

IN THE MATTER OF
MARK DASHIELL BAER
License Number 08846
Case Number AHS-84-2018

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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 May 30, 2018, the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (the “Board”) received the initial license application for Mark Dashiell Baer, S.L.P. (the “Respondent”), License Number 08846. The Respondent disclosed to the Board that he may have inadvertently practiced speech-language pathology in the State of Maryland without a Maryland license. Upon receipt of this information, the Board initiated an investigation and interviewed the Respondent on or about February 22, 2019. Based upon the Respondent’s initial licensure application, the Board’s investigation, and the Respondent’s interview, on April 18, 2019, the Board voted to offer a Pre-Charge Consent Order 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. At all times relevant to these findings, the Respondent holds an active license to practice speech-language pathology in the State of Virginia, License Number 2202007509 which was issued on August 4, 2014 and is set to expire on June 30, 2020. The Respondent also currently holds an active license to practice speech-language pathology in the State of Florida, License Number SA16409 which was issued on July 16, 2018 and is set to expire on December 31, 2019. The Respondent's Virginia and Florida speech-language pathology licenses are active and remain in good standing.
2. On or about October 11, 2017, the Respondent was hired by the Prince Georges County, Maryland Schools ("P.G. Co.") as a speech-language pathologist. The Respondent began his employment as a speech-language pathologist with P.G. Co. on or about October 16, 2017.
3. On or about _____, the Board received the Respondent's initial license application. During the application process, the Respondent disclosed to the Board that he may have inadvertently practiced speech-language pathology in the State of Maryland without a Maryland license. The Board initiated an investigation.
4. On June 31, 2018, the Board issued the Respondent a license to practice as a speech-language pathologist in the State of Maryland, license number 08846.
5. On or about February 22, 2019, a Board investigator interviewed the Respondent. During that interview, the Respondent admitted that he had practiced as a speech-language pathologist for P.G. Co. without a Maryland license between October 11, 2017

and June, 2018. The Respondent admitted that he had “no real adequate explanation” for engaging in unlicensed practice. He stated that after receiving the job offer and beginning work with P.G. Co., he “got so involved in providing high quality speech therapy services for [his] students that, frankly, it got away from [him].”

6. The Respondent also disclosed to the Board investigator that he does not display his license in his office or place of business as is required by the Act. He explained that he was unaware of the requirement to do so.

7. The Respondent, through his attorney, submitted a letter of explanation to the Board dated April 4, 2017 (sic), in which he reiterated that his failure to obtain the required licensure to practice as a speech-language pathologist in the State of Maryland was “inadvertent” and an “error in judgment.” In addition to the letter of explanation, the Respondent submitted three letters of commendation to the Board. The letters from, respectively, a patient, colleague, and mentor, all attested to his excellent clinical skills and high ethical standards.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that by practicing speech-language pathology without a license and by failing to display his license in his office or place of employment, 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.

§ 2-311(a) Each licensee shall display the license conspicuously in the office or place of employment of the licensee.

The Board also concludes that, by practicing speech-language pathology without a license, the Respondent violated Md. Code Ann., Health Occ. § 2-314(5), (10), and (12).

Specifically:

§ 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...; and
- (12) Violates any provision of this title.

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, license number 08846 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 **ONE THOUSAND DOLLARS (\$1,000.00)** 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 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.*

6/19/19
Date



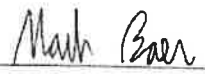
Jennifer Mertes, Au.D., Chair
Maryland Board of Examiners for Audiologists,
Hearing Aid Dispensers, and Speech-Language
Pathologists

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.

6-14-2019
Date



Mark Dashiell Baer, License Number 08846

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Upper Marlboro
Prince George's County

RECEIVED

JUN 18 2019

BD OF AUD/HAD/SLP

I HEREBY CERTIFY that on this 14th day of June, 2019, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Mark Dashiell Baer** and made oath in due form of law that the foregoing was the voluntary act and deed of **Mark Dashiell Baer**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Notary Public

My Commission Expires: December 6, 2021