



Effective 2/22/06

Protecting, maintaining and improving the health of all Minnesotans

February 24, 2006

Ms. Barbara Elaine Nelson
[REDACTED]

RE: MDH File Number AUA-060026

Dear Ms. Nelson:

I am suspending your license to practice Audiology in the State of Minnesota. Based on my review of the facts and law in this matter, I have determined that you failed to respond to a written request from the department within 30 days, as required by Minnesota Statutes, section 148.5195, subdivision 3(2). This is a ground for suspension of your license, pursuant to Minnesota Statutes, section 148.5195, subdivision 3(4).

This decision will be made final and effective 30 days from the date it is received by you. You have the right to challenge this decision in a contested-case hearing provided under Minnesota Statutes, Chapter 14. A request for a hearing must be made in writing and include specific grounds for challenging the department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of your receipt of this letter, to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
85 East Seventh Place, Suite 300
PO Box 64882
Saint Paul, MN 55164-0882
Fax: 651/282-3839

If you have any questions about this matter, please contact Kyle Renell at 651/282-5625.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Giese".

David J. Giese, Director
Division of Compliance Monitoring

cc: Tom Hiendlmayr, Director of the Health Occupations Program
Susan Winkelmann, Manager, Investigations and Enforcement Unit

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Barbara Elaine Nelson
Audiologist**

AUTHORITY

1. Effective February 11, 1991, Minnesota Statutes, section 148.513, subdivision 2, required all persons using the protected titles "speech-language", "speech-language pathologist, S, SP, or SLP", or "speech pathologist", "language pathologist", "audiologist, A, or AUD", "speech therapist", or "speech clinician", alone or in combination with other words or initials to form an occupational title, or to indicate or imply that they are credentialed by the Minnesota Department of Health (MDH) as a speech-language pathologist or audiologist to be registered with MDH.
2. Effective August 1, 2003, Minnesota Statutes, section 148.513, subdivision 1, required a person to be licensed as a speech-language pathologist or audiologist pursuant to Minnesota Statutes, sections 148.511 to 148.5198, in order to engage in practice. In addition to the protected titles previously listed, unlicensed individuals are prohibited from using the titles "speech correctionist", "language therapist", "voice therapist", "voice pathologist", "logopedist", "communicologist", "aphasiologist", "phoniatrist", audiometrist", "audioprosthologist", "hearing therapist", "hearing clinician", or "hearing aid audiologist". See, Minnesota Statutes, section 148.513, subdivisions 1 and 2.
3. Pursuant to Minnesota Statutes, section 148.5195, subdivision 3(2), failure to respond within 30 days to a written request from the department sent via certified mail, is a ground for disciplinary action.
4. Pursuant to Minnesota Statutes, section 148.5195, subdivision 3(4), lists suspension of licensure "for a period not exceeding one year" as a possible disciplinary action.

FINDINGS OF FACT

1. Barbara Elaine Nelson (hereinafter "Practitioner") has been either registered or licensed as an Audiologist in the State of Minnesota since September 22, 1997. Practitioner's license is currently due to expire on May 31, 2006.
2. By letter dated August 1, 2005, and received by the department on August 4, 2005, Practitioner notified Credentialing staff of her change of residence and requested the

department provide verification of her license to the Bureau of Professional Licensure of the Iowa Department of Public Health. Practitioner's new residential address in the State of Iowa, was entered into the department's database on August 9, 2005, and the verification sent by express mail the same day.

3. By letter dated August 29, 2005, and sent to Practitioner's Iowa address, Credentialing staff notified Practitioner that she was required to pay a surcharge fee in the amount of \$69 by November 1, 2005. Practitioner was informed that her license was scheduled to expire on May 31, 2006, and that failure to pay the surcharge fee might result in the suspension of her license.
4. By letter dated November 18, 2005, Credentialing staff provided a copy of the August 29th letter and notified Practitioner her payment of the surcharge fee had not been received. Practitioner was requested to pay the surcharge fee by December 17, 2005, and that failure to do so might result in the suspension of her license.
5. By letter dated December 21, 2005, Credentialing staff provided Practitioner with copies of the August 29th and November 18th letters and again notified her that the requested surcharge fee had not been received. This letter was sent to Practitioner via certified mail, receipt number 7000 1670 0005 7582 5342, and received on December 27, 2005.
6. As of February 24, 2006, Practitioner has neither submitted payment of the required surcharge fee nor responded to the department in any manner.

CONCLUSION

Practitioner has failed to respond within 30 days to a written request from the department sent via certified mail, which is a ground for disciplinary action, pursuant to Minnesota Statutes, section 148.5195, subdivision 3(2).

DETERMINATION

Practitioner's license should be suspended until such as she submits payment of the required surcharge fee.