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LOUISIANA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

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MAR 27 2019

IN THE MATTER OF
CONSUELA DAVIS

LICENSE NO. 5987
COMPLAINT NO. 2018-07

CONSENT AGREEMENT AND ORDER

WHEREAS, Consuela Davis (hereinafter sometimes referred to as "Respondent") was and is licensed as a Speech-Language Pathology Assistant, 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 investigation, the Speech-Language Pathology Assistant, Consuela Davis, 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, Consuela Davis has admitted to the following:

1. Pertinent to the facts and matters alleged herein, the Respondent was and is licensed by the Board as a Speech-Language Pathology Assistant through June 30, 2019, and was authorized to engage in the practice of speech-language pathology, under supervision of a Speech-Language Pathologist, 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 5987.
2. At all times pertinent hereto, Respondent was actively engaged in the practice of speech-language pathology under the supervision of Jamie Miller, Speech-Language Pathologist.

3. Upon investigation by Tony McCoy, Complaint Investigation Officer, Ms. Davis admitted to administering the Clinical Evaluation of Language Fundamentals-Third Edition (CELF-3) test to students, which publisher's examiner requirements specifies that it should be administered by a speech-language pathologist. This is a violation of Rule 117.A.1.a. which states that an assistant may conduct speech-language screenings and assessments without interpretation. Speech-language pathology assistants may not administer a test if the publisher's examiner requirements dictate administration by a graduate-degreed individual. All screening and assessment reports shall be cosigned and interpreted by the supervising speech-language pathologist. Rule 117.A.2.a.ii. states that interpreting test results is a duty outside of the scope of practice of a speech-language pathology assistant. This is also a violation of 701.F.1.b. which states that speech-language pathology assistant licensees shall not interpret test results.
4. Ms. Davis admitted to creating IEPs and then having the speech-language pathology supervisor read over them. This is a violation of Rule 117.A.1.d. which states that assistants should follow treatment plans or protocols as developed and documented by the supervising speech-language pathologist.
5. Ms. Davis has attended IEP meetings and signed her name as "SLP A". On the parent notification letter, Ms. Davis signed her name in the Special Education Teacher Spot. This is a violation of Rule 105.B.1. which states that speech-language pathology assistants shall list their full license title when listing their credentials, and always identify themselves as such in professional interactions. This is also a violation of the Code of Ethics, Rule 701.F.3.a. which states that individuals shall not misrepresent their credentials, competence, education, training or experience.

6. Based on the findings of fact listed above, Ms. Davis also violated Rule 701.F.2.d. by providing services without being appropriately supervised.
7. The findings of fact indicate that the following statutory provisions were violated: LA R.S. 37:2662.A.(4) which states that the individual has engaged in conduct likely to deceive, defraud or harm the public, or demonstrated a willful or careless disregard for the welfare or safety of a consumer, LA R.S. 37:2662.A.(5) which states that the individual has engaged in unprofessional conduct, as defined by the rules established by the board, or has violated the code of ethics adopted and published by the board, and LA R.S. 37:2262.A.(6) which states that an individual has violated any lawful order, rule or regulation rendered or adopted by the board.

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, Consuela Davis 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 Consuela Davis accepts the following administrative action which is a final decision pursuant to LA R.S. 49:958:

1. 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. Respondent must pay applicable testing fees.

2. Licensee shall complete 10 hours of continuing education or engage in training/coursework constituting a minimum of 10 hours in the area of scope of practice of assistants and ethics. All courses must be pre-approved by the board prior to completion. A certificate of completion must be submitted at the time of the renewal, but no later than June 30, 2019. These continuing education hours are in addition to those required for renewal of your license.
3. Respondent shall pay an administrative fine in the amount of \$500.00, on or before ninety (90) days from the date all parties sign this Consent Agreement and Order.
4. Respondent shall complete double the required supervision, both on-site, in-view and alternative methods, for a speech-language pathology assistant licensee for a period of twelve months. Supervision Form 200s must be submitted on a monthly basis during the twelve month period.
5. 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), Louisiana Speech-Language-Hearing Association (LSHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), Louisiana Department of Education, and the National Practitioner Data Bank (NPDB).
6. 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.

7. 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.
8. 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), Louisiana Speech-Language-Hearing Association (LSHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), Louisiana Department of Education, 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.

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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 Prairieville, Louisiana on this the 22nd day of March, 2019

Stephen T. Harris
Stephen T. Harris, L-AUD/SLP Chair

Daphne Washington
Daphne Washington, L-SLP, Vice Chair

Deanna Hardy
Deanna Hardy, Secretary-Treasurer

Deanna Hardy
Board Member

IN WITNESS HEREOF, Consuela Davis has entered into this Consent Agreement and Order and executed same at Zachary, Louisiana, on this 27th day of December, 2018.

Consuela Davis
Consuela Davis

Cathy D. Causey
Notary
Cathy D. Causey, Notary Public
#128222 East Feliciana Parish
Louisiana Statewide Commission
Commissioned for life

NOTARIZATION REQUIRED