

**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 #04-2015**

**Gina M. Hewins  
(Application for Full Licensure)**

**DECISION AND ORDER**

**By the Board:** Maureen Heckman, Presiding Officer, Laura Darling SLP, Robyn Kingsley, SLP, and Deborah Snow-Major, SLP

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

**Appearances:** Attorney Lynne A. Rocheleau

On June 16, 2015, the New Hampshire Speech-Language Pathology Governing Board (“Board”) issued a Notice of Hearing, Order to Show Cause to Gina M. Hewins (“Ms. Hewins” or “Applicant”) in response to Ms. Hewins’ request to go from provisional license to full licensure. Attorney Rocheleau requested a continuance on Ms. Hewins’ behalf on September 21, 2015. The Board granted the request on September 22, 2015 and rescheduled the hearing for November 5, 2015.

On November 5, 2015, the hearing was held in accordance with RSA 328-F:23 and 328-F:24; Aph 200 and Spe 200. Ms. Hewins appeared before the Board and was represented by Attorney Lynne Rocheleau.

**Background Information**

Ms. Hewins applied for a provisional license by submitting a completed application on August 4, 2014. Ms. Hewins signed the form under the preprinted statement described in Spe 303.02(j).

On August 4, 2015 Ms. Hewins submitted a Supervision Form signed by Mark R. Hammond (“Mr. Hammond”) stating that he was going to be her supervisor at “Little House, Waban Projects, Mark R. Hammond Associates, Inc.”. Mr. Hammond’s NH license number 1113, signed the form.

Ms. Hewins was granted a provisional license, number P-0584, on August 6, 2014. The provisional license was sent to the supervisor as stated on the Supervision Form provided by Ms. Hewins. The supervisor on the form was Mark R. Hammond, at Mark R. Hammond Associates, Inc, 222 Auburn Street, Portland Maine 04103.

On July 17, 2013 the Board received the "Speech-Language Pathology Clinical Fellowship (SLPCF) Report and Rating Form". Under "Section 2 –SLPCF Mentor Information" the name of her supervisor was listed as "Havah Gershman-Tewksbury" ("Ms. Gershman-Tewksbury"). The Board's records do not list a "Havah Gershman-Tewksbury" licensed in the State of New Hampshire. Under "Section 3 – SLPCF Setting Information", "Mark Hammond Associates" is listed as the facility where Ms. Hewins was completing her Clinical Fellowship Year.

The "Speech-Language Pathology Clinical Fellowship (SLPCF) Report and Rating Form" shows that the Clinical Fellowship Year ended on June 1, 2015. The form was received in the Board's office on July 17, 2015, six (6) and ½ weeks after the completion of the Clinical Fellowship year, 18 days late.

An adjudicatory hearing commenced on November 5, 2015, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Hewins knowingly or negligently submitted a supervision form signed by Mark R. Hammond, SLP and then was supervised by Havah Gershman-Tewksbury. Which if proven would be a violation of RSA 328-F:23 II (a) and (j), Spe 309.03 (d), and Spe 404.01(a) and (i);
- B. Whether or not and to what extent Ms. Hewins knowingly or negligently failed to provide a supervision form showing that her supervisor had changed from Mr. Hammond to Ms. Gershman-Tewksbury during her Clinical Fellowship Year. Which if proven would be a violation of RSA 328-F:23 II (a) and (j), Spe 309.03 (d), and Spe 404.01(a) and (i);
- C. Whether or not and to what extent Ms. Hewins was supervised by Ms. Gershman-Tewksbury who was not a New Hampshire licensed Speech-Language Pathologist. Which if proven would be a violation of RSA 328-F:23 II. (b) and (j), RSA 326-F:4, II, Spe 309.01(a), and Spe 404.01(i);
- D. Whether or not and to what extent Ms. Hewins failed read and understood the rules governing an individual holding a license to practice during the Clinical Fellowship

Year and failed to retain a record of the agreed-upon decisions described in Spe 309.04(c) between herself and either Mr. Hammond or Ms. Gershman-Tewksbury. Which if proven would be a violation of RSA 328-F:23, II(j), Spe 309.03(b), Spe 309.03(c)(4), and Spe 303.02(k);

- E. Whether or not and to what extent Ms. Hewins failed to submit an original of her Report and Rating Form within 4 weeks of the completion of the Clinical Fellowship Year. Which if proven would be a violation of RSA 328-F:23, II (a) and (j), Spe 308.05(a)(2), Spe 309.04(e)(2), and Spe 404.01(a) and (i);
- F. Whether or not and to what extent Ms. Hewins has not demonstrated to the Board “sufficient evidence of good professional character and reliability” as required by RSA 326-F:3, I(a); and
- G. If any of the above allegations are proven, whether or not Ms. Hewins should be granted a license to practice as a Speech-Language Pathologist in the State of New Hampshire and what, if any, conditions should be placed on that license.

