

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

In the Matter of the Accusation Against:

Case No. 11 2015 39

ANN LAWRENCE DILL

138 Villa Avenue
San Rafael, CA 94901
Speech-Language Pathology License No. SP
6720

Respondent.

DECISION AND ORDER

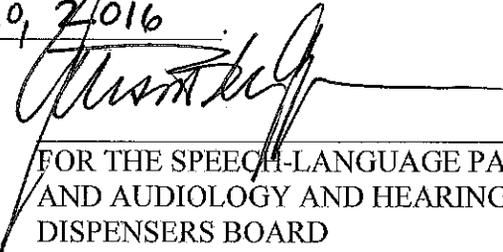
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on

June 20, 2016

It is so ORDERED

May 20, 2016



FOR THE SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY AND HEARING AID
DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
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2 JANE ZACK SIMON
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3 GREG W. CHAMBERS
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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:

Case No. 11 2015 39

12 **ANN LAWRENCE DILL**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 138 Villa Avenue
14 San Rafael, CA 94901
Speech-Language Pathologist License No.
15 SP 6720

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Paul Sanchez ("Complainant") is the Executive Officer of the Speech-Language
22 Pathology and Audiology and Hearing Aid Dispensers Board. He brought this action solely in his
23 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
24 State of California, by Greg W. Chambers, Deputy Attorney General.

25 2. Respondent Ann Lawrence Dill ("Respondent") is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about April 5, 1997, the Speech-Language Pathology and Audiology and
28 Hearing Aid Dispensers Board issued Speech-Language Pathologist License No. SP 6720 to Ann

1 Lawrence Dill ("Respondent"). The Speech-Language Pathology License was in full force and
2 effect at all times relevant to the charges brought in Accusation No. 11 2015 39 and will expire on
3 June 30, 2017, unless renewed.

4 JURISDICTION

5 4. Accusation No. 11 2015 39 was filed before the Speech-Language Pathology and
6 Audiology and Hearing Aid Dispensers Board ("Board"), Department of Consumer Affairs, and
7 is currently pending against Respondent. The Accusation and all other statutorily required
8 documents were properly served on Respondent on October 20, 2015. Respondent timely filed
9 her Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 11 2015 39 is attached as exhibit A and incorporated herein
11 by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, and understands the charges and allegations in
14 Accusation No. 11 2015 39. Respondent has also carefully read, and understands the effects of
15 this Stipulated Settlement and Disciplinary Order.

16 7. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 her own expense; the right to confront and cross-examine the witnesses against her; the right to
19 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
20 compel the attendance of witnesses and the production of documents; the right to reconsideration
21 and court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 11 2015 39.

28

1 Anonymous). Documentation of attendance shall be submitted by the Respondent with each
2 quarterly written report. Respondent shall continue attendance in such a group for the duration of
3 probation unless notified by the Board in writing that attendance is no longer required.

4 2. **ABSTAIN FROM CONTROLLED SUBSTANCES**

5 Respondent shall completely abstain from the personal use or possession of controlled
6 substances as defined in the California Uniform Controlled Substances Act and dangerous drugs
7 as defined in Section 4022 of the Business and Professions Code, except when lawfully
8 prescribed by a licensed practitioner for a bonafide illness.

9 3. **ABSTAIN FROM USE OF ALCOHOL**

10 Respondent shall completely abstain from the use of alcoholic beverages during the period
11 of probation.

12 4. **SUBMIT BIOLOGICAL FLUID SAMPLES**

13 Respondent shall submit to random and directed drug and/or alcohol testing, upon request
14 by the Board or its designee. Respondent shall make daily contact as directed by the Board to
15 determine if he or she must submit to alcohol and/or drug testing. Respondent shall submit to his
16 or her alcohol and/or drug test on the same day that he or she is notified that a test is required. All
17 alternative testing sites due to vacation or travel outside of California must be approved by the
18 Board prior to the vacation or travel. Any confirmed positive test result shall be a violation of
19 probation. If Respondent tests positive for a banned substance, Respondent shall cease practice
20 upon order of the Board.

21 The cost of drug and/or alcohol testing shall be paid by the Respondent.

22 5. **OBEY ALL LAWS**

23 Respondent shall obey all federal, state, U.S. military, and local laws, including all statutes
24 and regulations governing the practice of the licensee. Further, Respondent shall, within five (5)
25 days of any arrest, submit to the Board in writing a full and detailed account of such arrest.

