

**SPEECH-LANGUAGE PATHOLOGY GOVERNING BOARD  
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
ALLIED HEALTH PROFESSIONALS  
Philbrook Building, 121 South Fruit Street  
Concord, New Hampshire 03301**

**In The Matter Of:**

**Docket #04-2017**

**Heather N. Warr  
(Application for reinstatement of Licensure)**

**DECISION AND ORDER**

By the Board: Deborah Snow-Major, SLP, Presiding Officer, Carissa Magri, SLP and  
Cassandra Chapman, SLP

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

Appearances: Attorney Joel Rosen

On September 5, 2017 Ms. Warr submitted a letter to the Board in which she self-reported that she had been practicing as a Speech-Language Pathologist since the date her license lapsed, January 1, 2016 through August 23, 2017. Ms. Warr practiced without a license for approximately 18 months in the Sanborn Regional School District.

On September 15, 2017 Ms. Warr submitted the application for license reinstatement. The submission of supporting documents was completed on October 5, 2017.

While practicing without a license from, January 1, 2016 until August 23, 2017, Ms. Warr used the credentials "Speech-Language Pathologist" and/or "SLP" in conjunction with her name.

An adjudicatory hearing commenced on March 14, 2018, the specific issues to be determined included:

- A. Whether or not, and to what extent Ms. Warr practiced without a license from January 1, 2016 to August 23, 2017. Which, if proven, would be a violation of RSA 328-F:23, II (i), RSA 328-F:23, II (j), Spe 404.01 (h), and Spe 404.01(i).
- B. Whether or not, and to what extent Ms. Warr issued the credentials "SLP" or "Speech-Language Pathologist in conjunction with her name without holding a license to practice. Which, if proven, would be a violation of RSA 328-F:23, II (j), RSA 326-F:8, and Spe 404.01 (i).

- C. Whether or not, and to what extent Ms. Warr has not demonstrated to the Board “sufficient evidence of good professional character and reliability” as required by Spe 403.03(d).
- D. If any of the above allegations are proven, whether or not Ms. Warr’s license to practice as a Speech-Language Pathologist in the State of New Hampshire be reinstated and what, if any, conditions should be placed on that reinstatement of license.

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

**Board Exhibits:**

Exhibit #1 – A letter to the Board from Ms. Warr dated 9/1/17

Exhibit #2 – Application for Reinstatement of Licensure or Certification received 9/15/17

**Warr Exhibits:**

Exhibit A – Heather H. Warr’s resume

Exhibit B – A letter from Paul Butler, SPED Sanborn Regional Middle School, dated 1/2/18

Exhibit C – A letter from Alexander Rutherford, Principal Sanborn Regional, dated 1/2/18

Exhibit D – A letter from Kathleen Babcock, SLP, dated 1/16/18

Exhibit G – A letter from Deborah Galante SPED teacher, dated 1/13/18

Exhibit H – Parents Response to a Special Ed Proposal, date of evaluation 4/5/17

Exhibit I – A letter from a parent of a student.

Victoria Chesterly, SLP testified to Ms. Warr’s character. In her opinion the only issue is that Ms. Warr did not file her paperwork for renewal and there are no concerns that have been raised with regards to her skills as a Speech-Language Pathologist.

Ms. Warr, testified on her own behalf, and took full responsibility for practicing without a license and using the credentials “SLP” and Speech-Language Pathologist in conjunction with her name during that period of time. Ms. Warr provided the Board with a history of her career. Ms. Warr also provided the Board with information on what she believes are extenuating circumstances which the Board should consider when making a decision on reinstating her license. She testified that in 2015 the school roof was compromised due to heavy snow loads that winter which forced her to be moved from her office space. During that time she was

relocated at least 3 different times, her files were moved to several different locations, and her students were located in at least 2 different locations. This time period proved to be chaotic and disrupted normal routines. Ms. Warr testified that she did not remember receiving a renewal notice but because of the events taking place at this time it could have been moved or mixed in with other paperwork and went unnoticed. She also testified that she submitted her ASHA paperwork to renew with that organization and confused that with the need to renew her license.

**Applicable Laws:**

RSA 328-F:23, II:

Misconduct sufficient to support disciplinary proceedings shall include:

- (i) Practice without a currently valid license.

RSA 328-F:23, II:

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.

RSA 326-F:8:

Professional Identification

- I. Individuals holding currently valid licenses issued under this chapter may use the title "speech-language pathologist" and write the designation "licensed speech-language pathologist" following his or her written name.
- II. No person shall represent himself or herself or the services offered by using the letters "SLP" or the words "speech-language pathologist", "speech-language pathology", "speech pathologist", "speech pathology", "speech therapist", "speech therapy", "speech correctionist", "speech correction", "speech clinician", "language pathologist", "language pathology", "aphasiologist", "voice pathologist", "voice pathology", "language therapist", "language therapy", "communication disorders", or any similar words if the intent of such use is to imply that the person is licensed, unless licensed under this chapter.
- III. Any person who states or implies by word or act that he or she is currently licensed to practice speech-language pathology at a time when she or he does not hold a currently valid license shall be guilty of a misdemeanor.

Spe 403.03(d):

- (d) Evidence of good professional character and reliability as shown by:
  - (1) The answers to the “yes-no” questions on the confidential and non-confidential parts of the reinstatement application form;
  - (2) Any detailed reports of the relevant circumstances related to the answers to those questions as described in Spe 403.07(b) and (c);

Spe 404.01(h):

Misconduct shall be:

- (h) Practice without a currently valid license or certificate:

Spe 404.01(i):

Misconduct shall be:

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

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

Spe 403.04 Reinstatement of Licenses Lapsed For Longer Than 70 Days But Not More Than Two Years states in (a) that the individual must provide all documents described in Spe 403.03. Specifically Spe 403.03(d) mandates that reinstatement is contingent upon “Evidence of good professional character and reliability as shown by: (1) The answers to the “yes-no” questions on the confidential and non-confidential parts of the reinstatement application form: (2) Any detailed reports of the relevant circumstances related to answers to those questions as described in Spe 403.07(b) and (c).” In considering whether or not an individual is of good professional character and reliability the Board reviews and takes into consideration whether or not an individual has violated this State’s laws and rules. The Board does not rely solely on misconduct described in RSA 328-F:23, II as the basis for denying an individual a license to practice but does consider those violations a relevant basis when cited in conjunction with Spe 403.03(d).

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

- By her own admission Ms. Warr practiced without a valid New Hampshire license from January 1, 2016 through August 23, 2017 in violation of RSA 328-F:23, II (i) and (j), and Spe 404.01 (h) and (i).
- Based on Ms. Warr's testimony the Board finds she used the credentials "SLP" and "Speech-Language Pathologist" in conjunction with her name without holding a valid New Hampshire license from January 1, 2016 through August 23, 2017 in violation of RSA 328-F:23, II (j), RSA 326-F:8, and Spe 404.01(i).

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Warr was in violation of the laws and rules by practicing without a license from January 1, 2016 and August 23, 2017 and using the credentials "SLP" and "Speech-Language Pathologist" during that time period. After considering all the evidence and taking into account Ms. Warr's admission, explanation, and apology the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Warr be granted a full, unrestricted reinstatement of licensure to practice as a Speech-Language Pathologist in the State of New Hampshire.

IT IS FURTHER ORDERED, that Ms. Warr pay a fine of \$750.00 within 30 days of the date of this order.

IT IS FURTHER ORDERED, that Ms. Warr provide the Board with a plan of action outlining the steps she intends to take to ensure that she renews her license on time and does not practice without that license in the future. This statement is due in the Board's office within 30 days of the date of this order.

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

IT IS FURTHER ORDERED, that Ms. Warr furnish a copy of this Decision and Order to any employer for whom she performs services as a Speech-Language Pathologist and/or agency, or authority with which Ms. Warr is affiliated which licenses, certifies or credentials Speech-Language Pathologists for one year from the effective date of this Decision and Order.


IT IS FURTHER ORDERED that Ms. Warr'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. Warr'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: April 9, 2018

  
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Tina M. Kelley, Administrator  
Authorized Representative of the  
Speech-Language Pathology Governing Board