

IN THE MATTER OF
JENNIFER S. DONNELL
License Number 01330

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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 an application for reinstatement of license for Jennifer S. Donnell, S.L.P. (the “Respondent”), License Number 01330. In these application materials, the Respondent disclosed to the Board that her last license expired on May 31, 2019. 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 13, 2020. Based upon the Respondent’s reinstatement of licensure application, the Board’s investigation, and the Respondent’s statement of explanation, 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 November 8, 1984, the Board issued the Respondent a license to practice as a speech-language pathologist in the State of Maryland, license number 01330.

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 the Respondent's license reinstatement application. The Board initiated an investigation.

4. On or about January 13, 2020, the Board requested a statement of explanation from the Respondent for her failure to renew her license by the applicable deadline, and whether or not 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.

5. On or about January 13, 2020, the Respondent submitted to the Board a statement of explanation. In her statement, 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.

6. In her statement, the Respondent admitted that she had practiced as a speech-language pathologist for Charles County Public Schools without a Maryland license between June 1, 2019 and January of 2020. The Respondent stated that she had not received notification about the status of her expired license from Charles County Public Schools until January of 2020. She stated that she lost her original license in a series of moves and did not realize that her license was expired. The Respondent stated that she wanted to correct the situation and contacted the Board's Executive Director to determine what she needed to do to reinstate her license.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that that by practicing speech-language pathology without a license and by failing to display her license in her 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, number 01330 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, FIVE HUNDRED DOLLARS (\$1,500.00)** 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

3/17/2020
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.

3-12-2020



Jennifer S. Donnell

Date

Jennifer S. Donnell, License Number 01330

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Montgomery

I HEREBY CERTIFY that on this 12th day of March, 2020, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Jennifer S. Donnell** and made oath in due form of law that the foregoing was the voluntary act and deed of **Jennifer S. Donnell**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



[Signature]

Notary Public

My Commission Expires: 3-19-2020