

\_\_\_\_\_ Date

*M. Cara Erskine*

Sharon W. Sorensen, Au.D. (AUB)

Board Chairperson

Board of Examiners for Audiologists,

Hearing Aid Dispensers, and Speech-Language Pathologists

4201 Patterson Avenue

Baltimore, MD 21215

Dear Chairperson and Members of the Board:

Please be advised that I have decided to surrender my license to provide hearing aid services in the State of Maryland, License Number 02554. I understand that I may not fit hearing aids or sell hearing aids at retail as it is defined in the Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 2-101 *et seq.* (2005 Repl. Vol.). In other words, as of **October 15, 2008**, the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual.

I understand that this Letter of Surrender is a PUBLIC DOCUMENT.

My decision to surrender my license to provide hearing aid services in Maryland resolves Charges that have been brought against me by the Maryland State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists ("the Board"). The Charges are based upon a former client's complaint regarding payments for hearing aid repairs through my office in Westminster, Maryland. As a result of these allegations, the Board charged me with commission of violations of the Act. The pertinent provisions of the Act under § 10-315 provide as follows:

(a) *In general.* – Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, 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 audiology, the provision of hearing aid services, or the practice of speech-language pathology;
- (12) Violates any provision of this title.

The regulations that the Board would have charged me with violating are Code Md. Regs. tit. 10, § 41.02.02 ("COMAR"), which state:

C. Professional Conduct.

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(6) The licensee may not exploit individuals served professionally by:

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(d) Failing to fully inform the individual served of the nature and possible effects of services rendered, or products dispensed, or both[.];

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COMAR 10.41.02.04, which state:

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H. The licensee shall maintain adequate records of professional services rendered and products dispensed, and shall allow access to these records when appropriately authorized[;]

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K. The licensee shall cooperate fully with the Board in an investigation and adjudication of matters related to the Code of Ethics.

COMAR 10.41.08.08, which state:

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E. During the 2-year renewal, a hearing aid dispenser shall furnish evidence that each audiometer in use has been calibrated within the previous 12-month period.

I have decided to surrender my license to provide hearing aid services in order to avoid further proceedings by the Board against my license. By virtue of this Letter of Surrender, I waive any right to contest the Charges. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid prosecution of the aforementioned violations under the Act and in order to resolve this matter. I understand that by executing this Letter of Surrender I am waiving any right to contest these issues in a formal evidentiary hearing and am waiving all other substantive and procedural protections provided by law, including the right to appeal. I make this decision after the opportunity to consult with an attorney.

I further recognize and agree that by agreeing to this Letter of Surrender that my license will remain surrendered until such time as I apply for reinstatement or a new license in the State of Maryland and comply with the terms and conditions set forth in this Letter and any determined by Board subsequent to my application for licensure. In the event that I apply for reinstatement of my Maryland license or for the issuance of a new Maryland license, I understand that the Board may deny such application or may set terms and conditions that shall apply to my receiving a reinstated or new Maryland license. I also understand that if I apply for reinstatement or a new license in the State of Maryland, that I bear the burden of demonstrating to the Board that I am competent to provide hearing aid services and possess good moral character as specified in the Act.

I acknowledge that on or before the effective date of this Letter of Surrender, if I have not already done so, I shall present to the Board my Maryland hearing aid dispenser license, including any renewal certificates and wallet-sized renewal cards.

I understand that the Board will advise the National Practitioner Data Bank and the Healthcare Integrity and Protection Databank of this Letter of Surrender, and in response to any inquiry, that I have surrendered my license in lieu of disciplinary action under the Act. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction, that this Letter of Surrender along with all underlying investigative documents may be released to the requesting governmental or licensing body.

I understand that the Board will only consider my petition for reinstatement or application for new licensure after the expiration of a period of five (5) years and if I first comply with the following conditions:

1. I shall take and pass a Board-approved course in professional ethics. The course shall be in addition to any Continuing Education requirements mandated for continuing licensure in any State, and the Continuing Education shall not count toward fulfilling other

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continuing education requirements that I must fulfill in order to renew my license to provide hearing aid services in any other State;

2. I shall take and pass a Board-approved course in business management. The course shall be in addition to any Continuing Education requirements mandated for continuing licensure in any State, and the Continuing Education shall not count toward fulfilling other continuing education requirements that I must fulfill in order to renew my license to provide hearing aid services in any other State; and

3. I shall submit to a Board audit of my record keeping practices including but not limited to the review of patient files, hearing aid repair ledgers, billing invoices, and credit applications.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have had the opportunity to consult with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I acknowledge that I am competent to make this decision and I make this decision knowingly and voluntarily.

Sincerely,



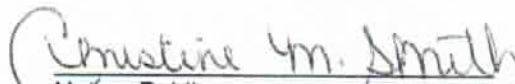
Timothy J. Rooney

**NOTARY**

STATE OF ~~MARYLAND~~ Pennsylvania  
CITY/COUNTY OF York

I HEREBY CERTIFY that on this 19<sup>th</sup> day of September, 2008, before me, a Notary Public of the City/County aforesaid, personally appeared Timothy J. Rooney, and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.

  
Notary Public

My commission expires: Oct. 6, 2009.

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Christine M. Smith, Notary Public  
McSherrystown Boro, Adams County  
My Commission Expires Oct. 6, 2009

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ACCEPTANCE

On behalf of the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists, this 25<sup>th</sup> day of September, 2008 I accept Timothy J. Rooney's PUBLIC LETTER OF SURRENDER of his license to provide hearing aid services in the State of Maryland.

M. Cara Erskine M. Ed.

~~Sharon W. Sorensen, Au.D. (AUD)~~  
Board Chairperson

M. Cara Erskine