

By *Anita Joseph*

1 KAMALA D. HARRIS
Attorney General of California
2 VLADIMIR SHALKEVICH
Acting Supervising Deputy Attorney General
3 DEMOND L. PHILSON
Deputy Attorney General
4 State Bar No. 220220
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-9674
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID**
10 **DISPENSERS BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1I-2014-58

13 **HEATHER A. JOHNSON, SP**
14 837 ½ Fourth Street
Yreka, CA 96067

ACCUSATION

15 Speech-Language Pathologist License No. SP22185
16 Respondent.

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18 **PARTIES**

19 1. Paul Sanchez (Complainant) brings this Accusation solely in his official capacity as
20 the Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid
21 Dispensers Board, Department of Consumer Affairs.

22 2. On or about August 21, 2014, the Speech-Language Pathology and Audiology and
23 Hearing Aid Dispensers Board issued Speech-Language Pathologist License Number SP 22185
24 to Heather A. Johnson, SP (Respondent). The Speech-Language Pathologist License was in full
25 force and effect at all times relevant to the charges brought herein and expired on April 30, 2016.

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JURISDICTION

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2 3. This Accusation is brought before the Speech-Language Pathology and Audiology
3 and Hearing Aid Dispensers Board (Board), Department of Consumer Affairs, under the authority
4 of the following laws. All section references are to the Business and Professions Code unless
5 otherwise indicated.

6 4. Section 2531.02 of the Code states:

7 "Protection of the public shall be the highest priority for the Speech-Language Pathology
8 and Audiology and Hearing Aid Dispensers Board in exercising its licensing, regulatory, and
9 disciplinary functions. Whenever the protection of the public is inconsistent with other interests
10 sought to be promoted, the protection of the public shall be paramount."

11 5. Section 2533 of the Code states:

12 "The board may refuse to issue, or issue subject to terms and conditions, a license on the
13 grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon
14 the license of any licensee for any of the following:

15 "(a) Conviction of a crime substantially related to the qualifications, functions, and
16 duties of a speech-language pathologist or audiologist or hearing aid dispenser, as the case may
17 be. The record of the conviction shall be conclusive evidence thereof.

18 "(b) Securing a license by fraud or deceit.

19 "(c)

20 "(1) The use or administering to himself or herself of any controlled substance.

21 "(2) The use of any of the dangerous drugs specified in Section 4022, or of
22 alcoholic beverages, to the extent or in a manner as to be dangerous or injurious to the licensee, to
23 any other person, or to the public, or to the extent that the use impairs the ability of the licensee to
24 practice speech-language pathology or audiology safely.

25 "(3) More than one misdemeanor or any felony involving the use, consumption,
26 or self-administration of any of the substances referred to in this section.

27 "(4) Any combination of paragraph (1), (2), or (3).

28 "The record of the conviction shall be conclusive evidence of unprofessional conduct.

1 “(d) Advertising in violation of Section 17500. Advertising an academic degree that
2 was not validly awarded or earned under the laws of this state or the applicable jurisdiction in
3 which it was issued is deemed to constitute a violation of Section 17500.

4 “(e) Committing a dishonest or fraudulent act that is substantially related to the
5 qualifications, functions, or duties of a licensee.

6 “(f) Incompetence, gross negligence, or repeated negligent acts.

7 “(g) Other acts that have endangered or are likely to endanger the health, welfare, and
8 safety of the public.

9 “(h) Use by a hearing aid dispenser of the term "doctor" or "physician" or "clinic" or
10 "audiologist," or any derivation thereof, except as authorized by law.

11 “(i) The use, or causing the use, of any advertising or promotional literature in a
12 manner that has the capacity or tendency to mislead or deceive purchasers or prospective
13 purchasers.

14 “(j) Any cause that would be grounds for denial of an application for a license.

15 “(k) Violation of Section 1689.6 or 1793.02 of the Civil Code.

16 “(l) Violation of a term or condition of a probationary order of a license issued by the
17 board pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
18 of the Government Code.

19 “(m) Violation of a term or condition of a conditional license issued by the board
20 pursuant to this section.”

21 6. California Code of Regulations, title 16, section 1399.156, states:

22 “Unprofessional conduct as set forth in Section 2533 of the Code includes, but is not
23 limited to the following:

24 “(a) Violating or conspiring to violate or aiding or abetting any person to violate the
25 provisions of the Act or these regulations.

26 “(b) Committing any corrupt act, or any abusive act against a patient, which is
27 substantially related to the qualifications, functions or duties of a speech-language pathologist or
28 audiologist.

1 “(c) Incompetence or negligence in the practice of speech-language pathology or
2 audiology which has endangered or is likely to endanger the health, welfare, or safety of the
3 public.

4 “(d) Commission of an act prohibited by Section 1399.155.

5 “(e) On or after January 1, 2013, a violation of Section 143.5 of the Code.

6 “(f) Failure to provide to the Board, as directed, lawfully requested copies of
7 documents within 15 days of receipt of the request or within the time specified in the request,
8 whichever is later, unless the licensee is unable to provide the documents within this time period
9 for good cause, including but not limited to, physical inability to access the documents in the time
10 allowed due to illness or travel. This subsection shall not apply to a licensee who does not have
11 access to, and control over, the requested documents.

12 “(g) Failure to cooperate and participate in any Board investigation pending against the
13 licensee. This subsection shall not be construed to deprive a licensee of any privilege guaranteed
14 by the Fifth Amendment to the Constitution of the United States, or any other constitutional or
15 statutory privileges. This subsection shall not be construed to require a licensee to cooperate with
16 a request that would require the licensee to waive any constitutional or statutory privilege or to
17 comply with a request for information or other matters within an unreasonable period of time in
18 light of the time constraints of the licensee's practice. Any exercise by a licensee of any
19 constitutional or statutory privilege shall not be used against the licensee in a regulatory or
20 disciplinary proceeding against the licensee.

21 “(h) Failure to report to the Board within 30 days any of the following:

22 “(1) The bringing of an indictment or information charging a felony against the
23 licensee.

24 “(2) The arrest of the licensee.

25 “(3) The conviction of the licensee, including any verdict of guilty, or pleas of
26 guilty or no contest, of any felony or misdemeanor.

27 “(4) Any disciplinary action taken by another licensing entity or authority of this
28 state or of another state or an agency of the federal government or the United States military.

1 11. Respondent's conduct, as set forth above, constitutes unprofessional conduct in that
2 each instance when she failed to receive client and/or parent permission prior to video recording
3 therapy sessions and each instance of her unauthorized dissemination of the confidential video
4 recorded therapy sessions to an unauthorized third party was a departure from the standard of
5 care, and was in violation of Code sections 2533(f) and/or California Code of Regulations, title
6 16, section 1399.156.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Speech-Language Pathology and Audiology and Hearing Aid
10 Dispensers Board issue a decision:

11 1. Revoking or suspending Speech-Language Pathologist License Number SP 22185,
12 issued to Heather A. Johnson, SP;

13 2. Ordering Heather A. Johnson, SP to pay the Speech-Language Pathology and
14 Audiology and Hearing Aid Dispensers Board the reasonable costs of the investigation and
15 enforcement of this case, pursuant to Business and Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.
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19 DATED: July 12, 2016



20 PAUL SANCHEZ
21 Executive Officer
22 Speech-Language Pathology and Audiology and
23 Hearing Aid Dispensers Board
24 Department of Consumer Affairs
25 State of California
26 Complainant

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