ATHLETIC TRAINERS GOVERNING BOARD
OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS
CONCORD, NEW HAMSPHIRE

In The Matter Of: **Docket #04-2013**

Nicole M. Bedard
(Application for Licensure)

DECISION AND ORDER

By the Board: Renee Kleszczynski, AT, Chair, George Tosatti, Public Member, Eric Glinas, AT

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

Appearances: None

On September 19, 2013, the New Hampshire Athletic Trainers Governing Board ("Board") voted to DENY a request for reinstatement of Nicole M. Bedard ("Ms. Bedard" or "Applicant") license. See Order on Application Denial ("First Order"), dated September 19, 2013. Ms. Bedard petitioned the Board for a hearing on September 28, 2013 and the Board issued a "Notice of Hearing, Order to Show Cause" on October 23, 2013. On October 21, 2013 the Board received a letter of complaint submitted by Rolinda Mitchell, AT. The Board issued an Amended Notice of Hearing, Order to Show Cause on November 4, 2013.

On November 21, 2013, the hearing was held in accordance with RSA 328-F: 23 and 328-F:24; Aph 200 and Ath 200. Ms. Bedard appeared *pro se*.

At the time of the hearing, the Board reviewed the Order on Application Denial and supporting exhibits, the Notice of Hearing, Order to show Cause, and the Amended Notice of Hearing, Order to Show Cause and supporting exhibit. Ms. Bedard did not present any exhibits.

Ms. Bedard admitted that she had not changed her home address with the Board's office due to the fact that she had moved so many times over the past 4 years.

Ms. Bedard admitted that she had not provided the Board with the name and address of her current employer. She further stated that she had not listed it on the application for reinstatement

because she was planning on leaving employment at "Trinity High School". Ms. Bedard further admitted that she had been practicing at "Trinity High School" without a license from January 1, 2013 until May 25, 2013 and used the credentials in conjunction with her name during that period of time.

When asked why Ms. Bedard had not indicated in any of her letters of explanation to the Board that she had been practicing at Trinity High School without a license and stated to the Board in those letters that she had only been performing the duties of "Health Officer" she stated "I lied to cover up what I had done".

Ms. Bedard addressed the letter of complaint cited in the Amended Notice of Hearing, Order to Show Cause dated November 4, 2013. During testimony Ms. Bedard admitted to the Board that some of the student files she maintained were missing various pieces of documentation such as injury reports, documentation for the physician, return to play clearance notes, and injury follow- up notes. Ms. Bedard told the Board that she had no idea why allegations were made that she did not follow the standard concussion return to play protocol and that her knowledge and use of ImPACT testing is not at a based level.

Relevant Law:

RSA 328-F:21:

I. Licensees shall maintain their current business and home addresses on file with their governing boards. Any changes in address shall be provided to the office no later than 30 days from the date of the change.

RSA 328-F:23 II:

(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;

(c) Violation of the ethical standards adopted by the governing board.

RSA 328-F:23 II;

(e) Failure to provide care with reasonable skill, safety and regard for client or patient rights, whether or not the client or patient has suffered injury.

RSA 328-F:23 II:

(i) Practice without a currently valid license.

RSA 328-F:23 II:

(j) Violation of any provision of this chapter, or any governing board's practice act or rule adopted pursuant to RSA 541-A, or any state or federal law reasonably related to the licensee's authority to practice safely.

RSA 326-G:5:

I. Any person licensed to practice as an athletic trainer in this state may use the title "New Hampshire Licensed Athletic Trainer" and the abbreviation, "N.H.LAT" to designate such person's practice of athletic training and shall produce such person's license upon the request of the board.

II. Any person who uses the title or the abbreviation or otherwise states or implies by word or act that he or she is currently licensed to practice athletic training, and does so at a time when she or he does not possess a valid license, shall be guilty of a misdemeanor.

Ath 404.02(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, or license reinstatement;

ATh 404.02(d):

Violating Ath 500;

Ath 404.02(i):

Practicing athletic training when a previous license is not currently valid:

Ath 404.02(j):

Violating:

(1) Any provision of RSA 328-F;
(2) Any provision of RSA 326-G;
(3) Any rule adopted by the board; or
(4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Ath 501.02(g):

Licensees shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, identity or services.

Findings of Fact and Rulings of Law:

- Ms. Bedard held a New Hampshire Athletic Trainers license from November 20, 2009 through December 31, 2012.
- Ms. Bedard let her licensed lapse by not renewing that license on December 31, 2012.
- Ms. Bedard practiced without a license at Trinity High School from January 1, 2013 until May 25, 2013 without a license in violation of RSA 328-F:23, II (a), (i), and (j), Ath 404.02(a), (d), (i), and (j).

