

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

In the Matter of:
Heather R. Moran
(Application for Reinstatement)

ORDER ON APPLICATION DENIAL

The New Hampshire Governing Board of Occupational Therapy ("Board") received a completed application on May 25, 2018 from Heather R. Moran ("Ms. Moran" or "Petitioner") for reinstatement of her license. On June 19, 2018 Ms. Moran submitted the last document required by the Board's Administrative Rules. During the period of document submission the Board's office received information from SAU 55, Hampstead Central School that Ms. Moran had practiced, at the school, as an Occupational Therapist until May 18, 2018. It was noted that Ms. Moran had stated, in writing to the Board, that she had not practiced since her licensed ceased to be valid. After a formal request for information Ms. Moran provided a letter in which she admits to practicing without a license and submitting false information to the Board. For the following reasons the Board has voted to **DENY** the Petitioner's request for reinstatement of her licensure.

Background

On January 7, 2018 Ms. Moran requested an application for reinstatement of her license.

On June 5, 2018 the Board's office received a completed application for reinstatement, *Exhibit #1*. On page 2 of the application Ms. Moran marked her employer as Hampstead Central School from August 2012 to present.

On June 19, 2018 the Board's office received a resume from Ms. Moran stating, under Experience "08/2012 to 12/2017 School Occupational Therapist – full time 36 hours – SAU 55 Hampstead Central School, *Exhibit #2*.

On or about June 19, 2018 the Board's office received a hand written statement from Ms. Moran, *Exhibit #3*. The hand written statement said "6/18/18 I Heather R Moran have not practiced OT since my license lapsed on 12/31/2017". This statement was signed by Ms. Moran.

On July 3, 2018 the Board's Administrator, Tina M. Kelley, sent Ms. Moran a letter, **Exhibit #4**, informing her that information was received from SAU 55 Hampstead Central School that she last practiced, in that school, as an Occupational Therapist, on May 18, 2018. She was also provided a copy of the letter she submitted stating that she had not practiced and a copy of her resume showing she stopped working at the school on December 31, 2017. Ms. Moran was instructed to provide the Board with a written explanation no later than July 20, 2018.

On July 17, 2018 the Board's office received a letter, **Exhibit #5**. Ms. Moran states in the letter "On the resume I submitted that my employment at Hampstead Central School was from 08/2012 to 12/2017. That information was not correct and I was in fact working for the district until May 18, 2018." and "I was afraid that I would be dismissed from my job at this time and unfortunately made a poor choice to state that I had not practiced since December 2017."

Relevant Law:

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 (i):

Misconduct sufficient to support disciplinary proceedings shall include:

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-C:3

Prohibition on Unauthorized Practice; Professional Identification.

- I. No person shall practice or hold oneself out as being able to practice occupational therapy or assist in the practice of occupational therapy or provide occupational therapy services in this state unless the person is licensed under this chapter and RSA 328-F.....
- II. Licensed occupational therapists may use the letters “OT” and “OT/L” and occupational therapy assistants may use the letters “OTA” and “OTA/L” in connection with their names or places of business.

For all applicants, OCC 403.03(a)(3) requires the application to:

Be signed and dated below the following preprinted statement which asserts:

"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."

Occ 405.02(a)
Misconduct shall be:

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(d)
Misconduct shall be:

Violation of the ethical standards adopted by the board;

Occ 405.02(j)
Misconduct shall be:

Practice without a currently valid license;

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; or
- (4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Principle of Ethics 5, Rule E:

Hold appropriate national, state, or other requisite credentials of the occupational therapy services they provide.

Findings of Fact and Rulings of Law:

- The petitioner submitted an application for reinstatement of licensure on June 5, 2018 reporting she was employed by the Hampstead Central School from August 2012 to present. The employment was reported accurately on this document.
- The petitioner submitted a Resume on June 19, 2018 stating she was employed at SAU 55 Hampstead Central School from August 2012 to December 2017. By her own admission she provided the resume containing false information in violation of RSA 328-F:23, II. (a); RSA 328-F:23, II. (j); Occ 405.02(a); and Occ 405.02(k).
- The petitioner submitted a letter to the Board in which she states "I Heather R Moran have not practiced OT since my license lapsed on 12/31/2017". By her own admission she submitted this statement to the Board knowing that it was inaccurate material information in violation of RSA 328-F:23, II. (a); RSA 328-F:23, II. (j); Occ 405.02(a); and Occ 405.02(k).
- The petitioner practiced without a license from January 1, 2018 through May 18, 2018 in violation of RSA 328-F:23, II. (c); RSA 328-F:23, II(i); Occ 405.02(d); Occ 405.02(j); Occ 405.02(k); and *Principle of Ethics 5, Rule E*.
- The petitioner used the credentials "OT" and "Occupational Therapist" in conjunction with her name when she was not licensed in violation of RSA 328-F:23, II (j); RSA 326-C:3; and Occ 405.02(k).
- The Petitioner has not demonstrated to the Board "sufficient evidence of good professional character and reliability" as evidenced by her submission of documentation, during the reinstatement process, which contained false and misleading information. Her practice in the State of New Hampshire without a

license and her use of the credentials “OT” and/or “Occupational Therapist” without a valid New Hampshire license in violation of RSA 328-F:23, II(a), RSA 328-F:23, II(c), RSA 328-F:23, II(i), RSA 328-F:23, II(j), RSA 326-C:3, Occ 405.02(a), Occ 405.02(d), Occ 405.02(j), Occ 405.02(k), and *Principle of Ethics 5*, Rule E.

Conclusion:

For the reasons stated above, and in light of RSA 328-F:23, V, the Petitioner's application for licensure is **DENIED**.

THEREFORE IT IS ORDERED this Order on Application Denial ("Order") will become a 'final order' within fifteen (15) days of the effective date of this Order, as defined further below, unless prior to 4:00 p.m. on the fifteenth day of the effective date of this Order the Board receives a written request for a hearing; and

IT IS FURTHER ORDERED that receipt of a timely filed hearing request shall automatically stay this Order and a further order shall be issued in due course in which the Board establishes a date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED that any hearing held in response to this Order shall be a non-adjudicatory hearing conducted pursuant to RSA chapter 326-F; RSA chapter 328-F and RSA chapter 541-A. The Petitioner may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Petitioner has identified disputed factual issues which require resolution. This non-adjudicatory hearing will be conducted in non-public session unless the Petitioner makes a timely written request to conduct it in public session. Subsequent to such hearing, the Board will issue a 'final order' within the statutory amount of time; and

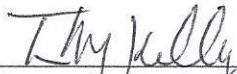
IT IS FURTHER ORDERED that once a Board order is a 'final order' in accordance with either of the circumstances outlined above, such order shall become a public document and the petitioner has thirty (30) days to file a request for reconsideration pursuant to RSA 541:3. Such motion shall comply with RSA 541:4.

Heather R. Moran
Order on Application Denial

IT IS FURTHER ORDERED that this order shall take effect as an Order of the Board on the date it is signed by an authorized representative of the New Hampshire Governing Board of Occupational Therapy.

BY ORDER OF THE BOARD

Date: August 30, 2018



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