

Effective Jan. 26, 2006.



Protecting, maintaining and improving the health of all Minnesotans

January 19, 2006

Ms. Linda Logan
[REDACTED]

RE: MDH File no. AUA 0500028

Dear Ms. Logan:

Based on my review of the facts and law in this matter, I have determined that you violated Minnesota Statutes, § § 148.5195, subd. 3(2), (4) and (9) for failing to respond to requests from the Department and failing to pay the surcharge fee as requested. Therefore, I am suspending your audiologist license. This action is authorized under Minnesota Statutes, section 148.5195, subd. 3.

You have the right to challenge this decision in a contested case hearing as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please deliver, or fax a written request by February 22, 2006 to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
85 East Seventh Place
P.O. Box 64882
St. Paul, Minnesota 55164-0882

If you have any questions about this matter, please contact Ms. Winkelmann at (651) 282-5623.

Sincerely,

A handwritten signature in dark ink, appearing to read "David J. Giese".

David J. Giese, Director
Division of Compliance Monitoring

cc: Tom Hiendlmayr, Director of Health Occupations Program
Susan Winkelmann, Investigations and Enforcement Manager

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A DETERMINATION IN THE MATTER OF: LINDA LOGAN
AUDIOLOGIST PRACTITIONER**

AUTHORITY AND LEGAL REQUIREMENTS

AUTHORITY

1. Minnesota Statutes, § 148.5193 requires all Audiologists to provide evidence to the Minnesota Commissioner of Health (hereinafter "Department") of a minimum of thirty contact hours of continuing education ("CE") obtained within the two years immediately preceding licensure expiration.
2. Minnesota Statutes, § 148.5193, subd. 8 allows licensees to request a CE waiver extension for obtaining the CE contact hours. The Department may grant a waiver extension if the CE requirements would impose an "undue burden" on the licensee. The written request for the waiver must cite the statute, list reasons for the request, identify the period of time the licensee wishes to have the CE requirement waived, and the alternative measures that will be taken if the waiver is granted.
3. Minnesota Statutes, § 148.5195, subd. 3 (2) prohibits failing to respond to a written request, via certified mail, by the Department.
4. Minnesota Statutes, § 148.5195, subd. 3 (9) prohibits failing to cooperate with the Department in an investigation.
5. Minnesota Statutes, § 148.5195, subd. 3 (4) prohibits failing to comply with the requirements of § § 148.511 to 148.5198.
6. Minnesota Statutes, § 148.5195, subd. 4 authorizes the Department to take disciplinary action against practitioners who violate § 148.5195, subd. 3, including suspension, revocation, and impose a civil penalty for each violation not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses the Department for costs of the investigation and proceedings resulting in disciplinary action.

FINDINGS OF FACT

1. Linda Logan (hereinafter "Practitioner") initially obtained audiologist registration from the Department on September 11, 1998.
2. Practitioner was subject to a Determination and Order issued on July 6, 2001 for not obtaining sufficient CE hours in 1996 and 1998, for using audiologist protected titles

illegally, for letting her dispenser certification lapse and altering her certification expiration date on her card, and submitting false information on her certification and audiologist renewal applications about these events. At the time, Practitioner explained her actions as being due to her father's death and other personal problems. Practitioner has since complied with the terms of the 2001 Determination by paying a \$6,854 civil penalty, resubmitting new audiologist and certification applications and fees, and submitting 72 CE hours. Practitioner submitted the correct number of CE hours in her January 2003 audiologist renewal.

