

HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

**A Determination in the Matter of
Justine Janecek
Speech Language Pathologist License 7515
MDH File Number SPC24001**

Authority:

The Minnesota Department of Health, Health Occupation Program – Speech Language Pathology and Audiology (“Department”), is authorized, pursuant to Minnesota statutes, section §148.5194 and §148.5195 (<https://www.revisor.mn.gov/statutes/cite/148>), to investigate complaints, take and enforce disciplinary actions against all speech language pathology and audiology practitioners for violations of prohibited conduct as defined in section §148.5195. Pursuant to section §148.5195 subd. 1, the Department has the authority to investigate any allegation of a violation of section §148.511. If the Department determines that a speech language pathology or audiology practitioner has violated a provision of section §148.511, it has the authority to censure, reprimand, revoke, suspend, impose limitations or conditions, or take any reasonable action against a practitioner and to assess administrative penalties in an amount up to \$10,000 per violation under section §148.5195, subd. 4.

Findings of Fact:

1. On November 28th, 2023, the Department received a complaint alleging Speech Language Pathologist Justine Janecek (“Janecek”), license number 7515, caused physical and psychological harm to one of her pediatric patients. The complaint alleged the following:
 - a. [REDACTED]
[REDACTED]
[REDACTED]
 - b. Janecek [REDACTED] secured the patient in a booster seat, atop a chair, to ensure proper seating during the therapy session. During the session, the

patient became restless and attempted to free themselves from the seat. Janecek allegedly instructed the patient to “sit down” multiple times.

- c. As a result of the patient’s movements, the patient fell forward, described as “face first” off the chair while still restrained in the booster seat.
- d. Janecek [REDACTED]
[REDACTED]
- e. Janecek refrained from assisting the patient until they complied with her demand to sit, having the patient say, “I sit, I sit”.
- f. [REDACTED]
[REDACTED]
[REDACTED]
- g. f. The complaint further alleged that Janecek disclosed another incident that occurred during the session where the patient continued to “act up” and kicked Janecek under the table. [REDACTED]
[REDACTED]
- h. [REDACTED]
[REDACTED]
- i. The complaint described the patient was a 4-year-old diagnosed with autism, who was verbal but unable to communicate discomfort or if there was an issue. The patient was under Janecek’s care for speech therapy.
- j. The complaint alleged Janecek had a history of speaking negatively about her patients and using inappropriate language to describe them. Janecek is also accused of refusing to collaborate with other healthcare professionals to ensure comprehensive care for her patients.

- 2. On November 29th, 2023, the Department sent an acknowledgement of the complaint to the complainant through email.
- 3. On November 30th, 2023, the Department spoke to Janecek’s employer. The Department learned that Janecek’s employer was aware of the complaint and had immediately reported the complaint with Roseau County Social Services. The employer had already conducted an internal investigation and taken action against Janecek. The findings of the

investigation and any possible disciplinary action taken were not discussed due to privacy concerns. The Department would later issue a subpoena for those records.

