

**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 #04-2016

**Shannon K. Anthony
(Application for Reinstatement of Licensure)**

DECISION AND ORDER

By the Board: Maureen Heckman, SLP, Presiding Officer, Deborah Snow-Major, SLP, Robyn Kingsley, SLP, and Cassandra Chapman, SLP

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

Appearances: Attorney Joel Rosen

On July 7, 2016, the New Hampshire Speech-Language Pathology Governing Board (“Board”) issued an Order on Application Denial to Shannon K. Anthony (“Ms. Anthony” or “Applicant”) for reinstatement of licensure. Ms. Anthony petitioned the Board for a hearing on July 20, 2016 and the Board issued a “Notice of Hearing, Order to Show Cause” on July 27, 2016.

On September 7, 2016, the hearing was held in accordance with RSA 328-F: 23 and 328-F:24; Ahp 200 and Spe 200. Ms. Anthony appeared before the Board and was represented by Attorney Joel Rosen.

Background Information

On April 26, 2016 Ms. Anthony submitted the application for license reinstatement. On page 2 of the application Ms. Anthony stated that she was currently employed at Pinkerton Academy in Derry, New Hampshire. On page 2 of the application Ms. Anthony marked “No” 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 submitted on April 26, 2016 Ms. Anthony included a letter informing the Board she had practiced from January 1, 2016 until April 1, 2016 without a license.

While practicing without a license from January 1, 2016 until April 1, 2016 Ms. Anthony used the credentials "Speech-Language Pathologist" and/or "SLP" in conjunction with her name.

An adjudicatory hearing commenced on September 7, 2016, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Anthony practiced without a license between January 1, 2016 and April 1, 2016. Which if proven would be a violation of RSA 328-F:23, II (i), RSA 328-F:23, II (j), Spe 404.01 (h), and Spe 404.01(i).
- B. Whether or not and to what extent Ms. Anthony submitted a false application by not checking "Yes" to the question on Page 2 of the application for reinstatement of licensure "Have you committed any act(s) that would violate the laws and/or rules that govern the profession for which you are applying?". Which if proven would be a violation of RSA 328-F:23, II (a), RSA 328-F:23 (j), Spe 404.01 (a), and Spe 404.01 (i).
- C. Whether or not and to what extent Ms. Anthony used the credentials Speech-Language Pathologist and or SLP in conjunction with her name between January 1, 2016 and April 1, 2016. Which if proven would be a violation of RSA 326-F:8, RSA 328-F:23, II (j), Spe 404.01(i), Spe 306.01(d), and Principle of Ethics III, Rule A.
- D. Whether or not and to what extent Ms. Anthony has not demonstrated to the Board "sufficient evidence of good professional character and reliability" as required by RSA 326-F:3, I(a).
- E. If any of the above allegations are proven, whether or not Ms. Anthony should have her license to practice as a Speech-Language Pathologist in the State of New Hampshire reinstated and what, if any, conditions should be placed on that license.

At the hearing the Board reviewed numerous exhibits. The following exhibits were entered into evidence:

Board Exhibits:

Exhibit #1 – Application for Reinstatement of Licensure or Certification

Exhibit #2 – A letter from Ms. Anthony dated April 5, 2016.

Anthony Exhibits:

Exhibit A – A letter from Sandra Gordon, SLP dated August 29, 2016

Exhibit B – A letter from Rick Sharp, Special Education Director dated August 15, 2016

Exhibit C – A letter from Robert Flinn, M.Ed. dated August 30, 2016

Attorney Joel Rosen presented Ms. Anthony's case to the Board and in doing so Ms. Anthony testified that she does not deny the allegations cited in the Order on Application Denial except for the submission of a false application. Ms. Anthony stated that although she marked "No" to the relevant question she had provided a detailed description of the fact that she had practiced without a license. There was no intent on her part to withhold this fact. She further testified that she takes full responsibility for practicing without that license but that there were extenuating circumstances beyond her control occurring at the time of renewal and she simply overlooked the fact that she needed to renew.

Applicable Laws:

RSA 326-F:8:

- 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 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.

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

Misconduct sufficient to support disciplinary proceedings shall include:

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, and license reinstatement.

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

Misconduct sufficient to support disciplinary proceedings shall include:

- (i) Practice without a currently valid license.

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

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.

Spe 404.01(a):

Misconduct shall be:

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, and license reinstatement.

Spe 404.01(h):

Misconduct shall be:

- (h) Practice without a currently valid license or certificate;

Spe 404.01(i):

Misconduct shall be:

Violation of:

- (3) Any rule adopted by the board;

Findings of Fact and Rulings of Law:

Spe 403.04(a) Reinstatement of Licenses Lapsed For Longer Than 70 Days But No More Than Two Years. To be eligible for reinstatement of licensure as a speech-language pathologist an applicant shall: Provide 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 individuals has violated the State's laws and/or 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. Anthony's testimony the Board made the following findings of fact and rulings of law:

- By her own admission the petitioner practiced without a license between January 1, 2016 and April 1, 2016 in violation of RSA 328-F:23, II (i), RSA 328-F:23, II (j), Spe 404.01 (h), and Spe 404.01(i).
- Based on the testimony and the exhibits submitted the Board finds that although the petitioner submitted an application checking "No" to the question on Page 2 of the application for reinstatement of licensure "Have you committed any act(s) that would violate the laws and/or rules that govern the profession for which you are applying?" she did not intend to withhold information. She did provide a letter with the application describing any and all potential violations of the rules as they pertain to this matter. The Board finds no violation of the rules with regards to the submission of her application.
- By her own admission the petitioner used the credentials Speech-Language Pathologist and or SLP in conjunction with her name between January 1, 2016 and April 1, 2016 in violation of RSA 326-F:8, RSA 328-F:23, II (j), Spe 404.01(i), Spe 306.01(d), and Principle of Ethics III, Rule A.

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

THEREFORE IT IS ORDERED, that Ms. Anthony' license to practice Speech-Language Pathologist in the State of New Hampshire be reinstated.

IT IS FURTHER ORDERED, that Ms. Anthony be fined \$110 to be paid within 30 days of the date this Order.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Anthony 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. Anthony is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Anthony 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. Anthony is affiliated which licenses, certifies or credentials Speech-Language Pathologists for one year from the effective date of this Decision and Order. The above paragraph is in there twice.

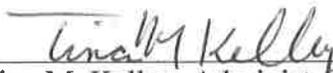
IT IS FURTHER ORDERED that Ms. Anthony's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Anthony'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.

BY ORDER OF THE BOARD

Date: October 24, 2016



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