

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

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**BOARD OF SPEECH-LANGUAGE PATHOLOGISTS**

**In Re: Deborah Heath-Rogers,  
Slp. Licensee # 0569**

**FINAL ORDER AND DECISION  
DISCIPLINARY ADJUDICATORY  
HEARING -  
11/14/22 @ 9:00 AM**

Docket No.: 22-SLP-001

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**I. ATTENDEES:**

**Ian McGarty, Chair and Board Member  
Jocelyn G. Lister, Board Member  
Meredith Bergeron, Board Member  
William Flanders, Board Member  
Mary Ann Melizzi-Golja  
Nikolas Frye, Presiding Officer and OPLC Hearings Examiner  
Shane Goulet, OPLC Board Counsel  
Elizabeth Eaton, OPLC Board Counsel  
Lauren Warner, OPLC Board Counsel  
Jessica Whelehan, OPLC Board Administrator  
Emilie Grossman Lyon, Esq., Counsel for Licensee  
Deborah Heath-Rogers, Licensee  
Catherine Casiello, Witness  
Rick Matte, Witness  
Christine Chamberlin, Witness  
Megan Battaglia, Witness**

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

In July of 2022, the New Hampshire Board of Speech-Language Pathologists ("Board") learned that Deborah Heath-Rogers ("Licensee") had allegedly practiced as a speech language pathologist without a license for a period of approximately six months after her license lapsed on 12/31/21 and she failed to timely renew. On or about 09/12/22, after having received further information pertaining to this matter,

the Board voted to commence a disciplinary adjudicative proceeding. The Board held a final disciplinary hearing on 11/14/22 at 9:00 AM EST. This Final Order and Decision follows.

**III. SUMMARY OF THE EVIDENCE:**

The Board provided and/or received the following evidence pursuant RSA 541-A:33 and Hcp Rule 207.09:

- a. The Board took administrative notice of its licensing file for the Licensee, including but not limited to her renewal application and email communications between the Licensee and the Board Administrator, as well as members of Keene Middle School.
- b. The following Exhibits were filed by the Licensee and labeled numerically:
  - 1. Letter of Support from Deanna Zilske, Principal of Keene Middle School
  - 2. Letter of Support from Sadie Faber, Fuller Elementary School
  - 3. Letter of Support from Christine Chamberlin, Keene Middle School
  - 4. Letter of Support from Rick Matte, Keene Middle School
- c. The Board filed no exhibits.
- d. The following witnesses provided sworn testimony:
  - 1. Licensee
  - 2. Rick Matte
  - 3. Christine Chamberlin
  - 4. Catherine Casiello
  - 5. Megan Battaglia

**IV. CONDUCT OF THE HEARING, EVIDENCE PRESENTED, FINDINGS OF FACT:**

The Board took administrative notice of its licensing file for the Licensee, including but not limited to her renewal application and email communications between the Licensee and the Board Administrator, as well as members of Keene Middle School. The Licensee had no objection. The Board's sole witness was the Licensee. She admitted under Board questioning that she practiced unlicensed after 12/31/21. She explained that she did not do so knowingly and ceased the activity as soon as she learned that she was practicing unlicensed.

On cross examination, Licensee's counsel established that the Licensee has been practicing since 1988 as a speech pathologist and has no prior disciplinary action against her license. While the Licensee consistently testified that it was her responsibility and fault that she ultimately practiced without a license, she explained that the renewal licensing system changed to fully electronic this year and she accidentally only changed her email address in on portion of the portal. Consequently, the Licensee's renewal reminder was sent to her old email address, thus she never received it and never renewed. She testified that she did not realize she was practicing without a license since 12/31/21 until she received notification from Rick Matte, Director of Student Services at Keene Middle School, that her Medicaid billing was not processing because she was unlicensed. According to her testimony, she immediately ceased providing licensed services and contacted the Board to rectify the situation. She stated that she was not disciplined from the school in relation to this matter, received a permanent license from the Board, and was then reinstated with full permanent licensure on 09/12/22 through December of 2023. She described the situation as stressful and noted that both the difficulties of the pandemic and personal illness in her immediate family had contributed to her dereliction in renewing, as her mind was on other things.

The Licensee also provided sworn testimony from Rick Matte, Christine Chamberlin, Keene Middle School Psychologist, Cathy Casiello, Speech Language Pathologist at Simons Elementary School in the Keene school system, and Megan Battaglia. The individuals provided glowing character references for the Licensee and confirmed many of the facts already testified to by the Licensee.

**V. CONCLUSIONS OF LAW:**

After reviewing all the evidence, accounting for the demeanor and credibility of the witness, and drawing all reasonable inferences therefrom, the Board finds that it has not met its burden of proof, by a preponderance of the evidence, that the Licensee committed professional misconduct within

the meaning of RSA 328-F:23, II. The purpose of disciplinary action is to protect the public safety and welfare by imposing sanctions. Although not necessarily a requirement to make a finding of professional misconduct in all instances, the Board finds that the Licensee did not knowingly practice without a license and concludes that fact is dispositive given the circumstances surrounding this case. The Board also notes that administering disciplinary sanctions in this particular case would serve little purpose given the Licensee took all appropriate steps to rectify the situation once she became aware of it. The disciplinary proceeding is therefore DISMISSED with prejudice. Case closed.

**VI. ORDERS:**

Pursuant to RSA 328-F:23, II, III and IV, the Board hereby makes no finding of professional misconduct and DISMISSES this disciplinary proceeding. Case closed without any further action.