4. On February 1st, 2023, the Department requested an interview with the complainant to discuss the complaint allegations.
5. On February 7th, 2023, the Department conducted a recorded interview with [REDACTED]
[REDACTED]. During the interview, [REDACTED] provided additional details [REDACTED]
[REDACTED]
 - a. The complainant mentioned a longstanding positive working relationship with Janecek. The complainant stated that Janecek would often confide personal difficulties that appeared to the complainant to impact Janacek's professional performance.
 - b. [REDACTED] stated they observed a shift in Janecek's behavior, with increased negativity towards patients and reluctance to collaborate with other healthcare professionals. Colleagues also expressed to the complainant that they had difficulty working with Janecek due to her use of vulgar language towards patients and apparent lack of commitment to implementing optimal therapy programs for the patients.
 - c. [REDACTED] expressed a concern for Janecek's well-being, suggesting that she take time off from work to address her personal issues. [REDACTED] felt Janecek would have benefitted from time away from work as the complainant felt Janecek's personal issues were affecting her ability to provide proper care for her patients. [REDACTED]
[REDACTED] noted Janecek was working full-time as a speech-language pathologist at in a local school district and part-time at the employer.
 - d. [REDACTED] stated that Janecek had received complaints from patients before and had been verbally reprimanded by her supervisor. Although, [REDACTED] was unsure if Janecek had ever received any formal disciplinary actions taken against her by the employer.
 - e. [REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
- [REDACTED]
- f. [REDACTED] believed this was an isolated incident but admitted they were unaware if Janecek had done anything similar to another patient. [REDACTED] believed Janecek's behavior towards this particular patient stemmed more from cumulative stress and frustration rather than targeted actions against the individual.
- g. [REDACTED] also clarified that during a therapy session, only the therapist and the patient are in the room. Most often no parents or guardians are in the room and often the patient is unable to express if there was an issue because of their disabilities.
6. On February 16th, 2024, the Department issued a subpoena to Janecek's employer, seeking all records associated with Janecek's personnel file. This included any complaints, disciplinary actions, written or verbal reprimands and termination files. The Department requested all internal complaint and investigation related to the incident involving the alleged misconduct.
7. On March 1st, 2024, the Department received the following documentation from the employer:
- a. The employer's internal incident report and investigation regarding Janecek and the alleged misconduct.
 - b. Speech therapy notes from Janecek and the involved patient.
 - c. Janecek's personnel file.
8. A review of the documents revealed Janecek's employer became aware of the alleged misconduct on November 16th, 2023, following a complaint lodged by [REDACTED]. At that time, the employer notified their internal management, human resources, and County Social Services.
9. Janecek's employer suspended Janecek on November 17th, 2023, confirming that she had not seen any other patients since the alleged incident. The employer initiated an internal investigation, during which two interviews were conducted with Janecek's colleagues.
10. In one interview, Janecek's colleague mentioned that while they had not observed Janecek directly harm a patient, she had made concerning remarks about allowing her

patients to “bang” their heads when they became upset with her. Janecek made a comment of ,“Well, they will learn,” to the colleague.

11. The internal report documented on November 20th, 2023, the employer’s human resource director and vice president of operations interviewed Janecek regarding the alleged incident. Janecek was asked whether she had referred to her pediatric patients as “shithead” or described them as “gross” or “disgusting” when they had runny noses. Janecek replied, “I don’t remember that, but very well could have.”
12. Janecek was also questioned about the alleged incident and if she had left a pediatric patient laying on the floor after he had fallen from a chair while still buckled into a booster seat. Janecek’s response to this question was, “He would not sit still. He did fall forward, and I didn’t think that he would do that.”
13. Janecek’s response to being asked if she had kicked a pediatric patient after they kicked her first was, “Yes, I did.” Janecek also responded by stating, “I made a dumb mistake. I should not have done this. I should not let a 3-year-old get into my head. This is bothersome to me. We do have good sessions. He just doesn’t follow directions. I am in the business of treating children. I’m sorry.”
14. The report concluded by stating that Janecek’s employment with her employer was terminated on November 27th, 2023. A review of all other documents did not reveal any additional complaints, disciplinary files, or written or verbal reprimands.
15. On April 16th, 2024, the Department sent a Notice of Investigation letter to Janecek. The Notice of Investigation letter outlined the Department received a complaint concerning Janecek’s practice as a speech language pathologist. The Department requested Janecek provide a written response addressing several specific inquiries pertaining to the alleged incident, including:
 - a. A description of her training and experience as a speech-language pathologist.
 - b. Janecek’s approach when working with pediatric patients.
 - c. Any instances of causing physical harm to a patient, aggressive physical contact with a patient, or permitting a patient to cause self-harm in her presence.
 - d. Past disciplinary actions, reprimands, or terminations in her capacity as a speech-language pathologist.

- e. Provide any further information that would help in the investigation.
16. On May 9th, 2024, the Department received the written response from Janecek. Janecek wrote the following in response to the Department's inquiries:
- a. Janecek wrote that she is currently employed as a Speech-Language Pathologist at a local school district and that she had been employed by her former employer during the alleged incident.
 - b. Janecek described her training and experience working as a speech-language pathologist and described her approach to dealing with difficult pediatric patients. Janecek also described how she ensures the safety of her patients.
 - c. Janecek wrote, "Until this complaint, I have never caused any physical harm, or physically touched a patient in an aggressive manner or allowed a patient to cause harm to themselves in my presence."
 - d. Janecek also wrote that her employer terminated her contract position as an SLP and described the incident in question.
 - e. Janecek stated the following about the alleged incident: "The following is information, as best as I can recall, to be considered. The Speech Room is equipped with an adult table and adult chairs. A booster is used to boost pediatric patients to a level in which they are able to participate in activities at the table height. I do not recall buckling the patient into the chair but did buckle the chair onto the adult chair. I blocked the patient with my foot after he continued to kick at me given verbal redirection to stop. Patient was turned away from the table. Patient sat in the chair and then proceeded to rock back and forth causing him to fall forwards. After seeing this, I got out of my chair and removed the patient from the booster chair after seeing that he was not injured."
17. On May 10th, 2024, the Department reviewed MDH internal credentialing documentation and discovered Janecek is no longer actively licensed by MDH, having allowed her speech-language pathologist license to expire on January 31st, 2024. Janecek is still licensed by the Minnesota Professional Educator Licensing and Standards Board as a speech-language pathologist, license number 414217.

