

Before the New Hampshire
Governing Board of Respiratory Care Practitioners
Concord, NH

In the Matter of:

Diane L. Raheb, R.C.P.
(Reinstatement Application)

ORDER OF CONDITIONAL DENIAL

Now before the Board is the February 3, 1998 reinstatement application of Diane Raheb, R.C.P. (the "Applicant"). The application was not sufficiently complete to permit Board action until March 10, 1998.

The Applicant was first licensed to practice respiratory care in New Hampshire on December 4, 1991. That license lapsed for non-renewal on January 1, 1995 and was reinstated on June 7, 1995. The Applicant submitted an application for renewal which was not accepted for filing and was returned to her on November 21, 1997 for failure to provide any proof of continuing education. The application for renewal was never resubmitted. The license lapsed for non-renewal again on January 1, 1998.

On February 2, 1998 the Applicant requested an application for reinstatement which was filed on February 3, 1998. Sometime on or before February 17, 1998, Valley Regional Hospital (the "Hospital"), Ms. Raheb's employer, received a letter from the Board which indicated that Ms. Raheb's license had lapsed for non-renewal. The Hospital contacted the Board's office to confirm the information. At that time, the Hospital informed the Board that Ms. Raheb had submitted what appeared to be a copy of her 1998 license in

accordance with their policies on or about January 6, 1998. The Hospital submitted a copy of that document which is attached as "Exhibit A". The Hospital informed the Board that the Applicant had been sent home from work on January 5, 1998 with instructions that she could not return until she furnished proof that her license had been renewed. The next day, the Applicant provided the copy noted above and was permitted to continue practicing at the Hospital.

Upon reviewing the document, the Board noted that it was not consistent with the licenses issued in 1998. The typeface and spacing were, instead consistent with the licenses issued in 1997. There further appeared to be an inconsistency in spacing and font type in the area of the expiration date and the date of first licensure from the printing on the rest of the card. For these reasons, the Board finds that there is reason to believe that the document submitted by the Applicant and represented to be her 1998 license is a fraudulent document.

Submission of a fraudulent license to an employer in order to practice without a valid license constitutes dishonest or unprofessional conduct pursuant to RSA 328-E:23, IV, (d). Grounds for imposing disciplinary action against an existing licensee are also grounds for denying a license application.

Therefore, the present application shall be denied unless the Applicant makes a written request for a hearing. If a timely hearing request is received, the application shall not be denied unless, following the resulting hearing, the Applicant fails to demonstrate that she is qualified for licensure. The burden of proof shall be on the Applicant to demonstrate that she meets the professional character and competency requirements of RSA 328-F:23, IV, (d).

THEREFORE IT IS ORDERED, That the Reinstatement Application of Diane L. Raheb is conditionally denied at 12:01, A.M., May 15, 1998, unless, prior to 4:00, P.M. May 14, 1998, the Board actually receives at its office in Concord a written request for a hearing from the Applicant; and

IT IS FURTHER ORDERED, That receipt of a timely filed hearing request shall automatically void this order and a further order shall be issued in due course in which the Board establishes the 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 conducted pursuant to RSA 328-F:25 and RSA 541-A:31, and the burden of proof shall be upon the Applicant. The Applicant may request to be heard on any relevant matter of fact or law, but evidentiary proceedings shall be conducted only to the extent the Applicant has identified factual issues which require resolution.

BY ORDER OF THE BOARD

DATE: April 14, 1998


SIGNED BY THE CHAIR
Chair, Governing Board of
Respiratory Care Practitioners