

**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 #03-2017**

**Hillary A. Cohen aka Brown  
(Application for Full Licensure)**

**DECISION AND ORDER**

By the Board: Deborah Snow-Major, SLP, Presiding Officer and Cassandra Chapman, SLP

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

Appearances: None

On or about April 15, 2015 the Speech-Language Pathology Governing Board's staff sent Hillary A. Cohen, aka Brown ("Ms. Cohen" or "Petitioner") an application packet. Included in the application packet was the "Speech-Language Pathology Clinical Fellowship Report and Rating Form". Stapled to the front of the form was an orange strip of paper stating "PLEASE NOTE: Complete 2 originals of this form. 1<sup>st</sup> form submit to the Office of Licensed Allied Health Professionals within 4 weeks of completion of your supervisory period. 2<sup>nd</sup> form submit to ASHA if you wish to obtain your CCC's. See Spe 308.05(a) 2."

On June 11, 2015 the Board received a supervision form from Ms. Cohen. The Supervision form was completed by Ms. Cohen and Todd Butler, SLP. Mr. Butler signed the form agreeing to be Ms. Cohen's supervisor. The Form indicated that supervision would start July 1, 2015 and was anticipated to end on August 1, 2016. The site of supervision was listed as Monroe Consolidated School, 77 Woodsville Road, Monroe NH 03771.

The Petitioner was granted a provisional license, number P-06179, under the name "Brown" on June 29, 2015. The provisional license was sent to Ms. Cohen's supervisor, Todd Butler, SLP at Boothby Therapy Services – 806 North Main Street, Laconia, New Hampshire 03246.

On July 9, 2015 Staff of the Office of Licensed Allied Health Professionals sent Ms. Brown, aka Cohen a letter informing her of the requirement to provide any change in address within 30 days of the date of the change and requesting she provide an official change of address no later than July 23, 2015.

Ms. Cohen provided the change in address on July 27, 2015 through e-mail and then again on July 30, 2015 through the Board's electronic system.

On September 11, 2015 Ms. Cohen submitted two new Supervision Forms. Both indicated that her supervisor was still Todd Butler, SLP but changed the site of supervision. Ms. Cohen's sites of supervision were listed as:

Warren Village School, 11 School Street, Warren, New Hampshire 03279; and

Piermont Village School, 131 NH-10, Piermont NH 03779.

Both forms stated "Date Supervision Ended: 8/31/16".

On October 12, 2015 Ms. Cohen submitted a "Name Change & Duplicate Request Form". This submission changed her name from "Brown" to "Cohen".

On October 13, 2015 the Board's staff sent Ms. Cohen's supervisor, Todd Butler, SLP, an updated license bearing the name "Cohen".

On November 12, 2016 Ms. Cohen submitted a change of home address through our electronic system.

Ms. Cohen submitted a letter to the Board dated September 5, 2017. In the letter Ms. Cohen states "I am writing to request your assistance and advisement as I just learned yesterday that my NH provisional license expired on December 29, 2016. I discovered this as I am currently in the process of applying for my VT educational speech language pathology endorsement, and was prompted to add my NH license to the application." Ms. Cohen provided a copy of her State of Vermont license; the license shows that it was issued on September 1, 2017. This was 3 days before she states that she learned her license expired because she was completing the application for the VT license.

In the letter dated September 5, 2017 Ms. Cohen states "I believe when my supervisor and I completed the CF Report and Rating form it was only sent to ASHA. Unfortunately it appears that there was only one original and this document was sent only to ASHA." Ms. Cohen did not provide an original or a copy of the Report and Rating form.

On September 10, 2016 Ms. Cohen was issued her American Speech-Language-Hearing Association "Certificate of Clinical Competence".

The Supervision Form, submitted September 11, 2015 states that the date supervision would be ending was August 31, 2016. Ms. Cohen states in her letter that she ceased practicing in New Hampshire on or about September 4, 2017, 13 months after the completion of her Clinical Fellowship Year and 9 months without a license.

During the time that Ms. Cohen held the provisional license she was required to be supervised by the individual on file with the Board, Todd Butler, SLP. It is unclear what if any supervision was taking place.

In the letter explaining why the Report and Rating Form was not provided and why she worked without a license, Ms. Cohen admits to practicing without a license, not submitting the Report and Rating Form with the required 4 weeks, and takes responsibility for not fully understanding the procedure required to obtain her full NH license.

