

**IN THE MATTER OF
MARY ELLEN CARR
License Number 01166**

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**BEFORE THE MARYLAND
BOARD OF EXAMINERS FOR
AUDIOLOGISTS, HEARING
AID DISPENSERS & SPEECH
LANGUAGE PATHOLOGISTS**

CONSENT ORDER OF REPRIMAND AND FINE

On or about January 9, 2020, the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (the “Board”) received email correspondence regarding an application for reinstatement of a speech-language pathology license for Mary E. Carr, S.L.P. (the “Respondent”), License Number 01166. In this correspondence, the Respondent disclosed to the Board that she continued to practice speech-language pathology in the State of Maryland without a Maryland license, since her last license expired on May 31, 2019. The Respondent included in the correspondence the range of dates during which she provided services while her license was non-renewed, between June 1, 2019 and January 8, 2020. The Respondent forwarded to the Board an application for reinstatement of license. Upon receipt of this information, the Board initiated an investigation, and requested a statement of explanation, which was received by the Board on or about January 11, 2020. The Board also requested documentation from the Respondent of continuing education credits necessary for reinstatement of a license, which the Board received between January 15 and 16, 2020. Based upon the Respondent’s email correspondence, reinstatement of licensure application, the Board’s investigation, the Respondent’s statement of explanation, and documentation from the Respondent of continuing education credits necessary for reinstatement

of a license, on January 16, 2020, the Board voted to offer a Pre-Charge Consent Order of Reprimand and Fine to the Respondent, in lieu of issuing Charges for violations of the Maryland Audiology, Hearing Aid Dispensing, and Speech-Language Pathology Act (the “Act”), Md. Code Ann., Health Occupations Article (“H.O.”) § 2-101 *et seq.* As a result of that offer, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. On or about September 15, 1983, the Board issued the Respondent a license to practice as a speech-language pathologist in the State of Maryland, license number 01166.
2. After failing to submit a renewal application by the applicable deadline, the Respondent’s license expired on May 31, 2019.
3. On or about January 9, 2020, the Board received email correspondence from the Respondent regarding an application for reinstatement of license.
4. In her email correspondence, the Respondent disclosed to the Board that she continued to practice speech-language pathology in the State of Maryland without a Maryland license, since her last license expired on May 31, 2019. The Respondent included in the correspondence the range of dates during which she provided services while her license was non-renewed between June 1, 2019 and January 8, 2020. The Board initiated an investigation.
5. On or about January 11, 2020, the Respondent submitted to the Board a statement of explanation. In her statement of explanation, the Respondent admitted that she had practiced as a speech-language pathologist without a Maryland license between May 31, 2019 and December 11, 2019, treating eight patients for a total of 143 appointments. The Respondent stated that she was on leave during the summer of 2019, and that she had failed to update her

email address with the Board so that she did not receive the notice to renew her license from the Board. The Respondent discovered on January 8, 2020 that her license had expired when she looked at the expiration date on the license displayed in her office. She stated that, upon discovering that her license was not renewed, she immediately contacted the Board's Executive Director to determine what she needed to do to reinstate her license.

6. During the course of reviewing the Respondent's application for reinstatement of license, the Board requested documentation from the Respondent of the required continuing education credits necessary for reinstatement of a license. Between January 15 and 16, 2020, the Respondent forwarded documentation of attendance at one course, a conference, and a series of study groups. The only documentation submitted by the Respondent that meets the Board's requirements was for 3.5 credit hours, 26.5 hours short of the 30-hour continuing education requirement for reinstatement of a license.

7. Because the Respondent has not submitted documentation that she completed the requirements for continuing education credits for reinstatement of a speech-language pathologist license, the Respondent is not currently eligible for reinstatement of her speech-language pathology license.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated the following provisions under the Act:

Md. Code Ann., Health Occ. Art.:

§ 2-401(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice...speech-language pathology...in this State unless licensed by the Board to practice...speech-language pathology...

