taft received her Certificate of Clinical Competence ("CCC") on June 26, 2002.

On May 4, 2015 the Office of Licensed Allied Health Professionals received a letter of verification from the State of Connecticut. The verification stated that Ms. Taft was issued a license in Connecticut on June 24, 2002 and that licensed was "Inactive, Lapsed Due to Non-Renewal."

On May 7, 2015 Ms. Taft submitted a resume in which she lists 2 current places of employment in Vermont one of which did not provided the name of the employer, 1 place of employment in Vermont ending in 2009, and 1 place of employment in Connecticut ending in 2003. This resume was unacceptable because it failed to list the name of one of the current employers.

On May 11, 2015 Ms. Taft submitted a second resume which was a duplicate of the first resume with the addition of "Pathways of the River Valley". The dates of employment at Pathways were listed as "February 2015-April 2015". The resume was unacceptable because it still failed to list the name of one of the current employers.

On May 11, 2015 Ms. Taft submitted a letter to the Board describing what she had been doing since her license lapsed for non-renewal in Connecticut. In the letter Ms. Taft stated "The purpose of this letter is to clearly outline for you my experiences as a speech-language pathologist, to identify my practice patterns over the last 11 years and to explain why I practiced without a license". In this letter Ms. Taft admits that she was practicing in Vermont without holding the proper license/certification issued by the State of Vermont.

On May 19, 2015 the Speech-Language Pathology Governing Board issued a “Cease and Desist Order” to Ms. Taft instructing her to cease practicing as a Speech-Language Pathologist in the State of New Hampshire and to submit a written statement that she has ceased practicing and include the curative measures she has taken so as not to repeat these statutory violations in the future. Ms. Taft was to include in the letter the steps she has taken to ensure that any services she billed for while practicing without a license have been corrected.

On May 19, 2015 the Speech-Language Pathology Governing Board issued a second “Cease and Desist Order” to PathWays in Claremont. This “Cease and Desist Order” instructing them to provide in writing that they have ceased from employing individuals to perform Speech-Language Pathology duties who do not hold a valid New Hampshire license and give a detailed statement of the curative measures they have taken so as not to repeat these statutory violation in the future. The letter also recommended that they review there documentation and billing records for services that were billed by an unlicensed practitioner.

On May 27, 2015 PathWays in Claremont New Hampshire submitted a letter describing how Ms. Taft came to provide services for them without holding a currently valid New Hampshire license and the curative measures PathWays has taken so that unlicensed individuals do no provide services in the future.

On June 1, 2015 Ms. Taft submitted a letter in which she states that after contacting the Office of Licensed Allied Health Professionals and speaking with Ms. Weber (April 27, 2015) she ceased providing services in the State of New Hampshire. She stated that there were 4 sessions billed to **Medicaid** and those sessions had been reported to Bureau of Developmental Services and she is waiting feedback from them.

On June 1, 2015 Ms. Taft submitted a third resume which contained all the elements described in Spe 303.04(f).

On June 1, 2015 Ms. Taft submitted a letter of recommendation from Anne C. Callahan, Special Educator, M.Ed. at the Albert Bridge School in Brownsville VT. This letter stated that Ms. Taft was a Speech-Language pathologist at the school for no less than 7 years.

An adjudicatory hearing commenced on October 1, 2015, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Taft practiced as a Speech-Language Pathologist at PathWays of the River Valley in Claremont New Hampshire from the end of February 2015 until the end of April of 2015 without a license. Which if proven would be a violation of RSA 328-F:23 II. (c), RSA 328-F:23 II. (i), RSA 328-F:23, II. (j), RSA 328-F:27 II., RSA 326-F:8, Spe 404.01(d), Spe 404.01(h), Spe 404.01(i), Principle of Ethics III, Rule A, and Principle of Ethics IV, Rule B.:
- B. Whether or not and to what extent Ms. Taft used the credentials Speech-Language Pathologist and or SLP in conjunction with her name from at least the end of February 2015 through at least the end of April 2015. Which if proven would be a violation of RSA 328-F:23 II. (c), RSA 328-F:23, II. (j), RSA 326-F:8, Spe 404.01(d), and Spe 404.01(i), Principle of Ethics III, Rule A:
- C. Whether or not and to what extent Ms. Taft has not demonstrated to the Board “sufficient evidence of good professional character and reliability” as required by RSA 326-F:3, I(a).
- D. If any of the above allegations are proven, whether or not Ms. Taft should be granted a license to practice as a Speech-Language Pathologist in the State of New Hampshire and what, if any, conditions should be placed on that license.

