Before the
New Hampshire Athletic Trainers Governing Board
Concord, New Hampshire 03301

In the Matter of:
Michael B. Hardy
(Application for License)

## ORDER OF CONDITIONAL DENIAL

Now before the New Hampshire Athletic Trainers Governing Board ("Board") is the application dated June 18, 2007 for License of Michael B. Hardy, ATC ("the applicant" or "Mr. Hardy").

At the August 6, 2007 Board meeting, the Board voted to conditionally deny Mr. Hardy's application to practice athletic training in New Hampshire. The grounds for the conditional denial are based upon a determination, under RSA 326-G:4, I, that Mr. Hardy has not demonstrated "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, 328-F, and the Board's rules." Additional grounds are based upon a determination that pursuant to RSA 328-F:23, II(i), that Mr. Hardy has allegedly committed certain acts that would constitute grounds for discipline. ("Misconduct sufficient to support disciplinary proceedings shall include: practice without a currently valid license.").

It is alleged that between August 5, 2006 and May 7, 2007 Mr. Hardy engaged in the unauthorized practice of an allied health profession, contrary to RSA 328-F:27, and engaged in the unauthorized practice of athletic training, contrary to RSA 326-G:5, II.

The conduct described above, if found to be true by the Athletic Trainers Governing Board, constitutes grounds for discipline pursuant to 328-F:23, II and RSA 328-F:5. In accordance with RSA 328-F:27, III, and/or RSA 326-G:5, II, this is a misdemeanor level offense.

On August 6, 2007 a completed application came before the Athletic Trainers Governing Board. In light of allegations of unauthorized practice, the present license application of Michael Hardy shall be denied at the next regularly scheduled Athletic Trainers Governing Board's meeting following sixty (60) days after the date of this order (specifically the Board's October 25, 2007 meeting) unless he meets the conditions set forth below or unless prior to 4:00 p.m. On September 6, 2007 (30 days from the date of this Order) the Board actually receives at the

Office of Licensed Allied Health Professionals a written request for a hearing from the applicant. If a timely hearing request is received, the application shall not be denied unless, following the resulting hearing, the applicant fails to demonstrate that he is qualified for licensure. The burden of proof shall be on the applicant to demonstrate that he meets the professional character and competency requirements for licensure; and

Therefore, the applicant must abide by the following conditions for the Board to consider to remove the conditional denial and review the application:

1. The applicant will send a certified check in the amount of three hundred dollars ($300) payable to "Treasurer, State of New Hampshire" to the Office of Licensed Allied Health Professionals. This check shall not be credited toward the processing of this application or any renewal applications;
2, The applicant will read the laws governing the Athletic Trainers Governing Board, RSA 326-G; the laws governing the Allied Health Professional, RSA 328-F; their respective rules; and the BOC Standards of Professional Practice, enclosed with this order. The applicant will, before a notary public, certify that she has read the above statutes, rules, and standards, and that he will abide by them; and the applicant will return the attached notarized certification to the Office of Licensed Allied Health Professionals; and
3. The applicant will provide a copy of this Order of Conditional Denial to his current employer. The employer must state in writing on a copy of the Order of Conditional Denial that he/she has read it. It is the Applicant's responsibility to return the signed copy of this Order to the Office of Licensed Allied Health Professionals; and

Therefore, if the applicant meets the above conditions and provides the Office of Licensed Allied Health Professionals with the documents set forth above on or before 4:00 p.m. on Monday, September 6, 2007 the applicant's license will be granted.

Therefore, if the applicant does not meet the above conditions and/or does not provide the Office of Licensed Allied Health Professionals with the documents set forth above on or before sixty (60) days from the effective date of this Order of Conditional Denial, the Board will deny Mr. Hardy's application for licensure. Such a denial will be reportable to HIP-DB and/or BOC; and

THEREFORE IT IS ORDERED, that the license application of Michael B. Hardy, ATC be denied effective 12:01 a.m., September 6, 2007 unless prior to 4:00 p.m. on September 6, 2007, the Board receives a written request for a hearing; 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 a date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED, any hearing held in response to this Order shall be conducted pursuant to RSA 328-F:23, RSA 326-G, and RSA 541-A. The applicant may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the applicant has identified disputed factual issues which require resolution.

BY ORDER OF THE BOARD

Date: August 6, 2007

Maren M. Bicknell NHLAT

Maren McElwee Bicknell, ATC, NHLAT
Athletic Trainers Governing Board, Chair

**Tina Kelley**

**From:** Maren Bicknell [maren_bicknell@yahoo.com]
**Sent:** Monday, August 06, 2007 9:32 AM
**To:** Tina Kelly
**Subject:** Conditional Denial Authorization - Michael Hardy

August 6, 2007

I, Maren McElwee Bicknell, chairperson of the Athletic Trainers Governing Board (ATGB), authorize the issuance of an Order of Conditional Denial to Michael Hardy ATC as voted on at the August 6, 2007 meeting of the ATGB.

Due to recent surgery, I was in attendance at the meeting via telephone, therefore unable to personally sign the Order of Conditional Denial. Therefore, consider this letter approval of and signature for the Order of Conditional Denial for Michael Hardy. When well enough to travel I will personally sign the Order of Conditional Denial.

Sincerely,

Maren McElwee Bicknell
ATGB, chairperson

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Office of Licensed Allied Health Professionals
2 Industrial Drive
Concord, NH 03301

I, Laura Decoster, hereby certify that I have been provided a copy of the Order of Conditional Denial of Michael B. Hardy, ATC and I have read it.

8/6/07
Date

Laura Decoster

To the New Hampshire State Board of Directors

This document states that Michael Hardy has read the laws governing the Athletic Trainers Governing Board, RSA 326-G; the laws governing the Allied Health Professionals, RSA 328-F; their respective rules; and the BOC Standards of Professional Practice. The applicant has, before a notary of the public, read the above documents and will certify that he will abide by them.

Applicants Signature

Michael B Hardy

7/31/07
Date

Notary of the Public

JOSEPH L. ROY, JR., Notary Public
My Commission Expires November 13, 2007

7/31/07
Date