§ 2-402.2(a) Unless authorized to practice speech-language pathology under

this title or unless otherwise provided for under this article, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise that the person:

- (1) Is authorized to practice speech-language pathology in this State; or
- (2) Evaluates, examines, instructs, or counsels individuals suffering from disorders or conditions that affect speech, language, communication, and swallowing.

The Board also concludes that, by practicing speech-language pathology without a license, and by failing to meet continuing education requirements, the Respondent violated Md. Code Ann., Health Occ. § 2-314(5), (10), (11), and (12) and COMAR 10.41.03.06.A.(1), D.(4), and F.(2).(a). Specifically:

Md. Code Ann., Health Occ.

§ 2-314 ...[T]he Board, may reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

- (5) Obtains a fee through fraud or misrepresentation;
- (10) Commits any act of unprofessional conduct in the practice of...speech-language pathology...
- (11) Violates any ... regulation adopted by the Board; and
- (12) Violates any provision of this title.

COMAR10.41.03.06.

A.(1) Within the 2-year renewal period immediately preceding the licensee's application for renewal, the licensee shall earn 30 continuing education units (CEUs) as follows:

- (a) A minimum of 20 CEUs in the area of licensure; and
- (b) No more than 10 CEUs in areas related to speech-language pathology or audiology or both, including practice management....

D.(4) Failure to meet continuing education requirements or failure to

substantiate CEUs submitted upon request of the Board may result in suspension, revocation, or denial of licensure or other disciplinary action by the Board....

F.(2) The Board shall reinstate the license if the speech-language pathologist ...

(a) Submits to the Board satisfactory proof of completion of continuing education hours required of a practitioner on active status during the period of inactivity.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of the Respondent to practice as a speech-language pathologist, number 01166 in the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall pay to the Board a monetary fine of **TWO THOUSAND DOLLARS (\$2,000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order shall constitute a violation of this Consent Order; and it is further

ORDERED that the Respondent shall submit to the Board a signed form attesting to the Respondent's completion of the required balance of 26.5 hours of eligible continuing education unit credits for reinstatement of a speech-language pathology license within **NINETY (90) DAYS** of the effective date of this Consent Order. None of these 26.5 hours of continuing education unit credits are eligible for meeting the requirements for the Respondent to renew any license that may be reinstated by the Board. Failure to submit this required documentation of eligible continuing education unit credits to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order shall constitute a violation of this Consent Order; and it is

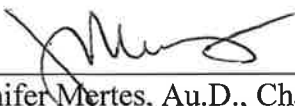
further

ORDERED that the Respondent shall comply with and practice within all statutes and regulations governing the practice of speech-language pathology in the State of Maryland; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Md. Code Ann., Health Occ. § 2-314 including probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Ann., General Provisions § 4-101 *et seq.*

3/7/2020
Date



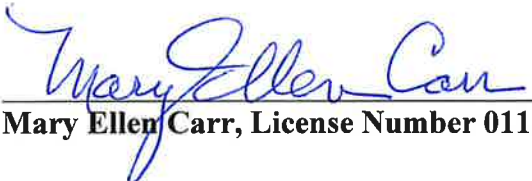
Jennifer Mertes, Au.D., Chair
Maryland Board of Examiners for Audiologists,
Hearing Aid Dispensers, and Speech-Language
Pathologists

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent order. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

2-22-2020
Date



Mary Ellen Carr, License Number 01166

NOTARIZATION

STATE: MARYLAND

CITY/COUNTY: KENT

I HEREBY CERTIFY that on this 22 day of FEBRUARY, 2020, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Mary Ellen Carr** and made oath in due form of law that the foregoing was the voluntary act and deed of **Mary Ellen Carr**.

AS WITNESSETH my hand and Notarial Seal.

SEAL





Notary Public

My Commission Expires: 02/22/2023