

IN THE MATTER OF * BEFORE THE STATE BOARD OF
PATRICIA A. TSCHIDERER, S.L.P. * AUDIOLOGISTS, HEARING AID
APPLICANT * DISPENSERS AND SPEECH-
* LANGUAGE PATHOLOGISTS
* CASE NUMBER: 05-07

* * * * *

CONSENT ORDER

The State Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists (“the Board”) and **Patricia A. Tschiderer, S.L.P.** (“the Applicant”), **D.O.B. 12/29/1960** agreed to enter into this consent order and forgo the issuance of formal charges. The Applicant waives her right to a hearing and agrees to enter into this consent order and agrees to be sanctioned by the Board. This consent order is based on the Board's belief that the Applicant violated the following provisions of the Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act (“the Act”), Md. Health Occ. Code Ann. (“H.O.”) §§ 2-101 *et seq.* (2005 Repl. Vol.):

H.O. § 2-314. Denial, reprimands, suspensions, and revocations –Grounds.

Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, 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:

- (10) Commits any act of unprofessional conduct in the practice of audiology, the provision of hearing aid services, or the practice of speech-language pathology;
- (11) Violates any lawful order given or regulation adopted by the Board;

(12) Violates any provision of this title:

§ 2-401. Practicing without license.

(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice audiology, provide hearing aid services, or practice speech-language pathology in this State unless licensed to practice audiology, provide hearing aid services, or practice speech-language pathology by the Board.

Code Md. Regs. tit. 10, § 41.03

05 Renewal of Licensure.

B. Full Licensure.

(1) All licenses shall be renewed on or before May 31 of each even numbered year.

(2) The applicant for license renewal is required to maintain evidence of satisfactory completion of continuing education requirements.

FINDINGS OF FACT

The Board finds that:

1. The Applicant was initially issued a license to practice speech-language pathology in the State of Maryland, under license number, 01354 on January 24, 1985.
2. The Applicant license expired on May 31, 2000.
3. On or about September 8, 2006, the Applicant filed an Application for Full License in Speech-Language Pathology.
4. On her application for licensure, the Applicant indicated that she was employed as a contractor with Laura Rubinoff and Associates ("LRA") located in Bethesda, Maryland from February 1990 to August 2006.

5. LRA provides speech and language evaluations and treatment to children.
6. The Applicant continued to work as a speech language pathologist, until the Applicant was issued an Agreement to Cease and Desist by the Board in October 2006.
7. The Applicant's conduct as set forth above is a violation of H.O. § 2-314 (10), (11), and (12), § 2-401 (a), and Code Md. Regs. tit. 10, § 41.03.05 B (1) and (2).

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Applicant violated H.O. § 2-314 (10), (11), and 12, § 2-401 (a), and Code Md. Regs. tit. 10, § 41.03.05 B (1) and (2).

ORDER

Based on the foregoing findings of fact and conclusions of law, it is this 31 day of May 2007, by a majority of the full authorized membership of the Board, hereby:

ORDERED that the Applicant shall be issued a license to practice speech - language pathology and said license shall be **SUSPENDED for a period of one (1) year**; and it is further

ORDERED that said suspension shall be **STAYED**; and it is further

ORDERED that the Applicant shall be placed on **PROBATION** for a period of **two (2) years**, beginning the effective date of this consent order, subject to the following conditions:

1. The Applicant shall pay a fine in the amount of one (1) thousand dollars (\$1000) within ninety (90) days of the effective date of this order;

2. The Applicant shall take and pass a Board pre-approved ethics course;

3. The Applicant shall show proof that she has completed the sixty (60) continuing education credits by January 1, 2008; and

4. The continuing education credits required under this consent order can not be used to satisfy the requirements for licensing renewal; and it is further

ORDERED that the Applicant 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 any violation of the terms and conditions of this order shall constitute unprofessional conduct, in addition to any other applicable grounds under the Act; and it is further

ORDERED that any violation of the terms and conditions herein shall constitute a violation of probation and of this order; and it is further

ORDERED that if the Board has probable cause to believe that the public health, safety or welfare imperatively requires emergency action, the Board, without prior notice and an opportunity for a hearing, may summarily suspend the Applicant's license, provided that the Applicant is given prompt written notice of the Board's suspension, the finding, and the reason in support thereof, and an opportunity for a hearing in

accordance with Md. State Govt. Code Ann. § 10-226 (c) (2004 Repl. Vol. and 2006 Supp.); and is further

ORDERED that at the end of Applicant's probationary period, the Applicant shall file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action provided that she has fulfilled all the terms and conditions set forth herein, is not in violation of this order, and there are no outstanding complaints against the Applicant; and it is further

ORDERED that if the Applicant fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this order; and it is further

ORDERED that if the Board determines that the terms or conditions of this order have not been successfully completed, the Board may modify one or more terms or conditions upon which the Applicant was placed on probation, upon notice to the Applicant; and it is further

ORDERED that if the Applicant violates any of the terms of this Consent Order, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and it is further

ORDERED that the Applicant shall be responsible for all costs incurred under this order; and it is further

ORDERED that the effective date of this order is the date that this order is signed by the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2004 Repl. Vol. and 2006 Supp.), this document consists of the contents of the foregoing findings of fact, conclusions of law, and order, and is reportable to any entity to whom the Board is obligated to report; and be it further

ORDERED that this order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2004 Repl. Vol. and 2006 Supp).

5/31/07
Date

Richard Robinson
Richard Robinson, Chair
State Board of Audiologists, Hearing-Aid
Dispensers and Speech-Language
Pathologists

CONSENT OF PATRICIA A. TSCHIDERER, S.L.P.

I, **Patricia A. Tschiderer, S.L.P.**, Applicant, by affixing my signature hereto, acknowledge that:

1. I have decided not to be represented by an attorney.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 2-315 (2005 Repl. Vol.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2004 Repl. Vol. and 2006 Supp.).

3. I acknowledge the validity and enforceability of this consent order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth herein as a resolution of the Board's case based on the findings set forth herein.

5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this consent order as set forth in Md. Health Occ. Code Ann. § 2-316 (2005 Rep. Vol.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2004 Rep. Vol. and 2006 Supp.).

6. I acknowledge that by failing to abide by the terms and conditions set forth in this consent order, and, following proper procedures, I may be subject to disciplinary action, which may include revocation of my license to practice speech-language pathology in the State of Maryland.

7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this pre-consent order.

5/15/07
Date

Patricia A. Tschiderer
Patricia A. Tschiderer, S.L.P.

NOTARY

STATE OF MD

CITY/COUNTY OF _____

I HEREBY CERTIFY THAT on this 15 day of May, 2007, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Patricia A. Tschiderer, S.L.P., and made oath in due form of law that the foregoing pre-charge consent order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Scott Burt Swartz
Notary Public

My Commission Expires: _____

~~My Commission Expires March 14, 2012~~