Conclusion:

Minn. Stat. §148.5195, subd. 3 & 4 identify specific disciplinary actions that can be taken and the grounds under which discipline can be imposed.

Minn Stat. §148.5195, subd. 3 (11) gives the Department the authority to take disciplinary action listed in subdivision 4 on proof the licensee has *“engaged in conduct likely to deceive, defraud, or harm the public; or demonstrated a willful or careless disregard for the health, welfare, or safety of a client.”*

1. Based on the facts presented above, the Department finds Janecek violated Minnesota Statutes, chapter 148.5111. Pursuant to Minn. Stat. §148.5195, subd. 4(1) - (5), Janecek’s speech-language pathology license and her ability to practice speech-language pathology, with the exception of educational settings not regulated by MDH, is suspended. Furthermore, MDH will not renew Janecek’s speech language pathologist license until specific conditions are fulfilled. Janecek will also be assessed a civil monetary penalty based on the conclusions listed below:

- Janecek engaged in conduct that demonstrated a willful and careless disregard for the health, welfare, and safety of a pediatric client when she allowed the patient to fall to the floor and refused to help them until they agreed to follow her directions.
- Janecek admitted to retaliatory actions against a pediatric patient by kicking them and making disparaging remarks to the patient.

Determination: Penalty Assessed:

Pursuant to Minn. Stat. §148.5195, subd 4, Janecek is subject to the following disciplinary actions:

1. Janecek’s speech-language pathologist license will be suspended, and MDH will not renew the license until the following conditions are fulfilled:
 - a. Janecek must complete a two (2) hour continuing education class focused on providing care to pediatric patients with disabilities.

- b. Janecek must complete a two (2) hour continuing education class centered on stress or anger management.
 - c. Both courses, comprising a minimum of two (2) contact hours each, must be approved by the Department. These hours shall be in addition to the continuing education requirements of Minn. Stat. §148.5193.
2. Janecek shall also be assessed a civil penalty of \$2,500. In setting this penalty amount, the Department considered:
 1. The Department's statutory ability to assess up to \$10,000 for each specific violation identified in an investigation.
 2. The gravity of the misconduct and resultant harm inflicted upon the patient.

How to Pay the Penalty Assessed:

Janecek shall pay the \$2,500 assessed civil penalty once the Department has issued an invoice with payment instruction outlined.

If sixty (60) calendar days pass between the established due date of the payment and when Janecek pays, the penalty may be referred to the Minnesota Department of Revenue, (MNDOR), or any other source for collection. When this determination for a penalty becomes public and the Department refers the matter to MNDOR, MNDOR is authorized by Minn. Stat. § 16D.17 to obtain judgment against Janecek without further notice or proceeding.

Request for a Hearing:

Under Minnesota Statutes, section 148.5195, subdivision 2, a licensee may not be disciplined without first being granted an opportunity for a contested case hearing under Minnesota Statutes, Chapter 14. If you choose to request a contested case hearing, please let the Department know within thirty (30) days of receipt of this determination, which constitutes notice of the Department's findings. If you need more time, please communicate promptly to the Department which will evaluate your request on a case-by-case basis. Requests for a hearing can be made via an online form or mailed/delivered to the address below.

To request a hearing via an online form, please use the following link:

<https://forms.web.health.state.mn.us/form/HRDAppealsForm>

If you choose to mail/deliver your hearing request, please direct correspondences to:

Minnesota Department of Health
Reconsideration Unit
HRD 3A, P.O. Box 64970
Saint Paul, MN 55164-0970

SO ORDERED this _____ day of _____ .
Maria King Digitally signed by Maria King
Date: 2025.08.25 09:55:04
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Maria King, Division Director

Health Regulation Division
Minnesota Department of Health
625 Robert St. N.
St. Paul, Minnesota 55164-0975