

**Before the
Office of Allied Health Professionals
Physical Therapy Governing Board
Concord NH 03301**

In the Matter of:

DOCKET # 01-01

**David M. Sanborn III, PTA
(Adjudicatory Matter)**

DECISION AND ORDER

By the Board: Margaret M. Donohue, PTII, Chair, Ann W.B. Greiner, PTI, Judith Cote, PTA, Luann Udell, Public Member and Elizabeth Cary, Public Member.

Also present for the Board: Arlene Bolduc, Executive Secretary, acting hearing clerk.

Appearances: Marguerite Wageling, Esquire, Hearing Counsel

For the record, neither Mr. Sanborn, nor any representatives for Mr. Sanborn are present.

On September 19, 2001, the Physical Therapy Governing Board ("Board") commenced a hearing in the matter of David M. Sanborn, PTA ("the Licensee") pursuant to the Board's "Notice of Hearing" dated August 31, 2001. The "Notice of Hearing" was mailed via certified mail-return receipt requested, to the home address of the licensee. The receipt was received in the office signed by Martha Sanborn on September 5, 2001.

The Board accepted into evidence Exhibits 1-4 from Marguerite L. Wageling, Esquire, Hearing Counsel, which document that the licensee failed to provide proof of completion of the 17 hours of continuing education accumulated between January 1, 2000 and December 31, 2000 as required by Med 803.02. despite the original request and a second notice sent via certified mail.

On September 18, 2001, David Sanborn called the office and spoke with Arlene Bolduc, Executive Secretary, to state that he would not be able to attend the hearing. A letter offering to

surrender his license was faxed to the governing board, Exhibit A. The board was advised by Attorney Wageling that this communication was “ex parte”. Mr. Sanborn was advised that the proceedings would move along with or without his presence. The hearing was held as scheduled in the Licensee’s absence.

The renewal application filed by Mr. Sanborn received December 6th of 2000, was presented to the Board. In that document he attests that he has completed 17 hours of continuing education, which he lists within the document.

The licensee was allowed to renew his license based upon the completed renewal application, listing the continuing education attended.

Mr. Sanborn was chosen randomly for an audit of his continuing education credits in a letter dated April 14th 2001 asking that he respond by May 31, 2001. After not receiving a response, the board sent a second and final notice to Mr. Sanborn, by certified mail and asking that he respond by July 16, 2001.

The licensee failed to provide proof of completion of continuing education hours as required by Med 807.01(f) despite repeated requests for documentation.

On July 16, 2001 the board did receive a response from Mr. Sanborn. He provided only a listing of continuing education rather than the requested documentation to prove attendance during the year 2000.

Pursuant to RSA 328-F:23 I “Any governing board may undertake disciplinary proceedings (a) upon its own initiative, or (b) upon written complaint of any person which charges that a person licensed by the board has committed misconduct as set forth in paragraph IV of this section and which specifies the grounds thereof.”

The Board finds that Mr. Sanborn committed misconduct by providing false information on his renewal application by indicating that he performed the continuing education as noted,

when in fact he did not. He has violated RSA 328-F:23 IV (a), (h), (m), Med 807.01 (a), (e), (f), Med 803.02. (7)

Pursuant to RSA 328-F:23, V(c) and (g), the Board finds that the Licensee's complete disregard for his obligation of the Physical Therapy Governing Board statute, and the Office of Allied Health Professionals statute, is sufficiently grave to warrant revocation of license of David M. Sanborn, and impose a fine.

THEREFORE IT IS ORDERED, That the license of David M. Sanborn is revoked immediately for a two-year period, ending October 25, 2003.

IT IS FURTHER ORDERED, That the licensee shall be permitted to apply for reinstatement of his license only if the licensee has completed the reinstatement requirements to the board's satisfaction, and provide documentation of completion of all continuing education requirements to the Physical Therapy Governing Board after October 25, 2003.

IT IS FURTHER ORDERED, That the licensee shall pay a fine of \$250.00 pursuant to RSA 328-F:23 and Ahp 501.02, and be received at the Office of Allied Health Professionals no later than April 25, 2002.

IT IS FURTHER ORDERED, That a copy of this order shall be mailed to the last home and business address provided by the licensee to the Board, via certified mail-return receipt requested, and that the Board shall separately notify the national organization and any other state in which he holds or has ever held a license.

BY ORDER OF THE BOARD

Dated: October 25, 2001


Veronique C. Soucy
Administrative Assistant