

Efl 3-05-09



Protecting, maintaining and improving the health of all Minnesotans

February 27, 2009

Ms. Mary Agnes McDevitt Kraljic


RE: MDH File Number: SPC09003

Dear Ms. McDevitt Kraljic:

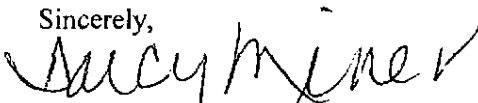
Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you intentionally provided false information to the Minnesota Board of Teaching, the grounds of which are substantially equivalent to Minnesota Statutes, section 148.5195, subdivision 3(1), which prohibits the intentional submission of false or misleading information to the commissioner or advisory council. Therefore, the Department is making your license conditional for a period of two years from the effective date of this Determination and assessing you a civil penalty in the amount of \$267. This action is authorized pursuant to Minnesota Statutes, section 148.5195, subdivision 4.

This decision will be made final and effective 30 days from the date it is received by you. During that 30-day period, 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 send a written hearing request, within 30 days of your receipt of this letter, to:

Tom Hiendlmayr, Director of the Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Mr. Hiendlmayr at (651)201-3839. If you have any questions about this matter, please contact Kyle Renell at (651)201-3727.

Sincerely,


Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Mary Agnes McDevitt Kraljic
Speech-Language Pathologist**

AUTHORITY

1. The Minnesota Department of Health (MDH) has the authority to discipline Speech-Language Pathologists for violations of Minnesota Statutes, section 148.5195. Pursuant to Minnesota Statutes, section 148.5195, subdivision 4, the types of discipline MDH may impose include any reasonable action against an individual upon proof that individual has violated sections 148.511 to 148.5198.
2. Pursuant to Minnesota Statutes, section 148.5195, subdivision 3(8), a practitioner who has been or is being disciplined by another jurisdiction, if any of the grounds for the discipline is the same or substantially equivalent to those under sections 148.511 to 148.5198, is grounds for disciplinary action.
3. Pursuant to Minnesota Statutes, section 148.5195, subdivision 3(1), proof that an individual has intentionally submitted false or misleading information to the commissioner or advisory council is a ground for disciplinary action.

FINDINGS OF FACT

1. Mary Agnes McDevitt Kraljic [hereinafter "Practitioner"] has been licensed by MDH as a speech-language pathologist since December 16, 2004. Her license is currently due to expire on January 31, 2010.
2. By letter dated December 5, 2008, and received on December 10, 2008, Practitioner provided Credentialing staff with a copy of a Findings of Fact, Conclusions of Law and Order, issued by the Minnesota Department of Education (DOE) on November 14, 2008. Practitioner explained that due to misconduct on her part in 2005 she "lost" her DOE speech-language pathologist license for a period of one year.
3. Review of the documentation provided by Practitioner revealed the following:
 - A. Practitioner held a Pre-K12 Speech-Language Pathologist license and school administrative licenses for director of special education and elementary school principal.
 - B. On her 2005 application for renewal of her administrative licenses, Practitioner claimed employment during the 2004/05 school year in a school district and her

application bore a signature purported to be that of an assistant principal in that district. The DOE investigation determined Practitioner was never employed by the district and the assistant principal's signature was a forgery.

- C. On September 16, 2008, the Minnesota Board of Teaching denied renewal of Practitioner's Pre-K-12 Speech Language Pathologist license for a period of one year.
 - D. DOE determined Practitioner's conduct was a violation of Minnesota Statutes, section 122A.20, subdivisions 1(a)(5) and 1(a)(1), fraud or misrepresentation in obtaining a license and immoral conduct, respectively.
 - E. Practitioner did not appeal the denial.
4. A check of the website of the Minnesota Board of Teaching revealed that the Findings of Fact, Conclusions of Law and Order in the Matter of the Denial of the Licensure Renewal Application of Mary Agnes McDevitt Kraljic was approved and signed by the board on November 14, 2008.
5. By letter dated December 16, 2008, Investigations and Enforcement Unit (I&E) staff requested Practitioner provide additional information regarding the circumstances surrounding her misconduct, the DOE investigation, her DOE employment as an "Educational Specialist 2", and other employment. Practitioner was also asked to execute release forms addressed to her employers and respond by January 16, 2009.
6. By letter dated January 5, 2009, Practitioner explained she committed the misconduct in an attempt to simplify her life by having all her licenses renew during the same renewal cycle. Practitioner categorized her actions as "reckless", "foolish", and "both morally and ethically wrong". Practitioner stated that as a result of her conduct, she lost all her educational licenses, was terminated from her position with DOE, is unable to work in schools, and lost her reputation. Practitioner accepted responsibility for her actions and disclosed a depression diagnosis for which she is receiving treatment. Practitioner included with her response a DOE letter dated December 11, 2008, by which she was notified that her employment was to be terminated effective December 15, 2008, "for reasons of misconduct." The letter stated:

"Your misconduct adversely affects the creditability of the Division of Special Education Policy and the Department of Education since your position includes professional responsibilities and contact with school district and Special Education personnel. The misconduct described... undermines the Department's confidence in your ability to perform your assigned duties because of your diminished creditability in the field and a lack of trust in your integrity and judgment."

7. Because Practitioner disclosed her depression diagnosis, she was instructed to contact the Health Professionals Services Program (HPSP). Practitioner did so on January 14, 2009, and on February 18, 2009, HPSP staff discharged Practitioner after a determination Practitioner is "appropriately managing her illness and monitoring is not indicated."

8. By letter dated January 16, 2009, DOE advised Practitioner was employed from March 23, 1987, to December 16, 2008, and officially retired following 20 years of continuous service. Included in the DOE personnel record was a copy of the DOE investigation, dated December 9, 2008. Review of the investigation revealed that DOE became aware of the disciplinary action taken by the Minnesota Board of Teaching when the Board's minutes were published on its website in November 2008. Practitioner was placed on administrative leave and scheduled for an interview on December 4, 2008, at which time she confirmed the information contained in the Findings of Fact, Conclusions of Law and Order issued by the Minnesota Board of Teaching were correct.
9. Information received from Practitioner's other employers revealed she has been employed by two other employers since her MDH license was issued and she has not been the subject of any complaints related to those employments.

CONCLUSION

1. Practitioner was determined to have intentionally provided false information to the Minnesota Board of Teaching, the grounds of which are substantially equivalent to Minnesota Statutes, section 148.5195, subdivision 3(1), which prohibits the intentional submission of false or misleading information to the commissioner or advisory council.

DETERMINATION

1. Practitioner shall pay a civil penalty of \$267.00, to reimburse MDH for costs of investigations and proceedings to date.
2. Practitioner's license is herein made conditional for a period of at least two years, commencing from the effective date of this Determination. During the conditional period, there must be no same or similar action on Practitioner's part which is either directly or indirectly related to the practice of speech-language pathology. It is the responsibility of the Practitioner to request removal of the condition. Practitioner's request must be in writing and sent to Kyle Renell, Staff Attorney, Health Occupations Program, Minnesota Department of Health, PO Box 64882, Saint Paul, MN 55164-0882; or any other staff so designated by the director of the Health Occupations Program. In her request, Practitioner must include the following:
 - A. A statement of her request for removal of the conditional status; and
 - B. A list of all employers during the five years preceding the date of her request. That list should include the complete name and address of each employer and the dates of Practitioner's employment.