

**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 #07-2018**

**Cara McMaster  
(Application to go from Provisional to full Licensure)**

**REVISED DECISION AND ORDER**

By the Board: Deborah Snow-Major, SLP, Presiding Officer. Cassandra Chapman, SLP, Mariellen MacKay, Public Member, and Carissa Magri, SLP

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

Appearances: None

On June 13, 2016 Ms. Cara McMaster requested an application for provisional licensure. On or about June 14, 2016 the Board's staff sent Ms. McMaster 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 September 26, 2016 the Board received a supervision form from Ms. McMaster. The supervision form was completed by Ms. McMaster and Ms. Melissa Bishop. Ms. Bishop signed the form agreeing to be Ms. McMaster's supervisor.

On October 17, 2016 Ms. McMaster submitted a completed Application to obtain her Provisional License.

Ms. McMaster was granted a provisional license, number P-0665, on November 8, 2016. The provisional license was sent to Ms. McMasters's supervisor, Melissa Bishop, SLP at Lincoln Street School, 25 Lincoln Street, Exeter, New Hampshire 03833.

On January 4, 2017 the Board sent Ms. McMaster a letter explaining that the check she submitted for the application and licensure fees, in the amount of \$170, had been returned to the Board's office for "insufficient funds". Ms. McMaster was instructed to submit a certified check or money order to the Board's office to cover the amount of the check and associated fees.

On May 24, 2018 Ms. McMaster submitted a letter from the American Speech-Language-Hearing Association showing that she had been granted her "Certificate Status: CCC-SLP" on May 21, 2018.

On May 25, 2018 the Board's office sent Ms. McMaster a letter requesting payment of the \$203.00 owed for the application fee, licensure fee, and bank fees. In addition, the letter informed Ms. McMaster that she had not sent a completed original of her "Report and Rating" form, which was required at the end of her clinical fellowship year. The letter stated that the check and the Report and Rating Form were due in the Board's office on or before June 8, 2018.

On or about May 29, 2018 Ms. McMaster submitted a money order in the amount of \$200.00.

On June 5, 2018 Ms. McMaster submitted an additional check in the amount of \$3.00 to cover the total amount due of \$203.00.

On or about May 31, 2018 Ms. McMaster submitted a letter (dated May 5, 2018), a supervision form completed by Ms. Renee Ellicott, and 3 Report and Rating Forms.

The letter dated May 5, 2018, provided Ms. McMaster's explanation of why there were 3 Report and Rating Forms. She stated as follows:

- "I started my clinical fellowship year in Exeter while working part-time approximately 17.5 hours per week from August 29, 2016 – June 21, 2017."
- "In March 2017, I picked up an additional 17.5 hours in Greenland. Exact dates were March 2, 2017 – June 16, 2017."
- "I did not work while school was out of session."
- "In October 2017, I began working at Chester Academy with a new supervisor, I worked at Chester part time as well. Exact dates were October 2, 2018 – April 30, 2018"

The supervision form submitted on May 31, 2018 was completed by Ms. McMaster and Ms. Ellicott. It shows that Ms. Ellicott began as Ms. McMaster's supervisor on October 2, 2017, nine months after she began supervising Ms. McMaster. Despite the change in supervisor, Ms. McMaster did not complete and submit a new supervision form for Ms. Ellicott to the Board.

The Report and Rating Form marked page 1, shows the beginning date as "10/2/17" and the ending date as "4/30/18". Page 2 of the report and rating form shows 3 segments. The sections are dated as follows:

- Segment 1 – October 2, 2018 through November 30, 2018
- Segment 2 – December 1, 2017 through February 23, 2018
- Segment 3 – March 5, 2018 through April 30, 2018

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

- A. Whether or not and to what extent Ms. McMaster failed to submit supervision forms when her supervisor and location of practice changed. Which if proven would be a violation of RSA 328-F:23, II (j), Spe 309.03(d), and Spe 404.01(k).
- B. Whether or not and to what extent Ms. McMaster submitted her Report and Rating form at the end of the clinical experience containing false and/or misleading information. Which if proven would be a violation of RSA 328-F:23, II, (a), RSA 328-F:23, II(c), *Principle of Ethics IV, Rule D*, and *Principle of Ethics IV, Rule E*.
- C. Whether or not and to what extent Ms. McMaster failed to complete her clinical fellowship year within the time parameters described in Spe 308.05. Which if proven would be a violation of RSA 328-F:23, II (j), RSA 326-F:4, IV, Spe 308.05, and Spe 404.01(k).
- D. Whether or not and to what extent Ms. McMaster failed to read and understand the rules that apply to a person holding a provisional license. Which if proven would be a violation of RSA 328-F:23, II(j), Spe 309.03(b)(2) and (3), and Spe 404.01(k).
- 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).

