

Eff. 11/23/11



Protecting, maintaining and improving the health of all Minnesotans

November 10, 2011

Ms. Katherine M McManus

RE: MDH File Number: SPA12002

Dear Ms. McManus:

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 provided false and misleading information to the commissioner on your continuing education report, in violation of Minnesota Statutes, section 148.5195. Therefore, the Department is making your license conditional for a period of not less than five years and assessing you a civil penalty in the amount of \$221.00, to reimburse MDH for the costs of investigation. This action is authorized pursuant to Minnesota Statutes, section 148.5195, subdivision 4.

You may either accept the discipline as stated herein or you may appeal. If you accept, please pay the assessed civil penalty by check made payable to "Treasurer, State of Minnesota." If you wish to appeal the discipline, you must provide a written statement as to which facts are in error and your grounds for your appeal. Your written statement must be received within 30 days from the date this letter 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.

You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, 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)201-3721. If you have any questions about this matter, please contact Kyle Renell at (651)201-3727.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", is written over the word "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
Katherine M. McManus
Speech Language Pathologist**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 148.5193, subdivision 1(b), within one month following expiration of a license, at renewal of the license, a speech language pathologist must submit evidence of completion of a minimum of 30 contact hours of continuing education (CE) obtained within the two years immediately preceding licensure expiration.
2. Pursuant to Minnesota Statutes, section 148.5193, subdivision 7, the Minnesota Department of Health (MDH) may request a licensee or continuing education sponsor to verify the CE to which the licensee attested. Documentation may come directly from the licensee, the continuing education sponsor, or from a national accrediting or certifying organization which maintains the records.
3. A memorandum entitled "Verification of Continuing Education—2009 Statute Change" was enclosed with all speech language pathologist renewal application packets mailed by MDH during the years 2009 and 2010. The memorandum stated, in part, "Speech-Language Pathologist and Audiologist licensees no longer have to submit certificates or other verification of continuing education completion." The memorandum explained that MDH was authorized to audit a percentage of CE reports, based on a random selection, and that licensees must maintain all documentation for two years after the last day of the biennial licensure period in which the contact hours were earned. Licensees were further instructed to complete a CE Reporting form which was also enclosed and to submit the form without certificates or other verification of attendance. The CE Reporting form also bore the instruction to not send in certificates of attendance, but to maintain them in the event of an audit.
4. Pursuant to Minnesota Statutes, section 148.5195, subdivision 1, the commissioner may initiate an investigation upon receipt of written information that alleges or implies an individual has violated sections 148.511 to 148.5198.
5. Pursuant to Minnesota Statutes, section 148.5195, subdivision 3(1), the commissioner may take disciplinary action if an individual has intentionally submitted false or misleading information to the commissioner.

6. Pursuant to Minnesota Statutes, section 148.5195, subdivision 4, the commissioner may take one or more actions, including revocation of licensure, any reasonable lesser action, and imposition of a civil penalty not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses the MDH for costs of investigation.

FINDINGS OF FACT

1. Katherine M. McManus (hereinafter "Practitioner") has been licensed as a Speech-Language Pathologist since April 18, 2005. Her license is currently due to expire on January 31, 2013.
2. By License Renewal Notice dated November 15, 2010, Practitioner was notified of the need to renew her license. Practitioner was provided with instructions on how to renew, which included a checklist for completion of the renewal process. The third item on the check list stated, "Did you mail or fax in your CE record by 2/28/2011 to avoid the penalty fee? The address and fax number are on the CE form."
3. By letter dated January 19, 2011, Practitioner was notified of the renewal of her license. Practitioner was informed that as of that date her Continuing Education (CE) had not been received. Practitioner was informed, "Your CE's are due in our office by February 28, 2011."
4. Practitioner's CE reporting form was received by facsimile on January 24, 2011, and by letter dated February 7, 2011, Credentialing staff notified Practitioner of its receipt and approval.
5. By letter dated June 17, 2011, Practitioner was notified that she had been randomly selected for an audit of her CE report for the period from February 1, 2009, through January 31, 2011. Practitioner was provided with a copy of the CE reporting form received on January 24, 2011, and she was asked to submit verification for the courses listed on the form.
6. On July 1, 2011, Credentialing staff received Practitioner's verification of her courses. Enclosed with her certificates was a letter dated June 30, 2011, in which Practitioner stated, "...although I have completed all of the CEUs listed on my application, I did not, in fact, complete them all in 2010." Review of the documentation received and a comparison to Practitioner's CE report revealed only one course, a six-hour course entitled "Explosive, Noncompliant, Disruptive, Aggressive Kids," completed on November 6, 2009, was reported correctly. The following discrepancies between the claimed and actual dates of completion were noted:
 - A. "Music Therapy and the Emergence of Spoken Language in Children with Autism": reported: September 9, 2009; actual: January 24, 2011;