At the hearing the Board reviewed numerous exhibits. The following exhibits included with the “Order on Application Denial” were entered into evidence:

Board Exhibits:

- Exhibit #1 – A memo from Traci Weber documenting a phone call from Ms. Taft on 4/27/15
- Exhibit #2 – SLP Board Application Request Memo dated 4/27/15
- Exhibit #3 – Letter of Recommendation from JeanMarie K. Oakman, Weathersfield Principle
- Exhibit #4 – NH Application for Initial Licensure or Certification received 5/4/15
- Exhibit #5 – ASHA verification of certification dated 4/30/15
- Exhibit #6 – Connecticut Verification of Licensure
- Exhibit #7 – Ms. Taft’s resume received 5/7/15
- Exhibit #8 – Ms. Taft’s resume received 5/11/15
- Exhibit #9 – A letter from Ms. Taft to the Board dated 5/11/15
- Exhibit #10 – A Cease and Desist Order issued to Ms. Taft on 5/19/15

Exhibit #11 – A Cease and Desist Order issued to PathWays on 5/19/15

Exhibit #12 – A letter from PathWays dated 5/27/15

Exhibit #13 – A letter from Ms. Taft dated 5/29/15

Exhibit #14 – Ms. Taft’s resume received 6-1-15

Exhibit #15 – A letter from Ms. Callahan of the Albert Bridge School dated 5/31/15

The following exhibits submitted by Attorney Jason Reimers on Ms. Taft’s behalf were entered into evidence:

Exhibit A – Order on Application Denial dated 8/6/15

Exhibit B – A series of e-mails between Ms. Taft and Ms. Hicks, various dates

Exhibit C – A testimonial Letter from JeanMarie Oakman Weathersfield School Principal dated 9/21/15

Exhibit D – Documentation of continuing education taken by Ms. Taft on 9/21/15

Exhibit E – Occupational Licensing: A Framework for Policymakers dated 7 of 2015

Exhibit F – A self-query from the NPDB dated 10/1/15

At the hearing Attorney Reimers presented an oral argument regarding relevant law:

Attorney Reimers addressed the 3 bullet points in the Order on Application Denial dated August 6, 2015. The first two bullet points describe practice without a valid license and the use of credentials by an unlicensed individual. Attorney Reimers argued that these are not valid laws for which the Board may deny licensure and referred to RSA 328-F:23 V, which states that “Each governing board is authorized to deny an application for license renewal or reinstatement as an additional sanction”. He argued that this law only allows the Board to deny licensure to those individuals seeking license renewal or license reinstatement. He further stated that the third bullet point was a valid reason to deny licensure and referred to RSA 326-F:3 I. (a) which states that for a person to be eligible for initial licensure they shall “Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F and the board’s rules.”

At the hearing, the Board heard testimony from the following individual:

Holly E. Taft testified that upon graduation she went to work in Connecticut where she completed her Clinical Fellowship Year and began working under a full unrestricted license. She was in Connecticut for approximately 2 years before moving to Vermont. She began working for two schools in Vermont and the only item her employer requested from her was a copy of her ASHA Certificate of Clinical Competence (“CCC”) which she provided to them and has maintained continuously since first receiving her CCC’s. At no time during the 11 years she worked in Vermont did she realize that Vermont required licensure for Speech-Language Pathologists. In February of 2015 she began working at “Pathways” located in Claremont New Hampshire. At the time she was hired Heather Murphy Hicks, Program Director, requested a copy of her ASHA Certificate and proof of liability insurance. On April 10, 2015 Ms. Hicks requested a copy of her New Hampshire license. She responded to Ms. Hicks that she had provided the ASHA license at which time Ms. Hicks clarified by stating she needed a copy of her NH license. This was the first time Ms. Taft knew she needed a license. On the same day as the request was made from Ms. Hicks she contacted Ms. Weber of the Office of Licensed Allied Health Professionals and discovered that she could not continue to practice without a license and made arrangements to pick up a NH application for licensure. Upon finding out she needed a license she immediately stopped practicing in New Hampshire.

Ms. Taft did inform the Board that even though she knew she needed to be licensed in Vermont she continued to work there from April 27 to the last week in May. When asked why she continued to practice without a license she stated that she had worked there for 11 years and knew they needed her so she worked until the end of her contract.

Ms. Taft testified that at no time does she remember other Speech-Language Pathologists discussing licensure or the licensure requirements. Also, she practices without much interaction with other Speech-Language Pathologists.

Applicable Laws:

RSA 328-F:23, II (c):

Violation of the ethical standards adopted by the governing board.

RSA 328-F:23, II (i):

Practice without a currently valid license.
and

RSA 328-F:23, II (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.:

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 engaged in unauthorized practice.

RSA 326-F:3, I (a)

Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F and the board's rules.

RSA 326-F:8,

II. No person shall represent himself or herself or the services offered by using the letters "SLP" or the words "speech-language pathologist" ... or any similar words if the intent of such use is 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:

Misconduct shall be:

(d) Violation of the ethical standards adopted by the board;

Spe 404.01:

Misconduct shall be:

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

Spe 404.01:

(i) Violation of:

- (1) Any provision of RSA 328-F;
- (2) Any provision of RSA 326-F;
- (3) Any rule adopted by the board;

Principle of Ethics III, Rule A:

Individuals shall not misrepresent their credentials, competence, education, training, experience, or scholarly or research contributions.