26 6. **COMPLY WITH PROBATION PROGRAM**

27 Respondent shall fully comply with the probation program established by the Board and
28 shall cooperate with the representatives of the Board.

1 7. CHANGE OF NAME AND CONTACT INFORMATION

2 Respondent shall notify the Board, in writing, within five (5) days of a legal change of
3 name, residence or mailing address, email address, or telephone number.

4 8. SUBMIT QUARTERLY WRITTEN DECLARATIONS

5 Respondent shall submit to the Board quarterly written declarations and verification of
6 actions signed under penalty of perjury. These declarations shall certify and document
7 compliance with all the conditions of probation.

8 9. NOTIFY EMPLOYER OF PROBATION TERMS AND RESTRICTIONS

9 When currently employed or applying for employment or contracted to provide services as
10 a speech-language pathologist, audiologist or speech-language pathology assistant, Respondent
11 shall notify her employer and supervisor, or contractor of the probationary status of Respondent's
12 license. This notification to the Respondent's employer and supervisor, or contractor shall occur
13 no later than the effective date of the Decision placing Respondent on probation. The Respondent
14 shall notify any prospective employer and supervisor, or contractor of her probationary status
15 with the Board prior to accepting such employment. This notification shall include a copy of the
16 Board's Decision placing Respondent on probation. The Respondent shall provide to the Board
17 the names, physical addresses, and telephone numbers of all employers, supervisors and
18 contactors. The Respondent shall complete and sign an agreement with the employer and
19 supervisor, or contractor, and the board to allow the Board to communicate with the employer and
20 supervisor, or contractor.

21 Respondent shall cause each employer to submit quarterly written declarations to the
22 Board. These declarations shall include a performance evaluation.

23 Respondent shall notify the Board, in writing, of any change in her employment status,
24 within five (5) days of such change.

25 10. INTERVIEWS WITH BOARD REPRESENTATIVES

26 Respondent shall appear in person for interviews with the Board, or its designee, upon
27 request at various intervals and with reasonable notice.

28

1 11. **EMPLOYMENT LIMITATIONS**

2 While on probation, Respondent may not work as a faculty member or instructor in an
3 accredited or approved school of speech-language pathology or school of audiology.

4 12. **FUNCTION IN LICENSED CAPACITY**

5 Respondent, during the period of probation, shall engage in the practice of speech-
6 language pathology in California for a minimum of sixteen (16) hours per week or sixty-four
7 (64) hours per calendar month. For the purpose of compliance with this section, "engaged in the
8 practice of speech-language pathology may include, when approved by the Board, volunteer work
9 in speech-language pathology, or work in any non-direct patient position that requires licensure.

10 In the event Respondent should leave California to practice outside the state, Respondent
11 must provide written notification (within five (5) calendar days) to the Board of the dates of
12 departure and anticipated return to the state. Respondent's probation is tolled, if and when
13 respondent ceases practicing in California. Practice outside of California will not apply to the
14 reduction of the probationary period.

15 In the event Respondent ceases to practice a minimum of sixteen (16) hours per calendar
16 week or sixty-four (64) hours per calendar month in California, Respondent must provide written
17 notification of that fact to the Board. The period when the Respondent is not practicing the
18 minimum number of hours noted above, will not apply to the reduction of the probationary
19 period, and shall not relieve the Respondent from maintaining a valid license, recovery of costs,
20 biological fluid testing, continuing education requirements, or submitting quarterly written
21 declarations. For purposes of this term and condition, non-practice due to Board ordered
22 suspension shall not be considered a period of non-practice.

23 13. **RECOVERY OF COSTS**

24 Respondent shall pay to the Board its costs of investigation and enforcement in the
25 amount of \$4,365.00. Respondent shall be permitted to pay these costs in a payment plan
26 approved by the Board, with payments to be completed no later than six (6) months prior to the
27 end of the probationary term.

28

1 14. **MAINTAIN A VALID LICENSE**

2 Respondent shall, at all times while on probation, maintain an active current license with
3 the Board, including any period during which suspension or probation is tolled.

4 Should Respondent's license, by operation of law or otherwise, expire, upon renewal or
5 reinstatement, Respondent's license shall be subject to any and all terms of this probation not
6 previously satisfied.