On October 10, 2017 Todd Butler, SLP submitted a letter to the Board on behalf of Ms. Cohen. Mr. Butler verified that he had in fact supervised Ms. Cohen during the Clinical Fellowship Year "as part of the certification process for the American Speech-Language-Hearing Association (ASHA)". He further stated that "Ms. Cohen began her CFY on July 1, 2015 and completed it on August 1, 2016". Mr. Butler further states "Upon final review of her CFY and completion of the required ASHA documentation, Mrs. Cohen was provided with the original documentation to forward for verification. The original copy was forwarded to ASHA and Mrs. Cohen was subsequently awarded her CCC-SLP. Once notified Mrs. Cohen had been awarded her CCC-SLP form ASHA I destroyed copies of ASHA forms I had retained."

An adjudicatory hearing commenced on January 3, 2018, the specific issues to be determined included:

- A. Whether or not, and to what extent Ms. Cohen failed to submit the Speech-Language Pathology Clinical Fellowship Report and Rating Form within 4 weeks of completion of the Clinical Fellowship Year. Which, if proven, would be a violation of RSA 328-F:23, II (j), Spe 308.03(a)(2), Spe309.03(a)(2), and Spe 404.01 (i).

- B. Whether or not, and to what extent Ms. Cohen practiced under her provisional license, August 31, 2015 through December 29, 2015, without supervision. This is a time period of approximately 5 months. Which, if proven, would be a violation of RSA 328-F:23, II (j), Spe 308.03, Spe 309.03, and Spe 404.01 (i)
- C. Whether or not, and to what extent Ms. Cohen practiced without a license from December 30, 2016 through September 4, 2017, approximately 9 months. Which if proven, would be a violation of RSA 326-F:23, II (i), RSA 326-F:23, II (j), Spe 404.01(h), and Spe 404.01(i).
- D. Whether or not, and to what extent Ms. Cohen provided false or misleading information to the Board when she stated in her letter dated September 5, 2017 that when learned that her provisional license had lapsed on September 4, 2017 when completing the paperwork to obtain her Vermont license. Her Vermont license was issued on September 1, 2017; 3 days before she states she was completing the Vermont paperwork. Which if proven, would be a violation of RSA-328-F:23, II (a), RSA 328-F:23, II (j), Spe 404.01 (a), and Spe 404.01(i).
- E. Whether or not, and to what extent Ms. Cohen 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. Cohen 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 – 4 week submission of the CFY form attached to the application

Exhibit #2 – NH Supervision Form received on June 11, 2015

Exhibit #3 – Hillary A. Brown, CFY-NH provisional license

Exhibit #4 – Letter from the Board to Ms. Brown dated July 9, 2015

Exhibit #5 – Updated Supervision Forms received September 11, 2015

Exhibit #6 – Change of Name Form received October 12, 2015

Exhibit #7 – Updated Provisional license under the name Hillary A. Cohen, CFY-NH Provisional

Exhibit #8 – Change of Home Address submitted electronically on November 12, 2016

Exhibit #9 – A letter from Ms. Cohen to the Board dated September 5, 2017

Exhibit #10 – A copy of Ms. Cohen’s Vermont SLP license

Exhibit #11 – A letter from the American Speech-Language Hearing Association verifying Ms. Cohen’s Certification with their organization dated September 5, 2017

Exhibit #12 – A letter to the Board from Todd Butler dated October 4, 2017

Ms. Cohen, testified on her own behalf. Ms. Cohen fully admits that she failed to submit the report and rating form within the required 4 weeks of completion of the Clinical Fellowship Year. She testified that she did go through the rules with her supervisor, Todd Butler, but does not remember discussing the requirement to complete 2 CFY forms. Ms. Cohen explained that she did work without a license but that it was for a limited time due to the fact that she went on maternity leave about the middle of February in 2017 and went back to the school in August of 2017 for a few days where she practice. This was the extended school year. Upon learning that her provisional license had expired and that she did not hold a license to practice in the State of New Hampshire she immediately contacted her employer and stopped working. Ms. Cohen provided the Board with information about the Vermont application process and when in that process she discovered that she did not hold a license to practice as a Speech-Language Pathologist in New Hampshire.

**Applicable Laws:**

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:

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):

Eligibility for Initial Licensure

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.

Spe 308.03 Eligibility of Provisional Licensees for Full Licensure.

(a) The board shall issue full initial licenses to provisional licensees if they have:

(1) Completed a post-graduate professional experience with the following characteristics:

a. A duration of:

1. At least 36 weeks if practicing speech-language pathology for 30 hours each week;
2. At least 48 weeks if practicing speech-language pathology for 25 to 29 hours each week;
3. At least 60 weeks if practicing speech-language pathology for 20 to 24 hours each week; or
4. At least 72 weeks if practicing speech-language pathology for 15 to 19 hours each week; and

b. Supervision of practice in accordance with Spe 309; and

(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.