Principle of Ethics IV, Rule B:

Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, sexual harassment, or any other form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

Findings of Fact and Rulings of Law:

RSA 326-F:3 Eligibility for Initial Licensure states in part "I. To be eligible for initial licensure as a speech-language pathologist an applicant shall: (a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F and the board's rules." In considering whether or not an individual will conscientiously avoid professional misconduct the Board reviews and takes into consideration whether or not an individual has violated not only this State's laws and rules but whether or not there have been violations of other States laws and rules. The Board does not rely solely on misconduct described in RSA 328-F:23, II as the basis for denying an individual a license to practice but does consider those violations a relevant basis when cited in conjunction with RSA 326-F:3, I.(a).

In light of the evidence and Ms. Taft's testimony the Board made the following findings of fact and rulings of law:

- By her own admission the Petitioner practiced as a Speech-Language Pathologist in the State of Vermont for 11 years without holding a license.
- The Petitioner practiced as a Speech-Language Pathologist at PathWays of the River Valley in Claremont New Hampshire from the end of February 2015 until the end of April of 2015 without a license. This is a violation of RSA 328-F:23 II. (c), RSA 328-F:23 II. (i), RSA 328-F:23, II. (j), RSA 328-F:27 II., RSA 326-F:8, Spe 404.01(d), Spe 404.01(h), Spe 404.01(i), Principle of Ethics III, Rule A, and Principle of Ethics IV, Rule B.
- The Petitioner used the credentials Speech-Language Pathologist and/or SLP in conjunction with her name from at least the end of February 2015 through the end of April 2015 without holding a valid New Hampshire license. This is in violation of RSA 328-F:23 II. (c), RSA 328-F:23, II. (j), RSA 326-F:8, Spe 404.01(d), and Spe 404.01(i), Principle of Ethics III, Rule A.

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Taft was in violation of the laws and rules by practicing without a license and using the credentials of Speech-Language Pathologist and/or SLP in conjunction with her name. After considering all the evidence and taking into account Ms. Taft's explanation and apology the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Taft be issued a license to practice Speech-Language Pathology in the State of New Hampshire.

IT IS FURTHER ORDERED, that pursuant to RSA 328-F:18, III the following conditions are placed on Ms. Taft's license:

- a. Ms. Taft will be supervised for a period of 6 months;
- b. The supervisor will be a New Hampshire licensed Speech-Language Pathologist and be pre-approved by the Board;
- c. The supervision type will be indirect supervision as described in Spe 301.05;
- d. Ms. Taft and her supervisor will meet at least 1 time per week. This meeting can be in-person or through any mode of communication described under indirect supervision.
- e. The first meeting will be a face to face meeting in which Ms. Taft and her supervisor will review all the rules and laws that govern the profession of Speech-Language Pathology in New Hampshire to ensure Ms. Taft understands her responsibilities as a licensed professional;
- f. At the end of the supervision period Ms. Taft's supervisor will submit a report to the Board providing the following information:
 - 1) The date of each meeting;
 - 2) The beginning and ending time of each meeting; and
 - 3) A list of the topics of discussed at each meeting.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Taft shall furnish a copy of this Decision and Order to any current employer for whom she performs services as a Speech-Language Pathologist and to any agency or authority which licenses, certifies or credentials Speech-Language Pathologists, with which Ms. Taft is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Taft furnish a copy of this Decision and Order to any employer for whom she performs services as a Speech-Language Pathologist and/or agency, or authority with which Ms. Taft is affiliated which licenses, certifies or credentials Speech-Language Pathologists for one year from the effective date of this Decision and Order.

IT IS FURTHER ORDERED that Ms. Taft's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Taft's file, which is maintained by the Board as a public document.

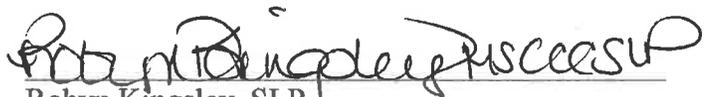
IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

RECOMMENDATIONS: The Board strongly recommends that Ms. Taft:

1. Utilize the New Hampshire Speech-Language-Hearing Association to obtain current information on what is happening within the Speech-Language Pathology profession;
2. Seek out and maintain professional relationships with other Speech-Language Pathologists in order to improve awareness of what is happening within the Speech-Language Pathology profession; and
3. When relocating to a new State contact the relevant State agency to insure compliance with any and all rules and laws.

BY ORDER OF THE BOARD

Date: November 6, 2015


Robyn Kingsley, SLP
Authorized Representative of the
Speech-Language Pathology Governing Board

Recused: Maureen Heckman, SLP, Chair