

**State of New Hampshire  
Office of Licensed Allied health Professionals  
Occupational Therapy Governing Board  
Concord, New Hampshire**

In The Matter Of:

**Jill T. Daneault, OTA**

**License No.: 0420**

**(Adjudicatory/Disciplinary Proceeding)**

**Docket #08-2016**

**DECISION AND ORDER**

By the Board: Maris Wofsy, OT, Presiding Officer, Dwayne Oothoudt, OTA, Patricia H. Gruttemeyer, Public Member, and Margaret Flinton, OT

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

Appearances: None

On October 24, 2016, the New Hampshire Occupational Therapy Governing Board ("Board") issued a Notice of Hearing to Jill T. Daneault, OTA ("Ms. Daneault" or "Applicant") to answer certain allegations related to the 2016 continuing education audit.

On November 28, 2016, the hearing was held in accordance with RSA 328-F: 23 and RSA 328-F:24; Ahp 200 and Occ 200. Ms. Daneault appeared before the Board pro se.

**Background Information**

1. The New Hampshire Occupational Therapy Governing Board ("Board") first granted a license to practice as an Occupational Therapist Assistant in the State of New Hampshire to Jill T. Daneault, OTA ("Ms. Daneault" or "Respondent") on November 9, 1999. Respondent holds license number 0420.

2. On January 26, 2016 the Board sent Ms. Daneault a letter informing her that the continuing education listed on her application for renewal and earned between January 1, 2014 and December 31, 2015 was being audited. The information was due in the Board's office no later than February 28, 2016.

3. On February 24, 2016 Ms. Daneault submitted the 2015 Continuing Education Audit Information Form and documents, purported to be evidence of the continuing education claimed at the time Ms. Daneault renewed her license. The following courses listed and matched to the information provided at the time of renewal add up to 18 hours of continuing education:

11/19/14 – 3 hours – Integrated Split Key Cup

06/03/14 – 1 hour – Tissue Tolerance Testing

09/13/14 – 6 hours – 21<sup>st</sup> Annual Symposium

11/08/15 – 4 hours – Alzheimer’s Disease

11/29/15 – 4 hours – Parkinson’s Syndrome

Of the courses listed at the time of renewal and listed on the 2015 Continuing Education Audit Information Form proper documentation of completion was provided for the following:

11/19/14 – 3 hours – Integrated Split Key Cup

11/08/15 – 4 hours – Alzheimer’s Disease

11/29/15 – 4 hours – Parkinson’s Syndrome

Of the remaining 10 documents submitted only 1 document would be considered to meet the requirements set in Occ 406.02: “Tissue Tolerance Testing – Live Online Semi” worth 1 hour of continuing education.

4. On April 1, 2016 the Board sent Ms. Daneault a letter requesting proper documentation of continuing education.

5. On April 15, 2016 Ms. Daneault provided the Board with a letter and additional documents. The letter provided information on courses taken and why she could not provide the requested documentation.

6. On May 23, 2016 the Board sent Ms. Daneault a letter requesting additional information.
7. On June 8, 2016 Ms. Daneault submitted the Certificate of Completion for a course titled “Fibromyalgia” worth 1 hours of continuing education. This course was taken after the biennium ended.
8. On June 21, 2016 the Board sent Ms. Daneault letter describing acceptable continuing education documentation submitted through the process and describing those that were not acceptable. The Board did not set a time by which these documents were to be submitted. Ms. Daneault has not responded to the letter.

An adjudicatory hearing commenced on November 28, 2016, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Daneault submitted on December 16, 2015 a electronic application for renewal providing fraudulent information indicating she completed 24 hours of continuing education in violation of RSA 328-F:23, II (a) and (j), Occ 405.02(a), and Occ 405.02(k).
- B. Whether or not and to what extent Ms. Daneault failed to obtain 24 hours of continuing education, showing at least 12 hours being related directly to the clinical application of occupational therapy, between January 1, 2014 and December 31, 2015 in violation of RSA 328-F:23, II (a) and (j), Occ 405.02(a), Occ 405.02(k), and Occ 406.02(a)(1)
- C. If any of the above allegations are proven, whether and to what extent Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-F:23, IV.