- F. If any of the above allegations are proven, whether or not Ms. McMaster should be granted a full unrestricted 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 were entered into evidence:

Exhibit #1 – Application attachment notifying applicants about 4 week deadline

Exhibit #2 – Supervision Form received 9/26/16

Exhibit #3 – McMaster provisional license

Exhibit #4 – ASHA Certification letter

Exhibit #5 – Letter to Ms. McMaster from Board Administrator Tina Kelley

Exhibit #6 – Copy of repayment of returned check

Exhibit #7 – Letter from Ms. McMaster dated 5/5/18

Exhibit #8 – Supervision Form received 5/31/18

Exhibit #9 – Report and Rating Form received 5/31/18

Exhibit #10 – Second Report and Rating Form received 5/31/18

Exhibit #11 – Third Report and Rating Form received 5/31/18

Ms. McMaster testified on her own behalf. Ms. McMaster stated to the Board she did not read the rules thoroughly and for that reason she did not realize she needed to request an extension in order to exceed the allowed amount of time to complete her Clinical Fellowship Year. She described for the Board how she completed her Clinical Fellowship Year during two schools, as a contracted employee, on a part-time basis. She stated that one of the reasons she submitted three Report and Rating Forms was because ASHA wanted clarification on how she completed her hours because ASHA found her original submission confusing. Ms. McMaster stated that she had filled the forms out and she had mistakenly put down conflicting dates and incorrect number of hours worked on the forms. She described for the Board what the dates should have been. She stated that her second supervisor, Ms. Renee Ellicott, never had a provisional license for her and never asked for one. Ms. McMaster stated that even though she was completing her Clinical Fellowship Year she was “self-employed”.

**Applicable Laws:**

RSA 328-F:23, II. (a):

Misconduct sufficient to support disciplinary proceedings shall include:

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):

Misconduct sufficient to support disciplinary proceedings shall include:

Violation of the ethical standards adopted by the governing board.

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:4, IV:

A holder of a provisional license practicing speech-language pathology less than full time shall complete the postgraduate professional experience within the time period specified by the board in rules adopted pursuant to RSA 541-A.

Spe 308.05:

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.

Spe 309.03(b):

Obligations of Provisional Licensees at the Beginning of, Duration and at the End of, the Post-Graduate Professional Experience:

(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.

Spe 309.03(d):

Obligations of Provisional Licensees at the Beginning of, Duration and at the End of, 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.

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."

Spe 404.01(k):

Violation of:

- (3) Any rule adopted by the board;;

*Principle of Ethics IV, Rule D:*

Individuals shall not engage in any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

*Principle of Ethics IV, Rule E:*

Individuals shall not engage in dishonesty, negligence, fraud, deceit, or misrepresentation.

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

Spe 308.05 Eligibility of Provisional Licensees for Full Licensure requires provisional licensees to 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. Applicants for full licensure, must also provide sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct, adhere to RSA Chapter 328-F, and follow 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. McMaster's testimony the Board made the following findings of fact and rulings of law:

- Based on Ms. McMaster's testimony and the exhibits reviewed the Board finds Ms. McMaster failed to submit a supervision form indicating her new supervisor was Renee Ellicott with a place of practice Seacoast Speech & Language, LLC, 70 Liberty Common, Rye New Hampshire at the time her supervisor and practice location changed in violation of RSA 328-F:23, II (j), Spe 309.03(d), and Spe 404.01(k).

- Based on Ms. McMaster's testimony the Board finds Ms. McMaster submitted 3 report and rating forms showing she completed 7 segments. Each segment should be equal to one-third of the clinical fellowship experience. The seven segments were earned from November 3, 2016 through April 30, 2018 for a total of approximately 77 weeks. Per Spe 308.05, post-graduate professional experience must be at least 60 weeks if practicing for 20 to 24 hours each week or 72 weeks if practicing for 15 to 19 hours each week. The Board finds Ms. McMaster satisfied the required duration of her post-graduate professional experience, but the total period of time devoted to post-graduate professional experience was not divided into three equal segments in violation of Spe 309.04.
- Based on Ms. McMaster's testimony and the exhibits reviewed the Board finds that one of the Clinical Fellowship Reporting Rating Forms indicates, on page 1, that the clinical fellowship year began October 2, 2017 and ended April 30, 2018. Page 2 of the form lists three segments with the following dates:
  - Segment one = 10/2/18 through 11/30/18
  - Segment two = 12/1/17 through 2/23/18
  - Segment three = 3/5/18 through 4/30/18

The form as submitted shows conflicting dates with segment one being completed during a time period that has not occurred yet. It is unclear that the form was completed at the end of each segment as required in Spe 309.05(c). Specifically, a supervisor must rate the provisional licensee on her performance for each of the 18 skills listed at the end of each segment. It appears that the form was completed sometime after the end of all segments and may not reflect what actually occurred during the clinical fellowship year.