3. Practitioner owed 30 CE hours for her January 31, 2005 audiologist renewal and she was notified about this requirement when issued her audiologist renewal in a letter dated February 11, 2003. The Department reminded Practitioner again about the CE hours owed in a letter dated October 18, 2004 notifying Practitioner that her 2003 CE hours were reviewed and approved. The Department reminded Practitioner again about the CE hours in a letter dated October 26, 2004 when the Department mailed Practitioner her renewal application.
4. Practitioner did not submit her audiologist renewal application by the January 31, 2005 deadline. On April 27, 2005, the Department received a telephone call from Practitioner asking about her CE hours due. In that telephone call, Practitioner asked if she could get an extension on her CE hours due to her father having committed "suicide by cop". Department staff advised Practitioner about the CE Waiver extension requirements.
5. In a letter received May 3, 2005, Practitioner wrote the Department requesting a CE Waiver extension explaining again that her father had died using suicide by cop and enclosing a *People* magazine article to explain the event. None of the names in the *People* magazine article was "Logan", nor did Practitioner provide additional explanation.
6. On May 5, 2005, Practitioner called Susan Winkelmann, Investigations and Enforcement Manager of Health Occupations Program, and asked for a letter from the Department regarding the 2001 action stating that she had met all the requirements.
7. In a letter dated May 12, 2005, Ms. Winkelmann wrote Practitioner and confirmed that Practitioner had completed all the terms of the 2001 Determination. Ms. Winkelmann also explained the requirements for requesting a CE Waiver extension.
8. On May 16, 2005, Practitioner left a voicemail with Department staff stating that she was starting her new job and asking whether her audiologist renewal would be renewed by the end of the week. On that date, the Department had not received Practitioner's renewal application or fee and Department staff returned Practitioner's call and advised her of that fact.
9. On May 31, 2005, Practitioner hand delivered a letter to Department requesting a CE Waiver Extension citing the following reasons: Practitioner's stepfather died, Practitioner had to take care of her mother in Florida between August 12, 2004 and April 1, 2005,

there were four hurricanes in Florida during that time, Practitioner's mother lived in a rural area and there was no computer access. Practitioner also submitted 30 CE hours, 25 of which were taken between May 27-28, 2005.

10. On June 6, 2005, Practitioner hand delivered a completed audiologist registration application. On September 21, 2005, Practitioner's audiologist license renewal was issued as per Department policy of handling CE issues separately. Practitioner was notified in that letter from the Department that her request for a CE Waiver extension was being handled separately by Investigations and Enforcement Unit.
11. The Department determined that Practitioner's mother lived outside of Gainesville, Florida and after accessing the National Weather Service/National Hurricane Center website, found that none of the four hurricanes Practitioner referenced came within one county of Gainesville.
12. In a letter dated September 14, 2005, and mailed certified, the Department requested the Practitioner answer questions related to her request for a CE Waiver extension. The United States Postal Service returned the letter to the Department on October 4, 2005, because Practitioner had failed to claim the mail after three notices.
13. In a letter dated October 5, 2005 and mailed regular mail, the Department enclosed a copy of the September 14, 2005, letter requesting a response. The letter was not returned to the Department. Practitioner was given until November 7, 2005 to respond and Practitioner did not respond.
14. In a letter dated November 21, 2005 and mailed regular mail, the Department enclosed copies of the September 14, 2005 and October 5, 2005 letters and requested a response by December 23, 2005. The Department also notified Practitioner that if she failed to respond, the Department would pursue suspending or revoking her license. Practitioner did not respond.
15. On November 18, 2005, Department staff from the Credentialing Unit notified all audiologists that due to a new state law, there was a surcharge fee of \$147 owed by December 18, 2005. The notice also stated that failing to pay the surcharge fee would result in suspension of the license. After receiving no response from Practitioner, the Credentialing Unit mailed another letter on December 21, 2005 again requesting the surcharge fee and notifying Practitioner that her audiologist license could be suspended. Practitioner failed to respond to both letters.

CONCLUSION

Practitioner did not comply with the requirements of Minnesota Statutes, § § 148.5195, subd. 3(2), (4) and (9) for failing to respond to requests from the Department and for failing to pay the surcharge fee.

DETERMINATION

Practitioner's audiologist license should be suspended until she cooperates with the investigation regarding her CE Waiver extension and pays the surcharge fee as required.