At the hearing the Board reviewed numerous exhibits. The following exhibits included with the “Notice of Hearing, Order to Show Cause” issued on June 16, 2015 were entered into evidence:

**Board Exhibits:**

Exhibit #1 – Application for Initial Licensure or Certification

Exhibit #2 – Supervision form signed by Mark R. Hammond and dated July 31, 2014

Exhibit #3 – Provisional license issued on August 6, 2014 and sent to Mark R. Hammond

Exhibit #4 – SLP Clinical Fellowship Report and Rating Form dated June 1, 2015

The following exhibits submitted by Attorney Lynne A. Rocheleau on Ms. Hewins’s behalf were entered into evidence:

Exhibit 1 – Letter of reference from Havah Kewley SLP not dated

Exhibit 2 – Letter of reference from Brenda Goodwin, Special Education Teacher dated 9/20/15

Exhibit 3 – A copy of Ms. Hewins Maine license issued 6/23/15 and her ASHA card valid through 12/31/15

Exhibit 4 – SLP Clinical Fellowship Supervision Plan signed by Havah Gershman-Tewksbury, SLP on September 2, 2014

Exhibit 5 – Havah M. Kewley licensure information from the State of Maine

Exhibit 6 – A letter from The American Speech-Language-Hearing Association showing Ms. Hewins Certification dates

Exhibit 7 – A letter from The American Speech-Language-Hearing Association showing Havah M. Kewley's Certification dates

At the hearing Attorney Rocheleau presented an opening statement. During the opening she stated that when Ms. Hewins began supervision under Ms. Gershman-Tewksbury that she assumed that she was licensed in New Hampshire and did not check to make sure that was the case. She also informed the Board that it was beyond Ms. Hewins control that the Report and Rating Form was not submitted within 4 weeks of completion because Ms. Gershman-Tewksbury was on her honeymoon out of the State. She asked the Board to limit any additional supervision to between 90 and 120 days because Ms. Hewins was following the spirit of the law and the supervision was in accordance with New Hampshire regulations.

At the hearing, the Board heard testimony from the following individual:

**Gina M. Hewins** testified to why the supervisor changed and that when the change occurred she never thought to submit a new Supervision Form. She stated that she did a plan for supervision with both Mr. Hammond and Ms. Gershman-Tewksbury. She further testified that she had treated one child in the State of New Hampshire for a total of 14 treatment hours. The child resided in the State of Maine but attended school in the State of New Hampshire. She has obtained a Maine license and her Certificate of Clinical Competence.

**Applicable Laws:**

RSA 328-F:23, II:

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

RSA 326-F:3, I(a):

To be eligible for initial licensure as a speech-language pathologist an applicant shall:

(a) Demonstrate 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.

RSA 326-F:4, II:

A holder of a provisional license is authorized to practice speech-language pathology under the direction and supervision of a speech-language pathologist currently licensed in this state.

Spe 308.01 Function of a Provisional License:

Pursuant to RSA 326-F:4, a provisional license shall permit an individual to practice speech-language pathology while completing the post-graduate professional experience required for full licensure.

Spe 308.05(a)(2) Eligibility of Provisional Licensees for Full Licensure:

The board shall issue full initial licenses to provision licensees if they have:

(2) Documented completion of the post-graduate professional experience within 4 weeks of its completion by submitting an original of the report and rating form(s) utilized during the post-graduate professional experience.

Spe 309.01(a):

A supervisor of a provisional licensee shall:

(a) Be licensed in New Hampshire or, for an active duty military provisional licensee or the spouse of an active duty individual, be licensed in any state within the United States for the supervision of not more than 2 periods of the postgraduate professional experience pursuant to Spe 308.03 and Spe 308.04; and  
(b) Hold a valid certificate of clinical competence, as confirmed by inquiry made of ASHA by the provisional licensee;

Spe 309.03(b):

Before beginning the post-graduate professional experience the provisional licensees shall:

(1) Inquire of ASHA whether the intended supervisor holds a currently valid certificate of clinical competence;

- (2) Read and understand Spe 308 and Spe 309; and
- (3) Understand the use of the report and rating form.

Spe 309.03(d):

Whenever there is a change in supervisor during the post-graduate professional experience, the provisional licensee shall:

- (a) Submit to the board a new completed supervision form;
- (b) Inquire of ASHA whether the intended new supervisor holds a currently valid certificate of clinical competence; and
- (c) Make certain that he or she and the new supervisor use 2 new originals of the report and rating form.

Spe 309.03(c)(4):

During the post-graduate professional experience the provisional licensee shall... [r]etain:

- (a) A record of the agreed-upon decisions described in Spe 309.04(c); and
- (b) Two original(s) of each of the report and rating form(s) used during the post-graduate professional experience.

