

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

**IN THE MATTER OF
DAVID MULNICK
LICENSE No. 556**

**LBESPA COMPLAINT
NUMBER 2008-01**

NOV 14 2007

CONSENT AGREEMENT AND ORDER

WHEREAS, David Mulnick is a licensed audiologist subject to the jurisdiction and Rules, Regulations and Procedures of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (the Board); and

WHEREAS, pursuant to an administrative investigation, the audiologist, David Mulnick has indicated his 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 audiologist, David Mulnick, has admitted the following:

1. Mr. Mulnick is and at all times pertinent to the facts and matters alleged herein, a Licensed Audiologist credentialed by the Board to engage in the practice of audiology 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. 556.
2. At all times pertinent hereto, Mr. Mulnick was actively engaged in the practice of audiology.

3. That Mr. Mulnick worked as an audiologist for Dan Bode, Audiologist, in Metairie, Louisiana, beginning in 2005 to the present time.
4. That Mr. Mulnick admitted to Don Evans, Investigator for the Board, and further admits to this Board, that he falsely represented himself as having a Ph.D. but instead was ABD (All But Dissertation).
5. That Mr. Mulnick falsely represented himself as holding ASHA CCC's.

WHEREAS, by falsely representing himself as having a Ph.D. and as holding ASHA CCC's, Mr. Mulnick has violated his professional and ethical duty as set out in Louisiana Speech-Language Pathology and Audiology Practice Act LA R.S. 2662(A)(4) and (5) by engaging in conduct likely to deceive, defraud, or harm the public, as well as, unprofessional conduct, as defined by the rules established by the board. Mr. Mulnick has also violated the code of ethics adopted and published by the board as identified in Rule 701(E)(3) which states individuals shall...provide accurate information in all communications involving any aspect of the profession...; Rule 701(E)(3)(a) which states individuals shall not misrepresent their credentials, competence, education, training or experience; Rule 701(E)(3)(e) which states individuals' statements to the public – advertising, announcing and marketing their professional services...shall adhere to prevailing professional standards and shall not contain misrepresentations; Rule 701(E)(4) which states individuals shall honor their responsibilities to the professions and their relationships with colleagues, students, and members of allied professions. Individuals shall uphold the dignity and autonomy of the professions, maintain harmonious interprofessional and intraprofessional

relationships...; Rule (E)(4)(b) which states individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, harassment, or any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

WHEREAS, the licensed audiologist has indicated his 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 David Mulnick 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, as well as, LBESPA Code of Ethics Part II.
2. Mr. Mulnick shall complete a self-study OR a continuing education course on ethics and the importance of appropriate representation of credentials. For the self-study, 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. For the continuing education course, pre-approval **MUST** be obtained from

- the Board thirty (30) days prior to the course. A certificate of attendance for the course must be submitted within three (3) months from the date that all parties sign this Consent Agreement and Order.
3. Mr. Mulnick shall pay the costs of investigation in the amount of six hundred sixty and 00/100 dollars (\$660.00) on or before ninety (90) days from the date that all parties sign this Consent Agreement and Order.
 4. Mr. Mulnick shall pay a fine of two thousand dollars (\$2,000.00) to the Board within one (1) year of the date all parties sign this Consent Agreement and Order.
 5. 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. 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.
 6. Mr. Mulnick 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.
 7. Mr. Mulnick 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 Mr. Mulnick'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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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 7th day of December, 2007.

Glenn Waguespack
Glenn Waguespack, L-AUD, Chair

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

Yvonne Fowler
Yvonne Fowler, Secretary-Treasurer

IN WITNESS HISEOF, David Mulnick, Licensee, has entered into this Consent Agreement and Order and executed same at METairie, Louisiana, on this 12TH day of NOVEMBER, 2007.

David Mulnick
David Mulnick

HARRIS MYRON DULTZ
Notary
HARRIS MYRON DULTZ
13ARNO5140

NOTARIZATION REQUIRED