

**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 #02-2017

**Alana C. Chown, CFY/NH aka Dust
(Application for Full Licensure)**

DECISION AND ORDER

By the Board: Deborah Snow-Major, SLP, Presiding Officer, Robyn Collett, SLP, Carissa Magri, SLP and Cassandra Chapman, SLP

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

Appearances: None

Ms. Chown applied for a provisional license under the name Dust by submitting a completed application on July 11, 2016. Ms. Chown signed the form under the preprinted statement described in Spe 303.02(j).

On August 2, 2016, Ms. Chown submitted a Supervision Form signed by Aida Louise Koocher, SLP stating that she was going to be her supervisor at the "Salem School District, 38 Geremonty Drive, Salem NH 03079". Aida L. Koocher, SLP, holds NH license number 0023.

Ms. Chown was granted a provisional license under the name Dust, number P-05655, on August 31, 2016. The provisional license was sent to the supervisor as stated on the Supervision Form provided by Ms. Chown. The supervisor on the form was Aida Louise Koocher, Salem School District, 38 Geremonty Drive, Salem NH 03079.

On September 19, 2017 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 "Aida L. Koocher".

The "Speech-Language Pathology Clinical Fellowship (SLPCF) Report and Rating Form" shows that the Clinical Fellowship Year ended on May 24, 2017. The form was received in the Board's office on September 19, 2017, 17 weeks after the completion of the Clinical Fellowship Year, 13 weeks late.

On October 18, 2017 Ms. Chown submitted a new Supervision Form signed by Kara Clark Hartshorne, SLP, license number 0846. The Supervision Form showing Aida L. Koocher, SLP as the supervisor shows that supervision ended on June 14, 2017. The new Supervision Form showing Kara Clark Hartshorne, SLP as the supervisor shows the supervision beginning on August 28, 2017. According to the dates on the supervision form Ms. Chown practiced without supervision from June 14, 2017 to August 28, 2017, approximately 11 weeks without a supervisor.

An adjudicatory hearing commenced on December 6, 2017, the specific issues to be determined included:

- A. Whether or not, and to what extent Ms. Chown submitted her Clinical Fellowship Report and Rating form after the 4 week deadline. Which, if proven, would be a violation of RSA 328-F:23, II (a), (b), and (j), Spe 308.05(a)(2), Spe309.04(e)(2), and Spe 404.01 (i).
- B. Whether or not, and to what extent Ms. Chown practiced without supervision after the completion of her Clinical Fellowship Year and before obtaining a full unrestricted license. Which, if proven, would be a violation of RSA 328-F:23, II (b), RSA 328-F:23 (j), Spe 326-F:4, II, Spe 309.03(d), Spe 404.01 (d), Spe 404.01 (i), and *Principle of Ethics II, Rule A*.
- C. Whether or not, and to what extent Ms. Chown failed to read and understand the rules applying to an individual who holds a Provisional license. Which, if proven, would be a violation of RSA 326-F:23, II (a), RSA 326-F:23, II (b), RSA 326-F:23, II (j), Spe 309.03 (b), Spe 404.01(a), Spe 404.01(d), Spe 404.01(i), and *Principle of Ethics III, Rule A*, and Spe 303.02(k).
- D. Whether or not, and to what extent Ms. Chown 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. Chown should be granted a full unrestricted 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 Initial Licensure or Certification

Exhibit #2 – NH Supervision Form

Exhibit #3 – Alana C. Dust, CFY-NH provisional license

Exhibit #4 – SLP Clinical Fellowship Report and Rating Form

Exhibit #5 – Updated Supervision Form

Anthony Exhibits:

Exhibit A – A letter from Aida Koocher, SLP dated 11/15/17

Exhibit B – A letter from Kara C. Hartshorne, SLP dated 11/20/17

Exhibit C – A letter from Heather Pacheco, M.Ed. dated 11/16/17

Exhibit D – A letter from Marguerite Tompkins, M.Ed. BCaBA

Exhibit G – A copy of Ms. Clark-Hartshorne's license

Exhibit H – A copy of Ms. Clark-Hartshorne's ASHA card

Exhibit I – A letter from Michael W. Delahanty, Ed.D dated 6/27/17

Exhibit J – Windham School District Annual Teacher Contract

Exhibit K – Ms. Chown's acceptance letter for a temporary position at Ithaca College

Ms. Chown called one witness, Aida Koocher, SLP. Ms. Koocher testified that Ms. Chown had completed the supervisory period and that they had discussed the rules related the Clinical Fellowship Year.

Ms. Chown, testified on her own behalf, and took full responsibility for the late submission of the Clinical Fellowship Year Report and Rating Form. She testified that she had supervision whenever she was practicing and at no time was there a lapse in that supervision.

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:

Spe 308.05 Eligibility of Provisional Licensees for Full Licensure. To be eligible for full licensure the provisional licensee must complete the post-graduate professional experience as described in the rules and submit the original documents showing completion of that experience within 4 weeks of its completion. 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 individual 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. Chown's testimony the Board made the following findings of fact and rulings of law:

- By her own admission Ms. Chown failed to submit the "Clinical Fellowship Year Report and Rating Form" within 4 weeks of completion of her Clinical Fellowship Year. The Report and Rating Form was submitted 13 weeks after completion of the Clinical Fellowship Year in violation of RSA 328-F:23, II (a), (b), and (j), Spe 308.05(a)(2), Spe309.04(e)(2), and Spe 404.01 (i).
- Based on Ms. Chown's testimony the Board finds there was no lapse in supervision during the validity of Ms. Chown's Provisional licensure period.
- Based on Ms. Chown's testimony the Board finds that Ms. Chown did not understand the rules which govern how an individual obtains a full license at the end of their Clinical Fellowship Year in violation of RSA 326-F:23, II (a), RSA 326-F:23, II (b), RSA 326-F:23, II (j), Spe 309.03 (b), Spe 404.01(a), Spe 404.01(d), Spe 404.01(i), and *Principle of Ethics III, Rule A*, and Spe 303.02(k).

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Chown was in violation of the laws and rules by failing to submit the Report and Rating Form within 4 weeks of completion of the Clinical Fellowship Year and not fully understanding the rules that govern how an individual obtains a full license at the end of that year. After considering all the evidence and taking into account Ms. Chown's admission, explanation, and apology the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Chown be granted a full, unrestricted license to practice as a Speech-Language Pathologist in the State of New Hampshire.

IT IS FURTHER ORDERED, that Ms. Chown read the Speech-Language Pathology Practice Act Chapter 326-F, the Speech-Language Pathology Administrative Rules, and the American Speech-Hearing Association Code of Ethics. Submit to the Board's office a statement

that is dated and signed saying "I certify that I have read the statute and the rules, understand my responsibilities, and promise that I will abide by them". Ms. Chown must read the law, and rules and submit the signed statement within 30 days of the date of this Decision and Order.

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

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

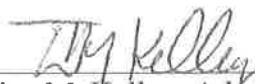
IT IS FURTHER ORDERED that Ms. Chown's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Chown'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: January 5, 2018



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