

IN THE MATTER OF
EDWARD J. B. WARRICK, S.L.P.
License No. 00351
Case Number AHS-118-2016

*
*
*
*
*
*
*
*

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

FINAL DECISION AND ORDER

Procedural Background

On November 17, 2016, the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists (the “Board”) issued an “Order for Summary Suspension of License to Practice Speech-Language Pathology” against the license of Edward J.B. Warrick (the “Respondent”) to practice speech-language pathology in the State of Maryland. Concurrently, the Board also issued Charges under the Maryland Audiology, Hearing Aid Dispensing and Speech-Language Pathology Act (Maryland Code Annotated, Health Occupations Article (“Health Occ.”), §2-201, *et seq.*) (the “Act”), alleging that the Respondent violated several provisions of the Act’s disciplinary provisions.

On January 19, 2017, the Board held a show cause hearing to give the Respondent an opportunity to present argument as to why the Board should not continue the summary suspension of the Respondent’s license.¹ Although he was provided with adequate prior written notice of the hearing, the Respondent failed to appear. In accordance with the contents of the hearing notice, despite the Respondent’s absence from the hearing, the State presented argument to the Board. After considering the State’s presentation at the show cause hearing and having

¹ The Respondent’s show cause hearing was originally scheduled for December 1, 2016; however, on November 21, 2016, the Respondent requested a postponement, which the Board subsequently granted and the hearing was rescheduled to January 19, 2017.

heard no argument from the Respondent as to why the Board should lift the summary suspension against his license, the Board issued an Order (executed on January 25, 2017) to continue the summary suspension of the Respondent's license to practice as a speech-language pathologist.

On February 23, 2017, the Board received a timely request for an evidentiary hearing from the Respondent. On August 17, 2017, the Board sent the Respondent notice, via certified mail, that the evidentiary hearing would be held on September 21, 2017. On August 23, 2017, the Board received a return receipt signed by the Respondent.

The grounds for the Board's Notice of Hearing was based on the statutory provisions of Health Occ. § 2-314 and COMAR 10.41.02.04, which provide in pertinent part:

§ 2-314. Denials, reprimands, suspensions, and revocations -- Grounds

Subject to the hearing provisions of § 2-315 of this subtitle, the 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...licensee or holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or limited license for the applicant, licensee, or holder or for another; [and]...
- (19) Is professionally, physically or mentally incompetent[.]

COMAR 10.41.02.04

...(I) The licensee shall withdraw from professional practice when...emotional, mental, or physical disability may adversely affect the quality of services rendered.

On September 21, 2017, the Board held an evidentiary hearing in the matter before a quorum of the Board in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201 *et seq.*, and the Board's regulations, COMAR 10.41.04. The Respondent did not appear and was not represented by counsel. The Board conducted the

hearing in the Respondent's absence as provided for in the Act, Md. Code Ann., Health Occ., § 2-315(b). The State presented a witness, evidence, and argument. Following the hearing, the Board convened to deliberate and voted unanimously to affirm the summary suspension, to sustain the charges, and to revoke the Respondent's license to practice as a speech-language pathologist for the reasons set forth in this Final Decision and Order.

SUMMARY OF THE EVIDENCE

The following documents were admitted into evidence.

State's Exhibits:

1. 5/19/2016 Complaint submitted to the Board.
2. 5/26/2016 Online Search for the Respondent's Employment.
3. 5/26/2016 License Computer Printout.
4. 5/26/2016 Wage report Request re: Respondent.
5. 5/26/2016 Maryland Speech-Language Hearing Association ("MSHA") Annual Convention 2016 Information.
6. 5/26/2016 Wage Report.
7. 5/27/2016 Email to Prince George's County Public Schools ("PGCPS"), Mr. Stover.
8. 5/31/2016 Board Subpoena to PGCPS for the Respondent's Personnel Record.
9. 5/31/2016 Maryland Judiciary Case Search.
10. 5/31/2016 National Practitioner Data Bank.
11. 5/31/2016 Search of the Surrounding States for Licensure.
12. 6/28/2016 Respondent's Personnel Record from PGCPS (Relevant Excerpt).
13. 6/30/2016 Board Subpoena ad Testificandum to Respondent.
14. 7/7/2016 Copy of Respondent's Licensure file (Relevant Excerpt).

15. 7/13/2016 Printout of the MSHA Convention Announcement.
16. 7/13/2016 Email to MSHA to Verify Respondent's Attendance.
- 16.A. 7/15/2016 Email from MSHA.
17. 7/14/2016 Copy of Respondent's Renewal Application completed on 5/6/2016.
18. 7/15/2016 Transcript of Respondent's Interview.
19. 7/15/2016 Exhibits from Respondent's Interview.
20. 8/2/2016 Transcript of Ms. Parson's Interview.
21. 8/5/2016 Board Letter to Respondent Requiring Examination.
22. 8/9/2016 Board Letter to Expert, Dr. Sementilli, Regarding Examination.
23. 9/13/2016 Transcript of Ms. Anzelone's Interview.
24. 9/13/2016 Exhibits from Ms. Anzelone's Interview.
25. 9/27/2016 Email to Expert.
26. 10/3/2016 Letter from Mr. Lundstedt, (former) Attorney for Respondent.
- 26.A. 10/6/2016 Email from Mr. Lundstedt.
27. 10/4/2016 Email to Expert.
28. 10/10/2016 Email from Expert.
29. 10/18/16 Expert report and C.V.
30. 10/18/2016 Board Investigator's Investigative Report.
31. 11/17/2016 Order for Summary Suspension and Charges.
32. 11/28/16 Respondent's request for postponement of 12/1/16 show cause hearing;
11/30/16 correspondence from the Board granting Respondent's request.
33. 1/25/2017 Board Order Continuing Summary Suspension of Respondent's License.
34. 2/23/2017 Respondent's Request for Hearing.