At the hearing the Board reviewed numerous exhibits. The following exhibits were entered into evidence:

**Board Exhibits:**

Exhibit #1 – Audit Notice dated January 26, 2016

Exhibit #2 – 2015 Continuing Education Audit Information Form and supporting documents

Exhibit #3 – A list of continuing education Ms. Daneault submitted during renewal

Exhibit #4 – A letter from the Board regarding the Board’s audit review findings dated 4/1/16

Exhibit #5 – Ms. Daneault’s response to the Board’s findings

Exhibit #6 – A letter from the Board to Ms. Daneault dated 5/23/16

Exhibit #7 – Ms. Daneault’s response received 6/8/16

Exhibit #8 – A letter from the Board to Ms. Daneault dated 6/21/16

**Daneault Exhibits:**

Exhibit A – Numerous pages of continuing education descriptions

Exhibit B – Premier Therapy Services Meeting/Training Record dated 9/29/15

Ms. Daneault presented her case first testifying that she submitted a list of courses that she took but could not provide supporting documentation of having taken. She testified that the facilities that presented continuing education had not provided her with proper documentation therefore she could not provide that documentation to the Board. She also testified that she was disorganized in how and when she retained documentation of her continuing education.

**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 (j):

Misconduct sufficient to support disciplinary proceedings shall include:

(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.

Occ 405.02(a):

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 a license, license renewal, and license reinstatement.

Occ 405.02(k):  
Misconduct shall be:

Violation of:

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

Occ 408.13(e):  
Licensees shall:

(e) Retain documentation of their continuing professional education and professional activities for at least 3 years.

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

In light of the evidence and Ms. Daneault's testimony the Board made the following findings of fact and rulings of law:

- Ms. Daneault submitted a list of continuing education that she may have taken between January 1, 2015 and December 31, 2016 but could not provide proper documentation proving that she did in fact complete the listed courses. The Board does not believe that the courses were provided fraudulently. The Board does find that Ms. Daneault was negligent in her reporting of continuing education and maintenance of the documentation in violation of RSA 328-F:23, II (a) and (j), Occ 405.02(a), Occ 405.02(k), and Occ 408.13(e).
- Although Ms. Daneault failed to provide evidence of having taken 24 hours of continuing education between January 1, 2015 and December 31, 2016 the Board finds her testimony credible and believes she completed the courses but did not maintain proper documentation.

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Daneault violated the laws and rules governing maintenance of documentation providing the completion of the required 24 hours and that she submitted a renewal application negligently listing courses she could not prove she completed. After considering all the evidence and taking into account Ms. Daneault's admission, explanation, and apology the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Daneault be fined \$110 to be paid within 30 days of the date of this Order.

IT IS FURTHER ORDERED, that the course titled Fibromyalgia taken June 7, 2016 will be accepted towards the required 24 hours of continuing education but cannot be used towards Ms. Daneault's continuing education for the biennium ending December 31, 2017.

IT IS FURTHER ORDERED, that Ms. Daneault's continuing education is audited for the next 3 renewal cycles.

IT IS FURTHER ORDERED, that Ms. Daneault submit a plan of action to show how she plans to keep accurate records and proper documentation of her continuing education to ensure compliance with the Rules and Laws that govern the practice of Occupational Therapy. This plan shall site the specific rule contained in Occ 406 and Occ407 that the action is intended to ensure compliance with. This plan shall be submitted to the Board within 60 days of the date of this Order.

IT IS FURTHER ORDERED, that Ms. Daneault will take and successfully complete a course on Organization and Planning as follows:

1. Within 60 days of the date of this Order Ms. Daneault submit 3 courses on Administration and Planning for the Board's review and pre-approval.
2. Once the Board has provided Ms. Daneault with a letter stating which courses were approved she will take and successfully complete one of those courses no later than October 31, 2017.
3. Proof of having successfully completed the course shall be submitted to the Board within 30 days of completion.

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

IT IS FURTHER ORDERED, that Ms. Daneault furnish a copy of this Decision and Order to any employer for whom she performs services as an Occupational Therapist and/or agency, or authority with which Ms. Daneault is affiliated which licenses, certifies or credentials Occupational Therapists for one year from the effective date of this Decision and Order.

IT IS FURTHER ORDERED that Ms. Daneault submit a statement from each current and future employer for whom she performs services as an Occupational Therapist as required by the order. The statement shall state that he or she has received a copy of this Order and the date the Order was provided. The statement shall be submitted to the Board's office within 30 days of the date of this Order or any subsequent change in employment.

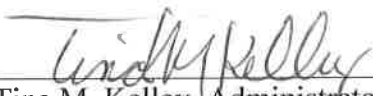
IT IS FURTHER ORDERED that Ms. Daneault's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Daneault'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: December 21, 2016

  
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Tina M. Kelley, Administrator  
Authorized Representative of the  
Occupational Therapy Governing Board