(b) If the provisional licensee intends to receive his or her certificate of clinical competence following completion of the post-graduate professional experience, the provisional licensee shall submit to ASHA a second original of the completed report and rating form.

For all applicants, SPE 303.02(j) 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."

Spe 309.03 Obligations of Provisional Licensees at the Beginning of, During and at the End of, the Post-Graduate Professional Experience.

(a) The responsibilities of the provisional licensee during the post-graduate professional experience shall be:

- (1) Direct contact with speech-language pathology clients;
- (2) Consultations with the provisional licensee's supervisor;
- (3) Client-related record keeping; and
- (4) Client-related administrative duties.

(b) Before beginning the post-graduate professional experience the provisional licensee 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.

(c) During the post-graduate professional experience the provisional licensee shall:

- (1) Participate in the goal-setting conference described in Spe 309.04(c);
- (2) Participate in the periodic assessments described in Spe 309.05;
- (3) Complete on 2 originals of the report and rating form those parts of the form which are allocated to the provisional licensee to complete; and

(4) Retain:

- 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.

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

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

(e) At the end of the post-graduate professional experience the provisional licensee shall:

- (1) Discuss with the supervisor all of the ratings given by the supervisor(s) pursuant to Spe 309.05; and
- (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(a):

Misconduct 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 an initial, renewal or reinstated license or certificate;

Spe 404.01(h):

Misconduct shall include:

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

Spe 404.01(i):

Misconduct shall include:

Violation of:

- (1) Any provision of RSA 328-F;
- (2) any provision of RSA 326-F;
- (3) Any rule adopted by the board; and



- (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.

**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. Cohen's testimony the Board made the following findings of fact and rulings of law:

- By her own admission Ms. Cohen 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 could not be submitted because Ms. Cohen and her supervisor Todd Butler failed to produce 2 originals and sent the only original produced to the American Speech and Hearing Association. In fact no copy was kept of that original by either Ms. Cohen or Mr. Butler in violation of RSA 328-F:23, II (j), Spe 308.03, and Spe 404.01 (i).
- Based on Ms. Cohen's testimony the Board finds that she practiced under her provisional license without supervision from August 31, 2016 through December 29, 2016 without supervision, approximately 5 months in violation of RSA 328-F:23, II (j), Spe 308.03, Spe 309.03, and Spe 404.01 (i).
- Based on Ms. Cohen's testimony the Board finds that Ms. Cohen practiced without a license from December 30, 2016 through September 4, 2017, approximately 9 months. The Board has considered Ms. Cohen's testimony that she took some time

off due to the birth of a child but none the less she did practice as a Speech-Language Pathologist without a license in violation of RSA 326-F:23, II (i), RSA 326-F:23, II (j), Spe 404.01(h), Spe 404.01(i).

- Based on Ms. Cohen's explanation of the process for licensure and educational endorsement in the State of Vermont the Board finds no evidence that Ms. Cohen provided false or misleading information to the Board.

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Cohen was in violation of the laws and rules by failing to submit the Report and Rating Form to the Board thereby not meeting the submission within 4 weeks of completion of the Clinical Fellowship Year requirement. Not fully understanding the rules that govern how an individual obtains a full license at the end of the Clinical Fellowship Year. Practicing without proper supervision and without a valid license. In making their decision the Board has considered all the evidence and has taken into account Ms. Cohen's admission, explanation, and apology the Board rules as follows:

THEREFORE IT IS ORDERED, that although the Board does not have the Clinical Fellowship Report and Rating Form, the Board but does have a letter from ASHA granting Ms. Cohen her CCC's. Ms. Cohen will 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. Cohen pay a fine in the amount of \$250.00 within 30 days of the date of this Order. The check will be made payable to "Treasurer, State of NH".

IT IS FURTHER ORDERED, that Ms. Cohen notify the School in which she provided Speech-Language Services without a license of the possibility of insurance fraud, if students insurance was billed during the episode of non-licensure.

IT IS FURTHER ORDERED, that Ms. Cohen 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". This statement is due in the Board's office 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. Cohen 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. Cohen is presently affiliated.

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

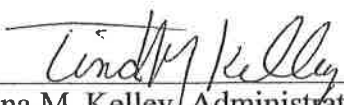
IT IS FURTHER ORDERED that Ms. Cohen's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Cohen'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: March 15, 2018

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

Not Participating:

Carissa Magri, SLP, Recused  
Robyn Collett, SLP, Resigned from the Board