

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

IN THE MATTER OF

LBESPA COMPLAINT

COURTNEY STEWART

#2011-07

LICENSE #5652

CONSENT AGREEMENT AND ORDER

WHEREAS, Courtney Stewart is a licensed Audiologist with Hearing Aid Dispensing subject to the jurisdiction and Rules, Regulations and Procedures of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (hereinafter sometimes referred to as "Board"); and

WHEREAS, pursuant to an administrative investigation, Courtney Stewart 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 Procedures Act; and

WHEREAS, the Board is persuaded that it is in the best interest of the public to enter into this Consent Agreement and Order, the conditions of which are set forth hereafter;

WHEREAS, Courtney Stewart hereby formally waives any and all legal, administrative, procedural, or judicial remedies, appeals, or relief which might be available under the Administrative Procedure Act, the Speech-Language Pathology and Audiology Act, or any other law or statute;

WHEREAS, the Board and Courtney Stewart have entered into this Consent Agreement and Order by which the Board agrees to resolve the complaint. Ms. Stewart agrees to accept the following specified conditions in resolution of the complaint.

WHEREAS, Courtney Stewart was employed by The Hearing Center, a clinic owned by Dr. Thomas Hansbrough, Dr. Stanley Peters, Dr. John Traxler, and Dr. Elise Scallan;

WHEREAS, Courtney Stewart fabricated invoices for a hearing aid buying group. The fabricated invoices were used to document a retail selling price up to the maximum allowable by Louisiana Rehabilitation Services (LRS) for the purpose of obtaining payment from LRS.

WHEREAS, an independent firm was contracted to perform an audit of the financial transactions of The Hearing Center for all patients seen between September 2010 through February 2011 and for 27 patients seen from 2009 through 2010. Audit revealed that out of 176 patients, \$33,869.94 was not collected, deposited, nor posted to The Hearing Center.

WHEREAS, the findings of the audit included unaccounted for hearing aids, missing receipts, missing invoices, missing packing slips, contracts which money owed by patients were scratched out, and no documentation in patient charts for services performed in regard to hearing aids.

WHEREAS, Courtney Stewart admitted to the board's investigator that she did not bill for some services or enter visits in some patient chart notes. In

addition, Ms. Stewart admitted that she did not bill for hearing aid repairs and for the fitting of hearing aids.

WHEREAS, Courtney Stewart was paid a monthly wage plus 6% commission on all hearing aids sold;

WHEREAS, by creating and submitting fraudulent invoices Ms. Stewart has violated her ethical and professional duty as set forth by LA R.S. 37:2662(3), and as defined by the rules established by the Board, is a violation of the code of ethics adopted and published by the Board as identified in 701(E)(3)(c) which states that individuals shall not misrepresent diagnostic information, services rendered, or products dispensed, or engage in any scheme or maneuver to defraud in connection with obtaining payment or reimbursement for such services or product and 701(E)(1)(i) which states individuals shall not charge for services not rendered, nor shall they misrepresent, in any fashion, services rendered or products dispensed.

WHEREAS, by failing to enter patient visits in chart notes, Ms. Stewart has violated her ethical and professional duty as set forth by LA R.S. 37:2662(5), and as defined by the rules established by the Board, is a violation of the code of ethics adopted and published by the Board as identified in 701(E)(1)(g) which states that individuals shall maintain adequate records of professional services rendered and products dispensed and shall allow access to these records when appropriately authorized.

WHEREAS, by failing to bill patients for hearing aid fittings and repairs, and by failing to maintain accurate records as evidenced by missing receipts,

missing invoices, missing packing slips, contracts which money owed by patients were scratched out, and no documentation in patient charts for services performed in regard to hearing aids, Ms. Stewart has violated her ethical and professional duty as set forth by LA R.S. 37:2662(6), and as defined by the rules established by the Board, is a violation of the code of ethics adopted and published by the Board as identified in 701(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 and 701(E)(4)(d) which states individuals' statements to colleagues about professional services, research results, and products shall adhere to prevailing professional standards and shall contain no misrepresentations.

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 Courtney Stewart accepts the following administrative action which is a final decision pursuant to the LA R.S. 49:958:

1. Ms. Stewart's license shall be suspended for twelve (12) months from the date she signs this Consent Agreement and Order.
2. Ms. Stewart shall terminate with all clients and cease her practice of Audiology effective from the date she signs this Consent Agreement and Order.
3. Within ninety (90) days of the date all parties sign this Consent Agreement and Order, Ms. Stewart shall successfully complete an open book

examination on the Louisiana Speech-Language Pathology and Audiology Practice Act, the Rules, Regulations and Procedures, and Ethical Questions. Ms. Stewart shall pay all costs associated with the open book examination.

4. Ms. Stewart shall pay a fine in the amount of \$8,000.00 within two (2) years from the date all parties sign this Consent Agreement and Order. Quarterly payments are required with the first payment due within 90 days from the date all parties sign this Consent Agreement and Order.
5. Ms. Stewart shall pay the cost of investigation in the amount of \$1,050.33 within two (2) years from the date all parties sign this Consent Agreement and Order. Quarterly payments are required with the first payment due within 90 days from the date all parties sign this Consent Agreement and Order.
6. Ms. Stewart 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 REVOCATION of licensure without further notice until such time as the Board receives and accepts documentation of Applicant'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.

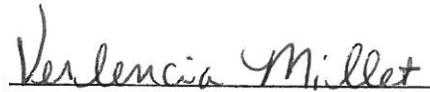
THIS CONSENT AGREEMENT AND ORDER is a matter of public record for violation of the above referenced sections of the Louisiana Speech-Language

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 American Academy of Audiology (AAA), Louisiana Speech-Language Hearing Association (LSHA), American Speech-Language-Hearing Association (ASHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), the Department of Education, any employer(s) on record, and the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB).

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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 3 day of August, 2012.


Glenn Waguespack, L-AUD, Chair


Verlencia Millet, L-SLP, Vice Chair


Kerrilyn Phillips, L-SLP, Secretary-Treasurer


Board Member

IN WITNESS HEREOF, Courtney Stewart, L-AUD, has entered into this Consent Agreement and Order and executed same at Mandeville, Louisiana, on this 13th day of June, 2012.


Courtney Stewart, L-AUD


Notary

NOTARIZATION REQUIRED