

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

In The Matter Of:
Margaret R. Murphy, OTA
License No.: 0711
(Adjudicatory/Disciplinary Proceeding)

Docket #08-2016

DECISION AND ORDER

By the Board: Olivia Freeman, OT, Presiding Officer, Patricia H. Gruttemeyer, Public Member, Margaret Flinton, OT, Nicole Quartulli, OTA, and Sarah Hinkley, OT

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

Appearances: None

On January 2, 2019, the New Hampshire Occupational Therapy Governing Board (“Board”) issued a Notice of Hearing to Margaret R. Murphy, OTA (“Ms. Murphy” or “Respondent”) to answer certain allegations related to the 2017 continuing education audit.

On January 28, 2019, the hearing was held in accordance with RSA 328-F: 23 and RSA 328-F:24; Ahp 200 and Occ 200. Ms. Murphy failed to appear before the Board.

Because Ms. Murphy failed to appear before the Board, an adjudicatory hearing commenced on January 28, 2019 in absentia. The specific issues to be determined included:

A. Whether or not and to what extent did Ms. Murphy submitted an electronic application, on or about November 30, 2017, for renewal providing fraudulent information indicating she completed at least 24 hours of continuing education, in violation of RSA 328-F:23, II (a); RSA 328-F:23, II (j); Occ 405.02(a); and Occ 405.02(k).

B. Whether or not and to what extent Ms. Murphy 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, 2016 and December 31, 2017 in violation of RSA 328-F:23, II (a); RSA 328-F:23, II (j); Occ 405.02(a); Occ 405.02(k); and Occ 406.02(a)(1).

C. Whether or not and to what extent Ms. Murphy failed to provide documentation of continuing education during the audit as required by RSA 328-F:23, II(a); RSA 328-F:23, II(j); Occ 402.10; Occ 405.02(a); and Occ 405.02(k).

D. 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 – A screen shot of the electronic document showing continuing education claimed for 2017 renewal.

Exhibit #2 – A letter to Ms. Murphy from Tina Kelley dated 4/27/18

Exhibit #3 – A letter from Ms. Murphy to the Board dated 5-14-18

Exhibit #4 – A letter from Tina Kelley to Ms. Murphy dated 5-22-18

Exhibit #5 – 2017 Continuing Education Audit Information Form with supporting documents submitted by Ms. Murphy on 5-31-18

Exhibit #6 – A letter from Tina Kelley to Ms. Murphy dated 8-28-18

Exhibit #7 – A letter from Tina Kelley to Ms. Murphy dated 9-21-18

Exhibit #8 – A returned letter form Tina Kelley to Ms. Murphy dated 9-21-18 showing it was unclaimed

Applicable Laws:

RSA 328-F:23, II (a):
Disciplinary Action

(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 license or certification, renewal of a license or certification, or reinstatement of a license or certification.

RSA 328-F:23, II (j):
Disciplinary Action

(j) Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A, or any state or federal law reasonably related to the authority of the licensee or certified individual to practice or ability of the licensee or certified individual to practice safely.

Occ 405.02 (a)
Misconduct:

(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, or license reinstatement;

Occ 405.02 (k)
Misconduct:

(k) 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.

Occ 406.02(a)(1)
Maintenance of Continuing Competence

(a) Licensees intending to renew their licensure shall maintain continuing competence by:
(1) Completing 24 hours of continuing professional education per biennium in accordance with (d) below if they are renewing:
a. An initial license issued in an even-numbered year; or
b. A license already renewed at least once; or

Findings of Fact and Rulings of Law:

The Board determined there is sufficient evidence to find that Ms. Murphy:

- A. Knowingly or negligently submitted an electronic renewal application, on or about November 30, 2017, which contained inaccurate material information indicating she completed at least 24 hours of continuing education. Such submission constitutes misconduct pursuant to RSA 328-F:23, II (a); RSA 328-F:23, II (j); Occ 405.02(a); and Occ 405.02(k).
- B. Earned a total of 18 hour of continuing education with 12 of those hours meeting the requirement to be clinical hours. The rule requires an applicant for renewal to earn 24 hours of continuing education. Ms. Murphy failed to earn a total of 24 hours of continuing education in violation of Occ 406.02(a)(1). This failure constitutes misconduct pursuant to RSA 328-F:23, II (j) and Occ 405.02(k).
- C. Failed to provide documentation of her continuing education during the Board's audit. Such failure constitutes misconduct pursuant to RSA 328-F:23, II (a); RSA 328-F:23, II (j); Occ 405.02(a); and Occ 405.02(k).

THEREFORE IT IS ORDERED, that Ms. Murphy's license is suspended pursuant to RSA 328-F:23, IV(c), which authorizes the Board to impose a suspension of license or certification conditioned on the achievement of a specified continuing competency requirements or continuing education, clinical experience or training.

IT IS FURTHER ORDERED THAT, as a condition of her suspension, Ms. Murphy complete 6 hours of continuing education in ethics and professionalism. Once the course(s) have been completed Ms. Murphy shall submit, for Boards review, documentation as described in Spe 407 of the completion of the course(s). These 6 hours cannot be used towards any other continuing education requirement.

IT IS FURTHER ORDERED THAT, Ms. Murphy is fined a total of \$1,050.00 assessed as follows:

- A \$500.00 administrative fine for the submission of a fraudulent renewal application;
- A \$250.00 administrative fine for failing to earn 24 hours of continuing education in the biennium ending December 31, 2017; and
- A \$300.00 administrative fine for failing to respond to Board requests for information as it relates to the continuing education audit.

The fine shall be paid by Certified Check or Money Order and made payable to "Treasurer, State of New Hampshire and mailed to the Office of Licensed Allied Health Professionals, Occupational Therapy Governing Board, Philbrook Building, 121 South Fruit Street, Concord NH 03301.

IT IS FURTHER ORDERED THAT, once Ms. Murphy complies with the requirements of continuing education and fine described in this order she may apply for reinstatement of her license pursuant to Occ 403.09. All requirements for reinstatement of licensure set forth in the Board's Administrative Rules must be met.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Murphy shall furnish a copy of this Decision and Order to any current employer for whom she performs services as an Occupational Therapy Assistant and to any agency or authority which licenses, certifies or credentials Occupational Therapy Assistants, with which Ms. Murphy is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Murphy furnish a copy of this Decision and Order to any employer for whom she performs services as an Occupational Therapy Assistant and/or agency, or authority with which Ms. Murphy is affiliated which licenses, certifies or credentials Occupational Therapy Assistants for one year from the effective date of this Decision and Order. The above paragraph is in there twice.

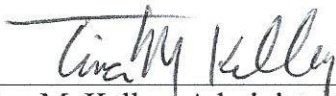
IT IS FURTHER ORDERED that Ms. Murphy's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Murphy'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 25, 2019



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