- Based on Ms. McMaster's testimony and the exhibits reviewed the Board finds Section B, Signatures of SLPCF Mentor and SLP Clinical Fellow states "We, the SLPCF Mentor and the SLP Clinical Fellow, verify that we have discussed the report. We have verified that the mentor's certification was current throughout the CF experience. We verify that we have completed the required evaluation. We further



verify that we are not related in any manner.” Two Report and Rating Forms list dates occurring during the same time period and were both signed by Cara McMaster and Melissa Bishop on the same date.

- **Exhibit #9**, Report and Rating form has only Segment 2 completed listing a beginning date as 3/2/17 and an ending date as 6/16/17. The form was signed by Cara McMaster and Melissa Bishop on 5/17/18.
- **Exhibit #10**, Report and Rating form has all 3 Segments completed listing the dates as:
  - Segment 1 = 8/29/16 through 11/3/16
  - Segment 2 = 11/4/17 through 2/28/17
  - Segment 3 = 3/1/17 through 6/21/17

The Board finds that that two report and rating forms **Exhibit #9** Segment 2 and **Exhibit #10** Segment 3 were completed during the same time period with slightly different dates and were signed Section B was signed by both Ms. Cara McMaster and Ms. Melissa Bishop on the same day. Knowingly or negligently submitting documents containing inaccurate material information is in violation of RSA 328-F:23, II(a); RSA 328-F:23, II(j); Spe 404.01(k); *Principle of Ethics IV, Rule D*; and *Principle of Ethics IV, Rule E*.

- Ms. McMaster failed to read and understand the rules that apply to a person holding a provisional license in violation of RSA 328-F:23, II (j), Spe 309.03(b), and Spe 404.01(k).
- The Petitioner has not demonstrated to the Board “sufficient evidence of good professional character and reliability” as evidenced by submission of inaccurate or fraudulent documentation of her clinical fellowship year, failing to submit a supervision form when her supervisor changed, and failing to read and understand the rules in violation of RSA 328-F:23, II(a), RSA 328-F:23, II(c); RSA 328-F:23, II(j); Spe 303.02(k); Spe 309.03(b); Spe 309.03(d); Spe 404.01(k); and *Principle of Ethics IV, Rule E*.

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. McMaster was in violation of the laws and rules by failing to submit updated supervision forms, by submitting inaccurate Report and Rating Forms, and by failing to read and fully understand the rules that govern an individual during their Clinical Fellowship Year.

In making their decision, the Board has considered all the evidence and has taken into account Ms. McMaster's admission, explanation, and apology. The Board questioned the credibility of Ms. McMaster's explanation finding it confusing and disorganized. Furthermore, the Board found her apology insincere because she did not appear to understand the gravity of the situation. For those reasons the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. McMaster be granted a conditional license to practice as a Speech-Language Pathologist in the State of New Hampshire pursuant to RSA 328-F:18. To insure the competency of the licensee and that appropriate supervision is occurring, prior to issuance of a conditional license, Ms. McMaster must submit an accurate and completed supervision form required by Spe 307.04. Ms. McMaster's supervisor must meet the requirements of Spe 307.01. The practice restrictions, obligations, and requirements to achieve full licensure will otherwise be the same as those imposed upon conditional licensees in PART Spe 307, Practice Under Conditional Licensure.

IT IS FURTHER ORDERED, that Ms. McMaster pay a fine in the amount of \$500.00 within 90 days of the date of this Order. The check will be made payable to "Treasurer, State of NH".

IT IS FURTHER ORDERED, that Ms. McMaster 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. Ms. McMaster must submit to the Board's office a signed and dated statement that states: "I certify that I have read the applicable statute, rules, and ethical code that govern my profession; I understand my responsibilities; and promise I will abide by them." Ms. McMaster must read the law, the rules, and the code of ethics 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. McMaster 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. McMaster is presently affiliated.

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

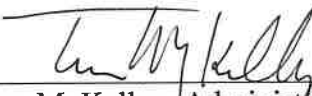
IT IS FURTHER ORDERED that Ms. McMaster's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. McMaster'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 12, 2019

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

Not Participating: