

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

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BEFORE THE STATE BOARD OF MEDICINE

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IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE AS A  
BEHAVIOR SPECIALIST OF [REDACTED]  
CASE NO. 24  
[REDACTED]

FINAL ADJUDICATION AND ORDER

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ARION R. CLAGGETT,  
ACTING COMMISSIONER  
BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

DONALD M. YEALY, M.D.  
CHAIR  
STATE BOARD OF MEDICINE

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649

DMA

## **HISTORY**

This matter comes before the State Board of Medicine (“Board”) on appeal by [REDACTED] [REDACTED] (“Applicant”) from the provisional denial by the Board of her application for licensure to practice as a Behavioral Specialist in the Commonwealth of Pennsylvania. On May 2, 2024, Applicant submitted her application and supporting documentation. By letter dated August 9, 2024, the Board advised Applicant that they had provisionally denied her application, citing noncompliance with the educational requirements set forth at 49 Pa. Code § 18.524(a). Applicant timely appealed the denial. On September 19, 2024, the Board referred the matter to the Office of Hearing Examiners to conduct a hearing and issue a proposed adjudication. A hearing was scheduled for March 3, 2025.

Following an unopposed motion filed on January 16, 2025, requesting to convert the hearing to a virtual format, an order was issued on January 17, 2025, granting the request. The hearing proceeded as scheduled via video conference. Patrick M. Greene, Esq. appeared on behalf of the Commonwealth. Applicant appeared *pro se*. Board Exhibits 1 through 3 were admitted into the record. Applicant testified on her own behalf and was subject to cross-examination. At the conclusion of the hearing, both parties presented oral closing arguments and declined to submit post-hearing briefs. The Notes of Testimony were filed on March 14, 2025, closing the record.

On March 1, 2025, the hearing examiner issued a *Proposed Adjudication and Order* (proposed report) recommending that the Board deny Applicant’s application. On March 26, 2025, the Board issued a *Notice of Intent to Review* the proposed report. Neither party filed exceptions to the proposed report. The Board reviewed the entire record in this matter and

conducted deliberations during their regularly scheduled Board meeting on May 20, 2025. While the Hearing Examiner concluded that Applicant did not meet the educational requirements for licensure, the Board finds that under the specific circumstances of this case, Applicant's post-master's graduate certificate in Special Education satisfies the educational standard set forth in 49 Pa. Code § 18.524(a). This *Final Adjudication and Order* rewrites the hearing examiner's proposed report<sup>1</sup> in disposition of this matter.

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1 The Board relies on substantial portions of the hearing examiner's proposed report, finding it to be accurate and well-reasoned. The findings of fact and discussion adequately support the Board's ultimate conclusion in this matter.

## **FINDINGS OF FACT**

1. Applicant submitted her application for licensure on May 2, 2024. (Ex. B-1)
2. The Board voted to provisionally deny the application on June 25, 2024. (Ex. B-2)
3. Applicant received the denial notice via a letter dated August 9, 2024. (Ex. B-2)
4. Applicant filed a timely appeal. (Ex. B-3)
5. Applicant submitted documentation verifying 1,000+ hours of direct care experience at Cambria Residential Services between 2009 and 2014. (Ex. B-1)
6. Applicant submitted a verification of 14 months of Functional Behavior Assessment experience from June 1, 2016, to August 15, 2017. (Ex. B-1)
7. Applicant holds a master's degree in organizational management with a concentration in Public Administration. (Ex. B-1)
8. Applicant also holds a master's degree in criminal justice from Arizona Global University. (Ex. B-1)
9. On April 28, 2024, Applicant received a Graduate Certificate in Special Education from Walden University, having completed 12 credits. (Ex. B-1, pp. 34–38)
10. The courses completed for the certificate were designated as 6000-level, indicating graduate-level coursework. (Ex. B-1, pp. 34–38)
11. Admission into the certificate program did not require prior completion of a master's degree. (Ex. B-1, p. 34)
12. In response to a Board inquiry, Walden University's Office of the Registrar confirmed that the 6000-level courses are considered graduate-level. (Ex. B-1, p. 25)
13. Applicant has approximately eight years of practical experience in the behavioral field. (NT 11–13)

14. As part of her Criminal Justice program, Applicant completed *courses in juvenile delinquency*, focusing on behavioral causes and theoretical frameworks. (NT 19)
15. The Board provisionally denied the application based on its determination that Applicant's degrees did not satisfy the regulatory educational requirements, and that a graduate certificate does not fulfill the statutory requirement of a master's degree or higher.
16. Applicant was afforded due process, including notice of the hearing and an opportunity to be heard. (NT 1–27)

## **CONCLUSIONS OF LAW**

1. The Board has jurisdiction in this matter. (Finding of Fact No. 1; 40 P.S. § 764h(g)).
2. Applicant has the burden of proof in a proceeding for an application for licensure. *Barran v. State Board of Medicine*, 670 A.2d 765 (Pa. Cmwlth. 1996).
3. Although Applicant's previously earned master's degrees are not in qualifying fields under 49 Pa. Code § 18.524(a), her graduate certificate in Special Education, when considered with her existing academic credentials, meets the intent and educational standard required by the regulation.

## **DISCUSSION**

Before the Board, the issue is whether the Applicant has met all qualifications for licensure as a behavior specialist in the Commonwealth of Pennsylvania. Specifically, the Board must determine whether the Applicant has satisfied the requirements outlined in 49 Pa. Code § 18.524, which governs the criteria for licensure. Under § 18.524(a), an applicant must be of good moral character and possess a master's or higher degree from a Board-approved, accredited institution. The degree must include a major course of study in one of the following areas: school, clinical, developmental, or counseling psychology; special education; social work; speech therapy; occupational therapy; professional counseling; behavior analysis; nursing; or another related field. Additional regulatory requirements include one year of functional behavior assessment experience under § 18.524(b), 1,000 hours of in-person clinical experience under § 18.524(c), and 90 hours of coursework in evidence-based practices under § 18.524(d). Subsection (e) further clarifies that such coursework may be completed during a master's degree, a post-master's certificate, or other approved training formats.

In this case, the Board initially denied Applicant's licensure based on the finding that her educational credentials did not satisfy the "master's or higher degree" requirement under § 18.524(a). Applicant appealed that determination and appeared at an evidentiary hearing to present her case.

In administrative proceedings, an applicant bears the burden of proving that they meet all qualifications required for licensure. See *Barran v. State Board of Medicine*, 670 A.2d 765, 767 (Pa. Cmwlth.), appeal denied, 670 A.2d 230 (Pa. 1996). The standard of proof in such cases is a preponderance of the evidence, meaning that the evidence shows a fact is more likely true than

not. *Lansberry v. Pennsylvania Public Utility Commission*, 578 A.2d 600 (Pa. Cmwlth. 1990); *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1950).

Applicant holds two master's degrees, one in Criminal Justice with a specialization in Juvenile Delinquency, and another in Organizational Management with a specialization in Public Administration. Neither degree falls within the fields explicitly listed in § 18.524(a). However, following the Board's rejection of those degrees, Applicant completed a graduate certificate in Special Education at Walden University. The graduate certificate consisted of 6000-level graduate coursework, totaling 12 credits, and was designed for individuals who had already obtained a master's degree. Testimony at the hearing confirmed that Walden University considers these courses graduate-level and appropriate for post-master's study (NT 15–17). Special Education is one of the approved fields listed in § 18.524(a).

Although the graduate certificate does not carry the title of a "master's degree," the coursework is substantively equivalent in content and rigor, and it was completed at a regionally accredited institution. The Board finds that when such coursework is undertaken after completing a master's degree, and is in a qualifying subject area, it may satisfy the intent and purpose of the regulation, namely, ensuring sufficient academic preparation in the behavioral health field. The Board interprets the "master's or higher degree" requirement not as a formalistic title test, but as a standard requiring advanced graduate-level competency in a relevant discipline. Where an applicant has already earned a graduate degree and then pursues focused post-master's coursework in an approved subject area, the regulation permits a finding of equivalency. To require the specific conferral of a second master's degree in special education, when the applicant has already undertaken graduate-level coursework in that field,

would be unnecessarily rigid and inconsistent with the broader discretion contemplated in § 18.524(e), which acknowledges coursework completed through post-master's certificate programs.

The following Order shall be issued based on the preceding Findings of Fact, Conclusions of Law, and this Discussion.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

In the Matter of the Application for a :  
License to Practice as a Behavior : Case No. 24-49-[REDACTED]  
Specialist of [REDACTED] :  
Applicant : [REDACTED]

**FINAL ORDER**

AND NOW, this 21<sup>st</sup> day of May, 2025, the State Board of Medicine ("Board"), upon consideration of the foregoing findings of fact, conclusions of law, and discussion, hereby ORDERS that the *Application for a License to Practice as a Behavior Specialist* of [REDACTED] [REDACTED] is hereby GRANTED.

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

  
\_\_\_\_\_  
ARION R. CLAGGETT  
ACTING COMMISSIONER

Applicant:  
Tracking # [REDACTED]

BY ORDER:  
STATE BOARD OF MEDICINE

  
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DONALD M. YEALY, M.D.  
CHAIR

For the Commonwealth:

Patrick Greene, Esquire

Board Counsel:

Dana M. Archer, Esquire

Date of Mailing:

May 21, 2025