Spe 309.04(e)(2):

At the end of the post-graduate professional experience the supervisor shall:

- (2) Complete on 2 originals of the report and rating form those parts of the form which are allocated to the provisional licensee to complete.

Spe 404.01:

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 an initial, renewal or reinstatement license or certificate;
- (d) Violation of the ethical standards adopted by the board;
- (i) Violation of:
  - (1) Any provision of RSA 328-F;
  - (2) Any provision of RSA 326-F;
  - (3) Any rule adopted by the board; or

(4) Any state or federal law reasonably related to the authority of the licensee or certificate holder to practice or the ability of the licensee or certificate holder to practice safely.

*Principle of Ethics II, Rule A:*

Individuals shall engage in the provision of clinical services only when they hold the appropriate Certificate of Clinical Competence or when they are in certification process and are supervised by an individual who holds the appropriate Certificate of Clinical Competence.

For all applicants, Spe 303.02(k) requires:

Also on part 2 of the form the applicant shall place his or her notarized signature, printed full name and the date of signing below the following preprinted statement:

"I acknowledge that knowingly making a false statement on this application form is a misdemeanor under RSA 641:2, I. I certify that the information I have provided on all parts of the application form and in the documents that I have personally submitted to support my application is complete and accurate to the best of my knowledge and belief. I also certify that I have read the statute and the rules of the Board and promise that, if I am licensed, I will abide by them."

**Findings of Fact and Rulings of Law:**

RSA 326-F:3 Eligibility for Initial Licensure states in part "I. To be eligible for initial licensure as a speech-language pathologist an applicant shall: (a) Demonstrate 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 individual has violated the State of New Hampshire's laws and 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. Hewins's testimony the Board made the following findings of fact and rulings of law:

- The Board finds that Ms. Hewins provided a Supervision Form showing that Mark R. Hammond, SLP would be her supervisor during her Clinical Fellowship Year in order to obtain a provisional license.

- By her own admission Ms. Hewins attended a presentation with her graduating class in which the process of provisional licensure and the rules which apply were described. Therefore she should have known that she was required to submit a Supervision Form whenever her supervisor changed. Ms. Hewins negligently failed to provide the Board with an updated Supervision Form when her supervisor changed in violation of RSA 328-F:23 II (a) and (j), Spe 309.03 (d), and Spe 404.01(a) and (i).
- The Board finds that Ms. Hewins practiced in the State of New Hampshire without being supervised by a New Hampshire licensed Speech-Language Pathologist for at least 14 treatment hours in violation of RSA 328-F:23 II. (b) and (j), RSA 326-F:4, II, Spe 309.01(a), and Spe 404.01(i).
- The Board finds that although Ms. Hewins states that she reviewed the rules and discussed a plan of supervision with both supervisors her actions show that she did not understand her responsibility during the Clinical Fellowship Year in violation of RSA 328-F:23, II(j), Spe 309.03(b), Spe 309.03(c)(4), and Spe 303.02(k).
- The Board finds Ms. Hewins failed to provide the Report and Rating form within 4 weeks of completion of her Clinical Fellowship Year in violation of RSA 328-F:23, II (a) and (j), Spe 308.05(a)(2), Spe 309.04(e)(2), and Spe 404.01(a) and (i).

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Hewins was in violation of the laws and rules of the State of New Hampshire. After considering all the evidence and taking into account Ms. Hewins' testimony the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Hewins Clinical Fellowship year be extended to ensure she is supervised for an additional 90 days.

IT IS FURTHER ORDERED, that pursuant to RSA 326-F:4, VI the following conditions are placed on Ms. Hewins's provisional license:

- a. The supervisor will be a New Hampshire licensed Speech-Language Pathologist and be pre-approved by the Board;
- b. At the end of the 90 day supervisory period Ms. Hewins will submit a completed Report and Rating form within 14 days of completion;

IT IS FURTHER ORDERED, that Ms. Hewins is fined \$170.00 to be paid within 30 days of the date of this order:

IT IS FURTHER ORDERED, that upon completion of all requirements listed above Ms. Hewins' file will be brought before the Board at their next regularly scheduled Board meeting to be considered for full licensure.

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

IT IS FURTHER ORDERED, that Ms. Hewins 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. Hewins is affiliated which licenses, certifies or credentials Speech-Language Pathologists for one year from the effective date of this Decision and Order.

IT IS FURTHER ORDERED that Ms. Hewins'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. Hewins's file, which is maintained by the Board as a public document.

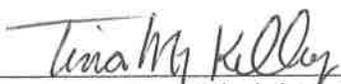
IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

RECOMMENDATIONS: The Board strongly recommends that Ms. Hewins:

1. Read and understand the rules which govern the profession of Speech-Language Pathology. It is the licensee's responsibility to ensure they are practicing within the guidelines set by the State of New Hampshire.

BY ORDER OF THE BOARD

Date: December 2, 2015

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