- Ms. Bedard used the credentials "Athletic Trainer" in conjunction with her name without holding a license in New Hampshire between January 1, 2013 and May 25, 2013 in violation of RSA 328-F:23 II(c), RSA 328-F:23 II(c) and (i), RSA 326-G:5, Ath 404.02(d), Ath 404.02(i) and (j), and Ath 501.02(g).
- Ms. Bedard submitted her 2010 renewal application providing false information to the Board by marking "N/A" in the spaces designated for place of employment name, mailing address and phone number in violation of RSA 328-F:23, II(a) and (j), and Ath 404.02(d) and (j).
- By her own admission Ms. Bedard failed to update her home and business address with the Board's office in violation of RSA 328-F:21, RSA 328-F:23 II, and Ath 404.02(j).
- Ms. Bedard submitted an application for reinstatement failing to disclose to the Board that she was also practicing as an athletic trainer at Trinity High School as evidenced by the letter submitted by Denis J. Mailloux, Principal of Trinity High School in violation of RSA 328-F:23 II(a) and (j), and Ath 404.02(d) and (j).
- Ms. Bedard submitted a resume as part of her application for reinstatement providing inaccurate information regarding her employment history as evidenced by the letter submitted by Denis J. Mailloux, Principal of Trinity High School in violation of RSA 328-F:23 II(a) and (j), and Ath 404.02(d) and (j).
- By her own admission Ms. Bedard provided false information to the Board in numerous letter stating that she wished to cover up what she had done in violation of RSA 328-F:23 II(a), RSA 328-F:23 II, Ath 404.02(a), and Ath 404.02(j).
- By her own admission Ms. Bedard stated that student files were missing documentation and the Board finds that there is a high probability that Ms. Bedard improperly set-up athletic baselines and post-injuries, leaving out demographic information and pertinent dates of injury related to concussions in violation of RSA 328-F:23 II(e).
- The Petitioner has not demonstrated to the Board "sufficient evidence of good professional character and reliability" as evidenced by her practicing without a license, use of credentials implying that she was a licensed Athletic Trainer in the

State of New Hampshire from January, 1, 2013 until May 25, 2013, not maintaining a current home and business address on file with the Board's office, providing false information to the Board during renewal, reinstatement, and investigation failure to maintain student files, and failure to provide care to students with reasonable skill and safety in violation of RSA 328-F:21 I, RSA 328-F:23 II(a), (c), (e), (i), and (j), RSA 326-G:5, Ath 404.02(a), (d), (i), and (j), and Ath 501.02(g).

THEREFORE, IT IS HERBY ORDERED that the original "Order on Application Denial" is upheld and Ms. Bedard's **REQUEST FOR REINSTATEMENT OF LICENSURE IS DENIED FOR A PERIOD OF AT LEAST 12 MONTHS FROM THE DATE OF THIS ORDER.**

IT IS FURTHER ORDERED that before Ms. Bedard re-applies for licensure she must successfully complete the following:

1. A live 8 hour course pre-approved by the Board on Concussion's. The course must include evaluation, assessment and return to play guidelines.
2. A live 12 hour course pre-approved by the Board in Ethics.

IT IS FURTHER ORDERED that Ms. Bedard read RSA 328-F the Allied Health Professionals Governing Board's Practice Act, the Office of Licensed Allied health Professionals Governing Board's Administrative Rules, RSA 326-G the Athletic Trainers Practice Act, and the Athletic Trainers Administrative Rules. Upon completion Ms. Bedard shall submit to the Board a notarized statement attesting to the fact that she has read the rules and laws listed above and that if her license is reinstatement that she shall abide by them.

IT IS FURTHER ORDERED that if Ms. Bedard practices as an Athletic Trainer in another State she shall provide to the Board 2 letters of recommendation from the directing physician(s) and her direct supervisor(s) describing Ms. Bedards's responsibilities and attesting to her skills as an athletic trainer, character, and ethics while employed.

IT IS FURTHER ORDERED that at the time Ms. Bedard applies for reinstatement of her license the Board will consider, in addition to full licensure, a conditional period of licensure for a period of time to be determined by the Board.

IT IS FURTHER ORDERED that Ms. Bedard shall bear all costs of complying with the terms of this Decision and Order, but she shall be permitted to share such costs with third parties.

IT IS FURTHER ORDERED that the Board may consider Ms. Bedard's compliance with the terms and conditions herein in any subsequent proceeding before the Board.

IT IS FURTHER ORDERED that Ms. Bedard'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. Bedard'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: December 19, 2013

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Renee Kleszczynski, AT, Chair
Authorized Representative of the New Hampshire
Athletic Trainers Governing Board