

MAR 19 2018

LOUISIANA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

IN THE MATTER OF
EMILY ROSSON HALE

LICENSE NO. 6639
COMPLAINT NO. 2018-02

CONSENT AGREEMENT AND ORDER

WHEREAS, Emily Hale (hereinafter sometimes referred to as "Respondent") was licensed as a Speech-Language Pathologist subject to the jurisdiction, Practice Act, and Rules and Regulations, of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (hereinafter sometimes referred to as "Board"); and

WHEREAS, pursuant to a complaint and an administrative investigation, the Speech-Language Pathologist, Emily Hale, has indicated her desire to resolve this matter through a Consent Agreement and Order as provided for in Rule 501.J.2. of the Board's Rules and Regulations and LA R.S. 49:955(D) of the Louisiana Administrative Procedure Act; and

WHEREAS, Emily Hale has admitted to the following:

1. Pertinent to the facts and matters alleged herein, the Respondent was licensed by the Board as a Speech-Language Pathologist through October 31, 2017, and was authorized 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 Number 6639.
2. At all times pertinent hereto, Respondent was actively engaged in the practice of speech-language pathology including supervision of a provisional speech-language pathology assistant at a Charter School, Esperanza Elementary, through a contract between Choice Foundation Charter Schools and Ms. Hale's employer.

3. Ms. Hale admitted to Tony McCoy, Complaint Investigation Officer, and further admits to the Board that she instructed the provisional SLP assistant to document and complete Form 200, the Board's required supervision form, monthly. Ms. Hale described previous supervisory experience for two individuals completing the Board's post-graduate professional employment/experience and Clinical Fellowship experience for the American-Speech-Language-Hearing Association; however, the 2016-2017 school year was the first time Ms. Hale was assigned to supervise a provisional SLP assistant.
4. Ms. Hale did not maintain records of required supervision (minimum of three hours weekly of on-site in-view supervision and a minimum of two hours weekly of alternative methods of supervision) as mandated. Ms. Hale acknowledged her error in assigning documentation of supervision solely to the provisional SLP assistant, knew that Form 200 was not being filled out regularly, and acknowledged the supervisee's lapses in documentation of supervision resulting in an insufficient number of supervised hours to be submitted to the Board. Further, not only were the total number of hours insufficient, but there was lack of documentation of consistent weekly supervision, or hours made up the following week in the event of extenuating circumstances, as mandated by the Board. Ms. Hale recognized that, in hindsight, she did not understand nor abide by the specific requirements in the Board's Rules and Regulations. These facts constitute violation of Rules 127.K. and 127.R.7. Additionally, Rule 701.E.2.d. was violated.
5. It was noted that Ms. Hale was out-of-town the week of March 6-10, 2017 and did not make provisions for a "back-up" supervisor for the provisional SLP assistant. This is a violation of Rule 127.R.5.

6. Ms. Hale's signature was on all Form 200s dated August 2016 through May 2017 attesting that "We hereby certify to the Louisiana Board of Examiners for Speech-Language Pathology and Audiology that the supervision information submitted on this Supervision Form 200 is true and correct." Ms. Hale stated that she did not sign anything without having read it, but did not realize forms were only partially completed or not filled out at all until the final meeting of the school year with the provisional SLP assistant. The supervisor's signature on inaccurate records of supervision constitutes misrepresentation which is a violation of 701.E.1.g. (maintain adequate records of professional services rendered) and 701.E.4.b. (shall not engage in...misrepresentation).
7. While Ms. Hale reviewed, collaboratively developed, and approved all Individualized Education Program (IEP) documents, she attended only approximately five IEP conferences during the 2016-2017 school year with the provisional SLP assistant. Ms. Hale acknowledged that the scheduling of IEP meetings was at the discretion of the special education teacher or special education director and that there were occasions when the provisional SLP assistant attended IEP conferences without another speech-language pathologist in attendance although Ms. Hale provided cards so that parents could call and consult with her. Failure to ensure the supervisor or other qualified supervisor attends all IEP conferences with a provisional SLP assistant is a violation of Rule 117.A.1.h.
8. The findings of fact indicate that the following statutory provisions were violated: LA R.S. 37:2662.A.(5) and 2662.A.(6), as well as violation of the Code of Ethics 701.2.d. which states "Individuals shall provide appropriate supervision and assume full responsibility for services delegated to all supervisees, including assistants or aides..." and Code of Ethics 701.2.e. states "Individuals shall neither provide services nor

supervision of services for which they have not been properly prepared, nor shall individuals require or permit their professional staff to provide services or conduct research activities that exceed the staff member's competence, level of education, training, or experience" and Code of Ethics 701.4.a. "Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the code of ethics".

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, Emily Hale 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 Practice Act, or any other law or statute;

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

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

1. Respondent is to be Publicly Reprimanded for violation of the Practice Act (LA R.S. 37:2650, et seq.) and the Rules and Regulations. Such reprimand shall include publication by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology, notification to the American Speech-Language-Hearing Association (ASHA), California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Louisiana Speech-Language-Hearing Association (LSHA), and the National Practitioner Data Bank (NPDB).

2. Within ninety (90) days of the date all parties sign this Consent Agreement and Order, Respondent shall successfully complete the Board's open book examination relative to LA R.S. 37:2650-2666 (Louisiana Speech-Language Pathology and Audiology Practice Act), the Board's Rules and Regulations, and Ethical Questions, Parts I and II. The completed examination shall be submitted to the Board with a notarized statement verifying the Respondent was the individual who engaged in the examination, answering all questions independently with only a copy of the Louisiana Speech-Language Pathology and Audiology Practice Act and the Rules and Regulations utilized as resources during the examination.
3. Licensee shall complete 10 hours of continuing education or engage in training/coursework constituting a minimum of 10 hours in the area of supervision of assistants. A certificate of completion must be submitted by May 31, 2018. These hours are in addition to those required should the Respondent choose to reinstate Louisiana Speech-Language Pathology License No. 6639.
4. Respondent shall pay the investigative costs of adjudicating this matter in the amount of \$700.21 on or before ninety (90) days from the date all parties sign this Consent Agreement and Order.
5. Licensee waives any and all legal, procedural, or judicial remedies, appeals, or relief which might be available under the Administrative Procedure Act, and the statutory and procedural rules of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.
6. Licensee specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order in a timely manner without the Board's authorization may result in additional disciplinary proceedings. 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.

7. Failure to comply with the terms of this Consent Agreement and Order will result in further publication by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology, and notification to the American Speech-Language-Hearing Association (ASHA), California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and any other licensure board with which you hold or have held licensure, Louisiana Speech-Language-Hearing Association (LSHA), and the National Practitioner Data Bank (NPDB).

THIS CONSENT AGREEMENT AND ORDER is a matter of public record for violation of the above-referenced sections of the Louisiana Speech-Language Pathology Practice Act and the Rules and Regulations.

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 Prairieville, Louisiana on this the 13th day of April, 2018.

RECEIVED
MAR 19 2018

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

Daphne Washington
Daphne Washington, L-SLP, Vice Chair

Deanna Hardy
Deanna Hardy, Secretary-Treasurer

Annette Hurley
Board Member
Annette Hurley

IN WITNESS HEREOF, Emily Hale has entered into this Consent Agreement and Order and executed same at Santa Barbara, California, on this 9 day of March, 2018.

Emily R. Hale
Emily R. Hale



[Signature]
Notary

NOTARIZATION REQUIRED