In the Matter of:
Jeffrey L. NADEAU
(Application for License)

ORDER OF CONDITIONAL DENIAL

Now before the New Hampshire Athletic Trainers Governing Board ("Board") is the December 27, 2005 Application for License of Jeffrey L. Nadeau, ATC ("the applicant" or "Mr. Nadeau"). The application was not sufficiently complete to permit Board action until the regularly scheduled June 2006 meeting.

At the July 27, 2006 regularly scheduled Board meeting, the Board voted to conditionally deny Mr. Nadeau'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. Nadeau 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. Nadeau 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 on July 8, 2005, Mr. Nadeau called the Office of Licensed Allied Health Professionals requesting an Athletic Training licensing application to be sent to Jeff Nadeau, 1118 Wilbec Road, Memphis TN, 38117. An application was sent promptly to this address.

It is alleged that on or about September 2005, Mr. Nadeau began engaging in the unauthorized practice of an allied health profession, contrary to RSA 328-F:27, and engaging in the unauthorized practice of athletic training, contrary to RSA 326-G:5, II.

It is alleged that on December 27, 2005, the Office of Licensed Allied Health Professionals received an incomplete application from Mr. Nadeau. On January 3, 2006, the Office of Licensed Allied Health Professionals sent Mr. Nadeau a letter acknowledging receipt of his Application for Initial License. This letter identified deficiencies in the application and requested that certain items be forwarded to the Board. This letter also contained the following language: "Candidates for licensure ***must not*** begin employment until you have received a license from the Office of Licensed Allied Health Professionals." (emphasis in original).

It is alleged that on February 23, 2006, during a telephone call between Mr. Nadeau and a staff member of the Office of Licensed Allied Health Professionals, Mr. Nadeau stated that he was working at Holderness School. It is further alleged that the staff member informed Mr. Nadeau that he (1) must stop working because he did not possess an Athletic Trainers license; (2) that he must contact his employer and tell the employer that he did not possess an Athletic Trainers license.

It is alleged that on or before May 25, 2006, Mr. Nadeau sent in additional documents necessary for the completion of his application. It is further alleged that on May 25, 2006 the Office of Licensed Allied Health Professionals sent Mr. Nadeau a letter identifying outstanding deficiencies in the application and requested that certain items still needed to be forwarded to the Board. This letter also contained the following language: "Candidates for licensure ***must not***

begin employment until you have received a license from the Office of Licensed Allied Health Professionals." (emphasis in original).

It is alleged that on June 14, 2006, the Athletic Trainers Governing Board sent a letter to Mr. Nadeau demanding that he immediately cease and desist from the unauthorized practice of athletic training.

On or before June 22, 2006, Mr. Nadeau corrected the deficiencies in his application and sent all outstanding documentation to the Office of Licensed Allied Health Professionals.

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.

Therefore, the present license application of Jeffrey L. Nadeau 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 26, 2006 meeting) unless he meets the conditions set forth below or unless prior to 4:00 p.m. on August 28, 2006 (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 he 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, August 21, 2006, the Board will review the completed application at its next regularly scheduled board meeting (specifically August 24, 2006).

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. Nadeau'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 Jeffrey L. Nadeau, ATC be denied effective 12:01 a.m., October 27, 2006 unless prior to 4:00 p.m. on August 28, 2006, 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

July 27, 2006

Maren M. Bicknell, ATC, NHLAT

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

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AUG 1 5 2006

Office of Licensed
Allied Health Professions

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

I, Jeffrey L. Nadeau, hereby certify that I have read the following statutes, rules, and standards and promise that I will abide by them:

1. The laws governing the Athletic Trainers Governing Board, RSA 326-G.
2. The laws governing the Allied Health Professional, RSA 328-F
3. Administrative Rules Ath.
4. Administrative Rules Ahp.
5. BOC Standards of Professional Practice

8/1/06
Date

Jeffrey L. Nadeau, ATC

Sworn to me and subscribed in my presence this 1st day of August, 2006.

Linda R Foster
Notary Public

Linda R Foster
Notary Public Printed Name

LINDA R. FOSTER
Notary Public - New Hampshire
My Commission Expires July 14, 2009

My commission expires