

STATE OF MAINE
BOARD OF LICENSING OF DIETETIC PRACTICE

IN RE:)
)
SUSAN GAY) CONSENT AGREEMENT
Complaint No. 2009-DIE-5632)
)

PARTIES

This document is a Consent Agreement regarding disciplinary action against Susan Gay's license to practice dietetics in the State of Maine. The parties to this Consent Agreement are: Susan Gay ("Ms. Gay"), the State of Maine Board of Licensing of Dietetic Practice ("the Board"), and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S. § 9904 and 10 M.R.S. § 8003(5).

FACTS

1. Ms. Gay is a licensed by the Board as a dietitian, license no. DI-583.
2. Pursuant to 32 M.R.S. § 9909(2) and Board Rules chapter 2 § 3(B), licensed dietitians must complete certain continuing professional education as a condition for license renewal.
3. The required continuing professional education consists of fifteen (15) credits annually of which a minimum of four (4) credits must be from "Category #1" as described in Board Rules chapter 2 § 3(B)(2)(a).
4. On or about December 16, 2008, Ms. Gay submitted an application for renewal of her license.
5. In this application for renewal, Ms. Gay affirmatively indicated that she had complied with the Board's continuing education requirements for the preceding licensing cycle.

6. On April 17, 2009, the Board notified Ms. Gay that it had selected her at random to be audited for compliance with continuing education requirements for the licensing cycle of January 1, 2008, through December 31, 2008.
7. The subsequent audit revealed that Ms. Gay had completed only four (4) continuing education credits.
8. This is the second time Ms. Gay has failed to comply with her continuing education requirements.
9. On September 18, 2009, following the initial presentation of the complaint materials to the Board, the Board voted to set this matter for hearing, and to offer this Consent Agreement to Ms. Gay in order to resolve Complaint No. 2009-DIE-5632. Absent Ms. Gay's acceptance of this Consent Agreement by signing and dating it and returning it to Cathy Neumann, Complaint Coordinator, 35 State House Station, Augusta, Maine 04333-0035 by October 25, 2009, the Board will set this matter for an adjudicatory hearing.

COVENANTS

10. Ms. Gay admits that she failed to complete the required continuing education for the renewal of her license as described in the preceding paragraphs and admits that such conduct constitutes grounds for disciplining her pursuant to 32 M.R.S. § 9910(2)(D) for violating a rule of the Board, specifically Board rule chapter 2 § 3(B) which requires a licensed dietitian to obtain fifteen (15) credits of continuing professional education annually, a minimum of four (4) of which credits must be from "Category #1" as described in rule chapter 2 § 3(B)(2)(a).
11. As discipline for conduct admitted in paragraph 9 above, Ms. Gay agrees to accept the

following DISCIPLINARY ACTION:

- a. A CENSURE from the Board;
 - b. Payment of a FINE in the amount of one hundred fifty dollars (\$150.00), which payment shall be made by certified check or money order payable to "Treasurer, State of Maine" and sent to Cathy Neumann, Complaint Coordinator, 35 State House Station, Augusta, Maine 04333-0035, to be remitted with the signed Consent Agreement; and
 - c. A requirement to complete additional CONTINUING EDUCATION consisting of eleven (11) credits from any of the Categories #1-3. This additional continuing education credit will not count towards the continuing education required for re-licensure and shall be completed and proof of completion submitted to the Board within ninety (90) days of the final execution of this Consent Agreement.
12. Any violation of any of the terms or conditions of this Consent Agreement by Ms. Gay shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure or re-licensure.
13. Pursuant to 10 M.R.S. § 8003(5)(B) the Board and Ms. Gay agree that the Board has the authority to issue an order modifying, suspending, or revoking her license in the event that she fails to comply with any of the terms of this Consent Agreement.
14. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
15. The Board and the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
16. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be

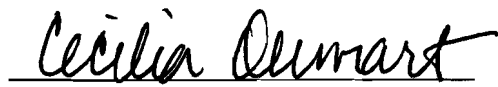
available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

17. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
18. The Board and Ms. Gay agree that no further agency or legal action will be initiated against her by the Board based upon the facts described herein, except or unless she fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar allegations are brought against Ms. Gay in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Ms. Gay's license.
19. Ms. Gay acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will, that no promises have been made to her outside of the written terms and conditions of this Consent Agreement, and that she agrees to abide by all terms and conditions set forth herein.


DATED: 9/23/09


SUSAN GAY

DATED: 9/30/09


CECILIA R. OHMART, Chairperson
Board of Licensing of Dietetic Practice

DATED: 10-6-09


CARRIE L. CARNEY
Assistant Attorney General