

**SPEECH-LANGUAGE PATHOLOGY GOVERNING BOARD
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
ALLIED HEALTH PROFESSIONALS
7 EAGLE SQUARE
CONCORD, NH 03301**

In The Matter Of:

Docket #02-2020

Julianne Riley

(Application to go from Provisional to full Licensure)

DECISION AND ORDER

By the Board: Mariellen MacKay, Public Member, Presiding Officer. Cassandra Chapman, SLP, Ian McGarty, SLP, Jocelyn Lister, SLP

Also present: Talia Wilson, Administrator to the Board; Billie Richardson, Administrative assistant to the Board; Thomas Broderick, OPLC Board Counsel; Michael Porter, Hearing Counsel

Appearances: Julianne Riley
Patricia Motyka

The New Hampshire Governing Board of Speech-Language Pathology ("Board") received a completed application on September 6, 2018 from Julianne M. Riley ("Ms. Riley" or "Petitioner") for a provisional license. On September 11, 2018 the Board issued the provisional license, number P-0738, under the Fast Track Program, based on the application and supporting documents in accordance with Spe 308.02. As discussed in greater detail below, on June 24, 2019 Ms. Riley submitted an incomplete Speech-Language Pathology Clinical Fellowship (SLPCF) Report and Rating Form. Ms. Riley subsequently submitted an updated Report and Rating Form on January 2, 2020, completing her application for full licensure.

On June 24, 2019 Ms. Riley submitted the Report and Rating Form. In accordance with the Board's procedures, the Board reviewed Ms. Riley's submission at its next regularly scheduled meeting. Upon review, the Board noted the following:

- Segment 1 and 2 feedback sessions occurred before the completion of the segments;
- Ms. Riley failed to use the credentials "CF/NH Provisional after her name as required by Spe 406.01(d); and

- Ms. Riley completed 39 weeks at 28.5 hours per week for a total of 1111 hours. Applicants for full licensure are required to obtain 1260 hours; therefore Ms. Riley's form revealed a shortage of 149 hours.

On July 2, 2019 a letter was sent to Ms. Riley explaining the Board's findings. This letter was sent to the home address on file with the Board's office and informed Ms. Riley she needed to complete the remaining 149 additional hours and provide a written explanation regarding:

- Why the feedback sessions in segment 1 and 2 occurred before the segments were complete;
- Why she did not use her credentials "CFY/NH Provisional" after her name; and
- Why she submitted the Report and Rating form before she completed the required 1260 hours.

As noted above, this letter was sent to the address Ms. Riley had officially on file with the Board per her conversation with Board staff when she requested a second application. The Report and Rating Form Ms. Riley submitted on June 24, 2019 did list a P.O. Box, on the home address line, which was different from the address on file with the Board. But Ms. Riley did not officially change either her home physical address or her home mailing address. The Board's July 2, 2019 letter, was therefore sent to her address on record. This letter was not returned to the Board's office.

The Board was not contacted by Ms. Riley again until December 31, 2019. At that time, Ms. Riley called the Board office to find out where her license was because she had not received it. During her conversation with Board staff, Ms. Riley requested a copy of the Board's July 2, 2019 letter. On or about January 2, 2020 the Board's office sent a copy of this letter to Ms. Riley by certified and regular mail to the address on her Report and Rating form.

On January 2, 2020 Ms. Riley submitted an official change of home physical and home mailing address after the July 2019 letter had been sent. On January 2, 2020 the Board's then Administrator, Tina M. Kelley, spoke with Ms. Riley's supervisor, Laura Kelly ("Ms. Kelly"). Ms. Kelly confirmed that Ms. Riley had been practicing without supervision on a provisional license. The same day, Ms. Riley submitted two letters and a new Report and Rating Form to the Board. The first letter, provided information about her change in address and mistakes on the original Report and Rating form. The second letter described Ms. Riley's work history between June 2019 and the present. She also explained why she had not been supervised from September 11, 2019 to December 31, 2019 as required in Spe 309. The updated Report and Rating form,

corrected the inaccurate hours of supervision described in Ms. Riley's letter dated January 2nd, 2020.

