

**LOUISIANA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY (LBESPA)**

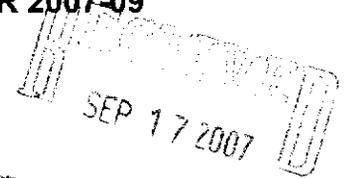
IN THE MATTER OF

LBESPA COMPLAINT

NICOLE DUPUY

NUMBER 2007-09

LICENSE No. 5295



CONSENT AGREEMENT AND ORDER

WHEREAS, Nicole Dupuy is a licensed speech-language pathologist subject to the jurisdiction and rules and regulations of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (the Board); and

WHEREAS, pursuant to an administrative investigation, the speech-language pathologist, Nicole Dupuy has indicated her desire to resolve this matter through a Consent Agreement and Order as provided for in Rule No. 501(H) of the Board's Rules, Regulations and Procedures and LA R.S. 49:955(D) of the Louisiana Administrative Procedure Act; and

WHEREAS, the speech-language pathologist, Nicole Dupuy, has admitted the following:

1. Ms. Dupuy is and at all times pertinent to the facts and matters alleged herein, a Licensed Speech-Language Pathologist credentialed by the Board to engage in the practice of speech-language pathology in the State of Louisiana pursuant to the Louisiana Speech-Language Pathology and Audiology Practice Act, LA R.S. 37:2650 et seq., as evidenced by License No. 5295.

2. At all times pertinent hereto, Ms. Dupuy was actively engaged in the practice of speech-language pathology.
3. That during the time period from May 17, 2004 through March 16, 2007, Ms. Dupuy worked as a speech-language pathologist for Our Lady of Lourdes Regional Medical Center in Lafayette, Louisiana.
4. That Ms. Dupuy's "S.T. Electrical Stimulation Protocol" sheet indicates she provided her patient, L.M., with Deep Pharyngeal Neuromuscular Stimulation (DPNS) treatments on March 5, 7 & 8, 2007, using 125, 150, and 150 swabs, respectively, per 30-45 minute treatment sessions. The Stimulation Protocol sheet also indicates Neuromuscular Electrical Stimulation (NMES) was administered during the same time periods. Her written Rehabilitation Progress Notes reflect the same interventions for the identified dates. Her Speech Therapy Outpatient Treatment Log indicates thirty (30) minute sessions for "Swallowing/Feeding Therapy".
5. That the patient indicated that he knew what DPNS treatment was, but denied receiving DPNS treatment from Ms. Dupuy.
6. That Ms. Dupuy admitted to Craig Meier, investigator for the Board, and further admits to this Board that she did NOT provide DPNS to the identified patient on the dates listed above in #4; however it did not alter the billing for services, as they are all included together under the category of "Swallowing/Feeding Therapy" on the Charge Sheets.

7. That Our Lady of Lourdes Regional Medical Center reimbursed/credited the patient, L.M., for ALL Speech Pathology services provided by Ms. Dupuy during February and March 2007.

8. That Ms. Dupuy was terminated from Our Lady of Lourdes Regional Medical Center on March 16, 2007 for "falsification of documentation".

WHEREAS, by documenting that services were provided that were not actually provided, Ms. Dupuy has violated her professional and ethical duty as set out in Louisiana Speech-Language Pathology and Audiology Practice Act LA R.S. 2662(A)(5) and (6) by engaging in unprofessional conduct, as defined by the rules established by the board, and has violated the code of ethics adopted and published by the board as identified in Rule 701(E)(1)(g) which states individuals shall maintain adequate records of professional services rendered and products dispensed...; Rule 701(E)(1)(i) which states individual shall not charge for services not rendered, nor shall they misrepresent, in any fashion, services rendered or products dispensed; Rule 701(E)(4)(b) which states individuals shall not engage in ...misrepresentation...or any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

WHEREAS, Ms. Dupuy has also violated her professional and ethical duty as identified in Rule 701 (4) and Rule 701 (4) (g) by violating the principles and rules delineated above.

WHEREAS, the licensed speech-language pathologist has indicated her desire to resolve this matter through this Consent Agreement and Order;

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by LA R.S. 49:955(D), the Board orders and Nicole Dupuy accepts the following administrative action which is a final decision pursuant to the LA R.S. 49:958:

1. Within ninety (90) days of the date all parties sign this Consent Agreement and Order, Licensee shall successfully complete an open book examination, and pay all related testing fees, regarding Louisiana Revised Statute 37:2650-2666 (The Practice Act); the Board's Rules, Regulations and Procedures; and Ethical Questions.
2. Ms. Dupuy shall complete a self-study on the importance of appropriate record keeping and billing practices; as well as, the impact on both the patient and employer. An outline must be submitted to the Board for pre-approval within thirty (30) days from the date all parties sign this Consent Agreement and Order. The self-study must be submitted within three (3) months from the date all parties sign this Consent Agreement and Order.
3. Ms. Dupuy shall pay the costs of investigation in the amount of one thousand one hundred eighty-one and 10/100 dollars (\$1,181.10) on or before ninety (90) days from the date that all parties sign this Consent Agreement and Order.
4. Ms. Dupuy waives any and all legal, procedural, or judicial remedies, appeals, or relief which might be available under the Administrative Procedures Act, and the statutory and procedural rules of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

5. Ms. Dupuy specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order in a timely manner without LBESPA's authorization, shall result in **SUSPENSION** of licensure without further notice until such time as the Board receives and accepts documentation of Ms. Dupuy's completion of the requirements set forth above. The admissions contained herein, will be considered proven and the only issue will be failure to follow the terms of the Consent Agreement and Order.

THIS CONSENT AGREEMENT AND ORDER is a matter of public record for violation of the above referenced sections of the Louisiana Speech-Language Pathology and Audiology Practice Act and the Rules, Regulations and Procedures. Licensee is to be Publicly Reprimanded for violation of the above referenced sections in the Practice Act (LA R.S. 37:2650 et seq.) and the Rules, Regulations and Procedures. Such reprimand shall include publication by LBESPA, notification to the Louisiana Speech-Language Hearing Association (LSHA), American Speech-Language-Hearing Association (ASHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS) and the Healthcare Integrity and Protection (HIP) Data Bank.

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IN WITNESS HEREOF, the Louisiana Board of Examiners for Speech-Language Pathology and Audiology has entered into this Consent Agreement and Order and executed same at Baton Rouge, Louisiana on this the 19th day of OCTOBER, 2007.

Glenn M. Waguespack
Glenn Waguespack, L-AUD, Chair

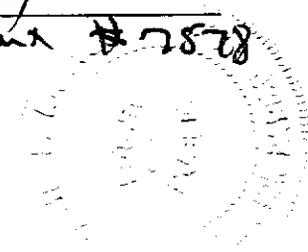
Stephen J. Harris
Stephen J. Harris, L-AUD/SLP, Vice Chair

Yvonne M. Fowler
Yvonne Fowler, Secretary-Treasurer

IN WITNESS HEREOF, Nicole Dupuy, Licensee, has entered into this Consent Agreement and Order and executed same at Kaplan, Louisiana, on this 14th day of September, 2007.

Nicole Dupuy
Nicole Dupuy

Paul F. Meaux
Notary Paul F. Meaux # 2578



NOTARIZATION REQUIRED