

By *Quita Joseph*

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
4 State Bar No. 237509
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5723
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12 **ANN LAWRENCE DILL**
13 **138 Villa Avenue**
San Rafael, CA 94901
14 **Speech-Language Pathology License No. SP**
6720
15
16 Respondent.

Case No. 11 2015 39

ACCUSATION

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about April 5, 1997, the Speech-Language Pathology and Audiology and
24 Hearing Aid Dispensers Board issued Speech-Language Pathology License Number SP 6720 to
25 Ann Lawrence Dill ("Respondent"). The Speech-Language Pathology License was in full force
26 and effect at all times relevant to the charges brought herein and will expire on June 30, 2017,
27 unless renewed.
28

JURISDICTION

1
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
4 authority of the following laws. All section references are to the Business and Professions Code
5 unless otherwise indicated.

6 4. Section 2533 of the Code states:

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

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

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

14 "(c) (1) The use or administering to himself or herself, of any controlled substance; (2) the
15 use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the
16 extent, or in a manner as to be dangerous or injurious to the licensee, to any other person, or to the
17 public, or to the extent that the use impairs the ability of the licensee to practice speech-language
18 pathology or audiology safely; (3) more than one misdemeanor or any felony involving the use,
19 consumption, or self-administration of any of the substances referred to in this section; or (4) any
20 combination of paragraph (1), (2), or (3). The record of the conviction shall be conclusive
21 evidence of unprofessional conduct.

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

25 "(e) Committing a dishonest or fraudulent act that is substantially related to the
26 qualifications, functions, or duties of a licensee.

27 "(f) Incompetence, gross negligence, or repeated negligent acts.

28

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

3 (h) Use by a hearing aid dispenser of the term 'doctor' or 'physician' or 'clinic' or
4 'audiologist,' or any derivation thereof, except as authorized by law.

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

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

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

9 5. Section 2533.1 of the Code states:

10 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
11 charge substantially related to the qualifications, functions, and duties of a speech-language
12 pathologist or audiologist is deemed to be a conviction within the meaning of this article. The
13 board may order a licensee be disciplined or denied a license as provided in Section 2533 when
14 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
15 when an order granting probation is made suspending the imposition of sentence irrespective of a
16 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
17 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
18 dismissing the accusation, information or indictment."

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

20 "Unprofessional conduct as set forth in Section 2533 of the code includes, but is not limited
21 to the following:

22 (a) Violating or conspiring to violate or aiding or abetting any person to violate the
23 provisions of the Act or these regulations.

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

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

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

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

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

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

17 (h) Failure to report to the board within 30 days any of the following:

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

19 (2) The arrest of the licensee.

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

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

24 (i) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena,
25 mandating the release of records to the board.

26 7. California Code of Regulations, title 16, section 1399.156.1, states:

27 "For the purposes of denial, suspension or revocation of a license or registration pursuant to
28 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: October 20, 2015 

PAUL SANCHEZ
Executive Officer
Speech-Language Pathology and Audiology and Hearing
Aid Dispensers Board
Department of Consumer Affairs
State of California
Complainant

SF2015402889
41393390_3.doc