A hearing commenced on August 3, 2020 the specific issues to be determined included:

- A. Whether Ms. Riley has demonstrated that she is of good professional character
- B. Whether Ms. Riley has failed to submit accurate documentation of her clinical fellowship year
- C. Whether Ms. Riley failed to be supervised at all times while practicing under the provisional license
- D. Whether Ms. Riley failed to use the credentials CFY NH/Provisional at all times while practicing under the provisional license
- E. Whether Ms. Riley failed to read and understand the rules that govern her profession

At the hearing the Board reviewed numerous exhibits. Ms. Riley provided the following exhibits:

- Exhibit A Statement from Julianne Riley
- Exhibit B Log Of 2018-2019 Clinical Fellowship Observation Hours
- Exhibit C Log of Observation Hours Starting January 2020
- Exhibit D Additional Clinical Fellowship Rating Form for 2020 Observations
- Exhibit E Explanation of Supervision Experiences from September to December 2019
- Exhibit F Explanation of SLPCF Activity Information Calculations
- Exhibit G CYF Treatment Hour Calculation Document
- Exhibit H Explanation of Supervision at Saint Joseph's Hospital
- Exhibit I Statement on Signatures
- Exhibit J Statement of Support from Laura Kelly
- Exhibit K Statement of Support from Patricia Motyka
- Exhibit L Statement of Support from Margaret Bentley
- Exhibit M Communications Log with Board of Allied Health Professionals
- Exhibit N August 5 Letter from Patricia Motyka to Board

Hearing Counsel offered the following exhibits into evidence:

- Exhibit 1 Provisional License Notification
- Exhibit 2 SLPCF Report and Rating Form dated received 24, 2019
- Exhibit 3 Notification Letter of Review and Reason of Return of Report and Rating Form

Exhibit 4 Notification Letter of Failure to Change Address

Exhibit 5 Change of address submission

Exhibit 6 Riley Response Letter to the Board regarding License Application

Exhibit 7 Riley Response Letter to the Board regarding Status of CFY/NH Provisional License

Exhibit 8 SLPCF Report and Rating form dated Received January 3, 2020

The Board accepted all exhibits into evidence. Ms. Riley testified on her own behalf. Ms. Riley also called Patricia Motyka to testify on her behalf. The testimony of both witnesses is discussed below.

DISCUSSION

Ms. Riley testified on her own behalf. She explained that the issues on her application for full licensure were due to clerical errors. She admitted that she signed her name without her credentials (CFY/NH Provisional) and also submitted a form on which she'd miscalculated her clinical hours, instead of a form with the correct totals. Ms. Riley admitted she did not look closely enough at the dates on the form. Ms. Riley explained that she did not receive any communications from the Board and thus was not aware of these errors. She stated that she learned, belatedly, that the Board had tried to contact her, but because she had not updated her address with the Board, she had not received any communications from the Board.

Ms. Riley explained that when she received her Certificate of Clinical Competence from the American Speech-Language Hearing Association (ASHA), she mistakenly believed she had completed both her national and state applications, and was fully licensed. Ms. Riley testified that she feels foolish now, but she mistakenly believed that approval from ASHA meant approval from the Board, as well.

Ms. Riley explained that she acted under the assumption that she was fully licensed until late December. At that point, she called into the Office of Professional Licensure and Certification (OPLC) to inquire about receiving a paper copy of her license. It was at that point that Ms. Riley learned that she was not yet fully licensed and had mistakenly been practicing without a license. Ms. Riley stated that she immediately informed her supervisors and returned to practicing as a provisional licensee. She worked to correct the paperwork and provided the Board with explanations for the errors. She immediately resumed formal mentorship and

supervision with her Clinical Fellowship Mentor. And Ms. Riley testified that she was in regular contact with OPLC staff to try to correct the errors.

Ms. Riley provided letters of support from her Clinical Fellowship Mentor, Laura Kelly, MS, CCC-SLP; her supervisor at Saint Joseph's Hospital, Patricia Motyka, MS, OTR/L; and from the Student Services Director at Salem School District, Margaret S. Bentley. All three strongly supported Ms. Riley's application for full licensure.

On examination of Ms. Riley's exhibits, a Board member pointed out that Ms. Riley had again failed to properly sign with her credentials on the Clinical Fellowship Rating Form she submitted in July 2020 in preparation for the hearing. See Ex. D. Ms. Riley apologized and states he had just noticed that. She explained that she had correctly signed with her credentials under "Segment 1" and "Segment 2" of the form, but admitted she failed to sign with her credentials at the bottom of the form.