7 15. **VIOLATION OF PROBATION**

8 If Respondent violates probation in any respect, the Board may seek to revoke probation
9 and carry out the disciplinary order that was stayed. The Respondent shall receive prior notice
10 and the opportunity to be heard. If a Petition to Revoke Probation, an Accusation or Petition to
11 Vacate Stay or other formal disciplinary action is filed against Respondent during probation, the
12 Board shall have continuing jurisdiction and the period of probation shall be extended until the
13 matter is final.

14 16. **COMPLETION OF PROBATION**

15 Respondent's license will be fully restored upon successful completion of probation.

16 17. **SEVERABILITY CLAUSE**

17 Each term and condition of probation is a separate and distinct term and condition. If any
18 term or condition of this Decision and Order, or any application thereof, is declared
19 unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all
20 other applications thereof, shall not be affected. Each term and condition of this Decision and
21 Order shall separately be valid and enforceable to the fullest extent permitted by law.

22 18. **VOLUNTARY LICENSE SURRENDER**

23 During Respondent's term of probation, if he or she wishes to cease practice, Respondent
24 may request in writing to surrender the license(s) to the Board. The Board shall evaluate the
25 request based on the factual circumstances surrounding that particular request, and notify
26 Respondent in writing whether it has been granted. Upon formal acceptance of the license
27 surrender, Respondent's license will no longer be subject to the terms and conditions of
28 probation. Respondent shall return the pocket license(s) and wall certificate(s) to the Board

1 within ten (10) days of the effective date of the surrender.

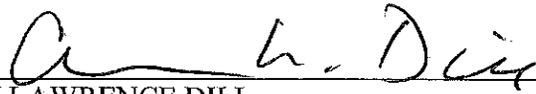
2 Surrender of Respondent's license shall be considered a disciplinary action and shall
3 become a part of Respondent's license history with the Board. If Respondent re-applies for a
4 license, the application shall be treated as a petition for reinstatement of a revoked license.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
7 stipulation and the effect it will have on my Speech-Language Pathology License. I enter into
8 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
9 agree to be bound by the Decision and Order of the Speech-Language Pathology and Audiology
10 and Hearing Aid Dispensers Board.

11
12 DATED:

4/25/16


ANN LAWRENCE DILL
Respondent

13
14
15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Speech-Language Pathology and Audiology and Hearing Aid
18 Dispensers Board.

19 Dated:

4/28/2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General


GREG W. CHAMBERS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 11 2015 39

By

Ann Lawrence Dill

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Attorney General of California
2 JANE ZACK SIMON
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12 **ANN LAWRENCE DILL**

13 **138 Villa Avenue**
San Rafael, CA 94901
14 **Speech-Language Pathology License No. SP**
6720

A C C U S A T I O N

15
16 Respondent.

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 substantially related to the qualifications, functions or duties of a person holding a license under
2 the Act if to a substantial degree it evidences present or potential unfitness of a person holding a
3 license to perform the functions authorized by his or her license or registration in a manner
4 consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be
5 limited to, those involving the following:

6 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
7 violation of, or conspiring to violate any provision or term of the Act.

8 "(b) Conviction of a crime involving fiscal dishonesty."

9 COSTS

10 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct – Conviction/Substantially Related Crime/Failure to Notify)

16 9. Respondent is subject to disciplinary action under sections 2533, 2533.1, and title 16,
17 sections 1399.156 and 1399.156.1 of the California Code of Regulations, in that on or about
18 February 25, 2014, in a criminal proceeding entitled *The People of the State of California v. Anne*
19 *Lawrence Dill* in Mendocino County Superior Court, Case Number 14-75657-001, Respondent
20 was convicted by plea of "nolo contendere" to violating Vehicle Code section 23152(b), driving
21 with alcohol in excess of .08 blood alcohol content ("BAC"), and then failed to timely inform the
22 Board as required. The circumstances are as follows:

23 a. On or about December 23, 2013, Respondent was pulled over by a peace officer
24 from the California Department of Parks and Recreation at approximately 7:30 p.m. while driving
25 her car in Fort Bragg, California. A preliminary breath test recorded a BAC of .16. After arrest
26 two EPAS Chemical Breath Tests were administered to Respondent. These tests registered a .16
27 BAC and a .17 BAC, respectively.

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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

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