35. 8/17/2017 Notice of Hearing and Proof of Respondent's Receipt.

State's Witnesses:

1. Mark Sementilli, Psy.D., P.A.

FINDINGS OF FACT

The Board makes the following Findings of Fact based upon the entirety of the record:

1. On May 4, 1976, the Board issued license No. 00351 to the Respondent to practice speech-language pathology in the State of Maryland. (State's Ex. 3) The Board summarily suspended Respondent's license on November 17, 2016, based on findings of mental incompetence and that the public health, safety or welfare imperatively required emergency action pursuant to Md. Code Ann., State Govt. § 10-226(c)(2) (2014 Repl. Vol.). (State's Ex. 31)
2. On May 19, 2016, the Board received a Complaint from an individual who self-identified as a speech language pathologist. The Complainant informed the Board that on May 6, 2016, at a professional conference in Annapolis, Maryland, the Complainant witnessed the Respondent behaving in a confused and disoriented manner. (State's Ex. 1) The Complainant reported that the Respondent was also observed demanding a certificate of completion for the previous day of the conference, May 5th, despite there being no record of his attendance on May 5th. (State's Ex. 1, 15, 16, 16A)
3. Based on the Complaint, the Board initiated an investigation. The Board's investigation revealed that the Respondent was employed at a public high school in Prince George's County, Maryland. A review of the Respondent's personnel records obtained from Prince George's County revealed that on May 3, 2016, the Respondent's employer placed him on

administrative leave pending the outcome of an independent medical evaluation (“IME”) due to concerns regarding the Respondent’s fitness for duty. (State’s Ex. 12)

4. On May 6, 2016, the Respondent applied for renewal of his license. Despite being placed on administrative leave by his employer on May 3, 2016, the Respondent answered “NO” to Question 7 on the application, which asked:

Has any...employer denied your privileges or employment, denied any application for privileges or employment, failed to renew your privileges or contract or limited, restricted, suspended, revoked, or terminated your privileges or contract for any reason related to your practice?

(State’s Ex. 17)

5. The IME was conducted on June 1, 2016. The report of IME concluded, to a reasonable degree of medical certainty, that the Respondent (1) demonstrated deficient performance on cognitive evaluation; (2) is “probably suffering from early Alzheimer’s disease;” and, (3) is recommended to retire from practice as a speech language pathologist. (State’s Ex. 12)

6. In correspondence dated August 5, 2016, in accordance with Health Occ. § 2-205.1, the Board informed the Respondent that he was required to submit to a neuropsychological evaluation by Dr. Mark Sementilli, a licensed psychologist. (State’s Ex. 21, 22) The evaluation was completed on October 15, 2016.² (State’s Ex. 29) In his report submitted to the Board on October 18, 2016, Dr. Sementilli concluded, to a reasonable degree of neuropsychological certainty, that the Respondent (1) is not fit for duty as a speech-language pathologist; (2) lacks the “essential skills” with cognition requiring memory, decision-making

² The Respondent’s evaluation was originally scheduled to take place on October 8, 2016 but was unable to be completed, due to the Respondent’s inability to remain in Dr. Sementilli’s office despite Dr. Sementilli’s repeated attempts to “redirect” the respondent back to the task at hand. (State’s Ex. 29)

and abstract reasoning and problem-solving; and, (3) when confronted with novel tasks or material his memory and reasoning deteriorates significantly. (State's Ex. 29, pg. 14)

7. At the September 21, 2017 evidentiary hearing, Dr. Sementilli testified that he is familiar with the duties of a speech-language pathologist, and in his opinion, to a reasonable degree of neuropsychological certainty, the Respondent "is not cognitively competent to perform speech language services" and would pose a risk to students both academically and from a safety standpoint. (Tr. Pgs. 49, 55-56)

CONCLUSIONS OF LAW

Pursuant to Md. Code Ann., State Govt. § 10-226(c)(2) if the Board concludes that the public health, safety or welfare imperatively requires emergency action, the Board may summarily suspend a license. Based on the forgoing Findings of Fact, the Board concludes that the Respondent's license to practice as a speech-language pathologist was necessarily summarily suspended on November 17, 2016.

The Board also concludes that, based on the foregoing Findings of Fact, the Respondent violated COMAR 10.41.02.04 (I) by failing to withdraw from professional practice when mental disability may adversely affect the quality of services rendered despite his severe cognitive decline.

The Board concludes that, based on the foregoing Findings of Fact, the Respondent violated Md. Code Ann., Health Occ. § 2-314(11) by failing to complete the Board-ordered neuropsychological evaluation on October 8, 2016.

Finally, the Board concludes that, based on the foregoing Findings of Fact, the Respondent violated Md. Code Ann., Health Occ. § 2-314(1) by fraudulently or deceptively

obtaining a license when he gave false answers on his May 6, 2016 licensure renewal application.

ORDER

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

ORDERED that the **SUMMARY SUSPENSION** of the Respondent's license no. 00351 to practice as a speech-language pathologist in the State of Maryland is hereby **AFFIRMED**; and it is further

ORDERED that, the license of Edward J. B. Warrick to practice as a speech-language pathologist in the State of Maryland, no. 00351, is hereby **REVOKED**; and it is further

ORDERED that this is a Final Decision and Order of the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions Art., §§ 4-101 *et seq.*

10/30/17
Date

John M. Sloan
John M. Sloan, M.S., Chair
Maryland Board of Examiners for Audiologists,
Hearing Aid Dispensers and Speech-Language Pathologists

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 2-314 may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 2-316, Md. Code Ann., State Gov't § 10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").