On cross examination, Hearing Counsel pointed out that the letter from Patricia Motyka began by stating that Ms. Riley "began working at Saint Joseph's Hospital August 12, 2019 as a Speech Language Pathologist with a provisional license." See Ex. K. Hearing Counsel pointed out that Ms. Riley had testified that as of August 12, 2019, she herself believed that she had a full license, so he was confused as to how as of August 12, 2019, Ms. Motyka knew that Ms. Riley had a provisional license. The hearing was continued to allow for Mr. Riley to contact Ms. Motyka and ask her to testify. At the continued hearing, Ms. Motyka provided an updated letter. See Ex. N. Ms. Motyka testified to clarify that when Ms. Riley was originally hired, she believed Ms. Riley had a full license. She explained that she had written her original letter with the later-attained knowledge that Ms. Riley still had a provisional license at the time. Ms. Motyka expressed her continued support of Ms. Riley.

Findings of Fact and Rulings of Law:

The Board found Ms. Riley's testimony to be credible. It was evident that Ms. Riley had truly made mistakes and was not trying to deceive the Board, her employers, or her patients. The Board appreciates that once Ms. Riley became aware of the errors, she acted promptly to remedy the situation. Ms. Riley showed true remorse and stated she would learn from these mistakes. Further, the Board notes that there were no concerns expressed about Ms. Riley's clinical competence.

Board does have concerns, however, about Ms. Riley's attention to detail in her documentation. Proper documentation is an important piece of this profession. And while Ms.

Riley has stated she has learned from this experience and will ensure that all her work is properly documented, she again submitted documentation for this hearing without signing with her proper credentials. See Ex. D. And while the Board recognizes that it was a mistake, the Board has real concerns that Ms. Riley practiced as a full licensee for several months without a full license.

Ms. Riley admitted that she failed to submit accurate documentation of her clinical fellowship, as required for full licensure under Spe 308.05. She further admitted that she failed to be supervised at all times while practicing under the provisional license, in violation of RSA 326-F:4. Ms. Riley also admitted that she failed to use the credentials "CFY NH/ Provisional at all times while practicing under the provisional license in violation of Spe 406.01(d). She also admitted she failed to provide the Board with an updated address, in violation of RSA 326-F:21 and Spe 406.01(a).

For those reasons the Board orders as follows:

THEREFORE IT IS ORDERED, that Ms. Riley be issued a **CONDITIONAL LICENSE** under RSA 328-F:18, III. The conditional license shall be valid for 6 months from the date of this Decision and Order. The following conditions are placed on Ms. Riley's license during this time period:

- All clinical documentation requiring Ms. Riley's signature must also be signed off by a supervising Speech Language Pathologist for the duration of the conditional license.
- Both Ms. Riley and the supervising Speech Language Pathologist shall provide a monthly statement to the Board stating that Ms. Riley has complied with this requirement. The statement may be emailed to the Board Administrator or mailed to the Board at the address provided above.

The Board notes that this conditional license is a full license that allows Ms. Riley to fully practice as a licensed Speech-Language Pathologist, so long as she meets the conditions outlined above.

IT IS FURTHER ORDERED that at the conclusion of the six months, if Ms. Riley and her supervisor have provided the statements each month as required above, Ms. Riley's conditional license shall be converted to a full unrestricted license.

IT IS FURTHER ORDERED that within fifteen (15) days of the effective date of this Decision and Order, Ms. Riley shall furnish a copy of this Decision and Order to any current employer for whom she employs services as a Speech Language Pathologist. Ms. Riley shall

also provide this Decision and Order to any new employers during the pendency of this conditional license;

IT IS FURTHER ORDERED that any breach of the conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II;

IT IS FURTHER ORDERED that this Final Decision and Order shall become a permanent part of Ms. Riley's file, which is maintained by the Board as a public document. If these issues continue, this Decision and Order may be used as evidence in proceedings that may result in disciplinary action;

IT IS FURTHER ORDERED that this Final Decision and Order shall take effect as an Order of the Board on the date an authorized representative of the Board signs it.

BY ORDER OF THE BOARD

Date: August 11, 2020



Talia Wilson, Administrator
Authorized Representative of the
Speech-Language Pathology Governing Board

Not Participating:

