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OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY

ADJUDICATION ORDER
In The Matter Of Susan McCall
Case No. 2008-17

This matter came on for formal hearing before the Ohio Board of Speech-Language Pathology & Audiology on December 5, 2008, pursuant to the Ohio Revised Code Section 4753.10, which provides that:

The board of speech-language pathology and audiology may reprimand or place on probation a speech-language pathologist or audiologist or suspend, revoke, or refuse to issue or renew the license of a speech-language pathologist or audiologist. Disciplinary actions may be taken by the board for conduct that may result from but not necessarily be limited to:

(B) Fraud, deception, or misrepresentation in using a license;

(M) Violating this chapter or any lawful order given or rule adopted by the board.

Respondent, Susan McCall, was notified in a notice dated February 12, 2008, in accordance with Chapter 119 of the Revised Code, of an opportunity for a hearing to determine whether the license as a speech-language pathologist should be suspended or revoked.

Respondent failed to make a request for a hearing. Therefore, the Board pursuant to Section 4753-1-02 of the Ohio Administrative Code hereby considers the charges as proven and makes the following findings of fact and conclusive of law. The State presented the following Exhibits:

State's Affidavit by Investigator Stansberry.
Exhibit A1:

State's Verification of Ms. McCall's duplicate speech-language pathology certificate, control
Exhibit B1: number 3610948, from the Board's Ohio E-Licensing database.

State's Verification of Ms. McCall's E-Licensing on-line licensure verification.
Exhibit C1:

State's A copy of Ms. McCall's on-line renewal application received at the Board office on
Exhibit November 8, 2007 reflecting her new address. Three (3) 2005-2006 renewal notices
D1,D2: were mailed to the last known address on file for Ms. McCall.

State's Verification of the date in 2004 that the renewal application and fee, including late fee,
Exhibit D3: were received at the Board office and posted in E-Licensing. A renewal and fee were
not submitted to the board in 2006. The next posted renewal fee was November 8, 2007.
Therefore resulting in an expired license December 31, 2005 through November 7, 2007.

State's Verification in E-Licensing that Ms. McCall did not notify the board of an address
change within thirty- (30) days of said change. She did not update her address until

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Exhibit D4: 11/8/2007. This resulted in Ms. McCall's 2006 renewal notices being mailed to her former address.

State's Exhibit D5: Verification in E-Licensing of the dates that the three (3) 2006 renewal notices were mailed to the address on file at the time of renewal.

State's Exhibit E1, E2: On February 12, 2008, the Board issued a Notice of Opportunity for Hearing to Ms. McCall by certified mail.

State's Exhibit F1: On March 5, 2008 the Notice of Opportunity for Hearing was returned to the board office unclaimed. In accordance with the Ohio Revised Code 119.07, Ms. McCall was required to request a hearing within thirty- (30) days of the Notice. Ms. McCall did not request a hearing within the thirty- (30) day time period.

State's Exhibit G1, G2, G3: On March 10, 2008 the Notice was re-mailed via ordinary Certificate Mailing. This was not returned.

State's Exhibit H1, H2: On September 29, 2008 a letter was issued to Ms. McCall via certified mail advising the date that a Goldman Hearing would be held. The letter informed her that she may attend the proceeding, however she would not be permitted to present contentions, evidence, or examine witnesses appearing for and against her. Ms. McCall received the letter and signed for it on October 9, 2008.

FINDINGS OF FACT

1. Respondent is currently licensed as a speech-language pathologist in the state of Ohio; license number SP.3987.
2. Respondent's current credential mailing address is 10154 Blue Creek South Whitehouse, OH 43571.
3. Respondent's speech-language pathology license had expired on 12/31/2004. She had been practicing with out a license from January 1, 2005 through November 7, 2007 (310 days) in the Toledo Public School District.
4. Respondent was issued a Notice of Opportunity for Hearing. In accordance with the Ohio Revised Code 119.07, Ms. McCall was required to request a hearing within thirty (30) days of the Notice. Ms. Kight did not request a hearing within the thirty (30) day time period.

CONCLUSION OF LAW

1. The Respondent provided speech-language pathology services without a valid Ohio license, said conduct constitutes a violation of the Ohio Revised Code sections 4753.02 and 4753.10 (B), (M), and Ohio Administrative Code rule 4753-3-08 (B) and 4753-3-10 (B).

CONFIDENTIAL

ORDER

It is hereby ordered by the Board that the speech-language pathology license issued to Susan McCall to be suspended for five months, staying two and half months year for failure to biennially renew her license causing it to expire as of the December thirty-first of the previous biennium. This suspension will commence the first day following the last day of the current school year. It is also hereby ordered that Ms. McCall complete ten additional continuing education hours by March 31, 2009. Five of the ten hours will be in the area of ethics.

NOTICE OF RIGHT TO APPEAL

You have the right to appeal this adjudication order. Your right to appeal is controlled by Section 119.12 of the Ohio Revised Code, which provides that, if you do wish to appeal, you must file the original of your notice of appeal with the Ohio Board of Speech-Language Pathology & Audiology within fifteen (15) days from the date of this order. The notice of appeal must actually be received by the Board at the Board office in the Verne Riffe Center, 77 South High St., Floor 16, Columbus, Ohio 43215, within fifteen (15) days of the date of this order. The notice of appeal must set forth the order appealed from and the grounds for your appeal.

A copy of your notice of appeal must also be timely filed with the Court of Common Pleas, pursuant to the following provisions of Section 119.12, of the Ohio Revised Code of the appropriate county in which the place of your business is located or the County in which you reside. If you are not a resident of Ohio and/or have no place of business within The State of Ohio, a copy of your Appeal may be filed in the Court of Common Pleas of Franklin County, Ohio. Both findings must be received within fifteen (15) days of the mailing of this Adjudication Order, and in accordance with the requirements of section 119.12 of the Ohio Revised Code.

By order of the Ohio Board of Speech-Language Pathology & Audiology.


Patrick K. Lightfoot
Interim Executive Director

12-23-08
Date

Sent by certified mail, #7003 3110 0002 2980 4963, and by regular mail service to 10154 Blue Creek South Whitehouse, OH 43571.

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CERTIFICATION

The State of Ohio
County of Franklin, SS

I, the undersigned Interim Executive Director for the Ohio Board of Speech-Language Pathology and Audiology, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Board of Speech-Language Pathology and Audiology Section entered on its journal, on the 5th day of December, 2008.

Patrick K. Lightfoot
Patrick K. Lightfoot

12.23.08
Date

[BOARD SEAL]

Sent via Certified Mail Number: 7003 3110 0002 2980 4963 and by regular mail service to 10154 Blue Creek South Whitehouse, OH 43571.

Return Receipt Required

Cc: Melissa L. Wilburn, Principal Assistant Attorney General