- B. "Language Impairments & Social-Emotional Communicative Competence": reported: September 7, 2009; actual: January 24, 2011;
- C. "Stages and Components of Presymbolic and Symbolic Play": reported: March 28, 2010; actual: January 30, 2011;
- D. "Mental Engagement of Young Children During Story Time": reported: March 28, 2010; actual: January 31, 2011;
- E. "Howdy Doody Time: Young Children & TV": reported: July 15, 2010; actual: February 3, 2011;
- F. "The Pitfalls and Possibilities for Early Identification of Language Impairments in Children": reported: July 18, 2010; actual: June 28, 2011;
- G. "Music, Spoken Language, and Children with Hearing Loss": reported: October 23, 2010; actual: June 28, 2011;
- H. "Speech Development for Children with Hearing Loss": reported: October 23, 2010; actual: June 28, 2011;
- I. "Childhood Apraxia of Speech: Considerations for Selecting Target Utterances for Treatment": reported December 6, 2010; actual: January 6, 2011;
- J. "A Comparison of Articulatory Assessment": reported: December 10, 2010; actual: June 28, 2011;
- K. "General Recommendations and Specific Activities": reported: December 15, 2010; actual: January 7, 2011;
- L. "Assessing and Treating Narrative Language in Children with Language Impairments": reported: December 10, 2009; actual: January 12, 2011;
- M. "First Words, First Books, & Focused Language Stimulation": reported: December 15, 2010; actual: January 7, 2011;
- N. Development of Phonological Awareness Skill": reported December 16, 2010; actual: January 10, 2011;
- O. "Empowering Teachers of Children from Low-Income Homes": reported: December 17, 2010; actual: January 7, 2011;
- P. "Reading Fluency: Building a Bridge to Comprehension": reported: December 17, 2010; actual: January 7, 2011;
- Q. "Grammar: 'Ready to Use' or 'Requires Assembly'": reported December 17, 2010; actual: June 28, 2011;
- R. "Supporting Students in the Language and Vocabulary of Math": reported December 18, 2010; actual: June 28, 2011;
- S. "Treating Reading Comprehension Deficits in Children with Language Impairment": reported: December 18, 2010; actual: June 28, 2011; and
- T. "Influence of Listener and Speaker Language on the Transcription of Utterances": reported: December 18, 2010; actual: June 28, 2011.

- 7. By letter dated October 17, 2011, Practitioner was assessed a CE penalty fee in the amount of \$100, for the CE hours earned outside the correct time period.
- 8. By letter dated October 20, 2011, Practitioner was asked to explain how she obtained the title and instructor information reported on her CE report dated January 22, 2011, for the courses she completed after that date. By letter dated October 24, 2011, Practitioner explained that in January 2011, she went to www.speechpathology.com

and selected and printed the courses she wanted to take. Practitioner stated she made a "poor decision to submit the coursework as having been completed, even though it had not been fully done yet. I had intended to take the courses, and have actually completed them all, just not prior to January 1, 2011."

CONCLUSION

1. Practitioner intentionally submitted false and misleading information to the commissioner on her CE report dated January 24, 2011, which is a violation of Minnesota Statutes, section 148.5195, subdivision 3(1), and a ground for disciplinary action.

DETERMINATION

1. Practitioner's license is made conditional for a period of not less than five years.
2. For the 2013 and 2015 renewal periods, Practitioner must:
 - A. Submit her CE reports on time and no more than 30 days after the renewal of her license; and
 - B. Enclose with her CE report, supporting documentation for each credit reported.
3. After a period of not less than five years, Practitioner may request the conditional status be removed from her license. To do so, Practitioner must submit a written request for removal of the condition to the Director of the Health Occupations Program, Minnesota Department of Health, PO Box 64882, Saint Paul, MN 55164-0882.
4. Practitioner should pay a civil penalty of \$221.00, representing to reimburse MDH for costs of investigations and proceedings to date.