

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

**IN THE MATTER OF

SARAH SMITH**

**LBESPA COMPLAINT #2024-06

L-AUD LICENSE #5157**

CONSENT AGREEMENT AND ORDER

WHEREAS, Sarah Smith is a licensed Audiologist subject to the jurisdiction and laws and regulations for Speech-Language Pathologists and Audiologists (La. R.S. 37:2650, *et seq.*), and the Professional and Occupational Standards for Speech Pathology and Audiology (LAC 46:LXXV §103, *et seq.*); and

WHEREAS, on March 5, 2024, the Board received a complaint against Ms. Smith, which alleged that Ms. Smith provided a patient with hearing aids in September 2023, based on a hearing test from March 2022. This complaint was identified as Complaint No. 2024-06, and sent to investigation.

WHEREAS, on May 3, 2024, the Board notified Ms. Smith of the Board's decision regarding the complaint filed against her, which included a summary of the nature of the complaint, and requested that she provide a response to the Complaint;

WHEREAS, on June 5, 2024, Ms. Smith submitted a response to the Board;

WHEREAS, pursuant to a complaint and an administrative investigation, the Audiologist, Sarah Smith, has indicated her desire to resolve this matter through a Consent Agreement and Order as provided for in LAC 46:LXXV §501(H) of the and La. R.S. 49:975(D) of the Louisiana Administrative Procedure Act; and

WHEREAS, Ms. Smith has admitted the following:

1. Ms. Smith is licensed as an Audiologist from June 16, 2003 through June 30, 2025, and is subject to the Board's jurisdiction.
2. Ms. Smith was, at all times pertinent to the facts and matters alleged herein, an Audiologist licensed by the Board to engage in the practice of audiology in the State of Louisiana pursuant to the LA Speech-Language Pathology and Audiology Practice Act, La. R.S. 37:2650, *et seq.*, as evidenced by License No. 5157.
3. At all times pertinent hereto, Ms. Smith was actively engaged in the practice of audiology and employed by Better Hearing Systems of Northwest Louisiana, LLC.
4. In March 2024, a patient, PC, visited another audiologist's office. The audiologist found test results that were concerning; and requested paperwork from the former Audiologist, Ms. Smith. Upon receipt of the paperwork, the Audiologist noted that the patient was given hearing aids in September 2023, based on a test from March 2022.
5. During the investigation, Ms. Smith admitted to the Board's Investigator that upon review of the patient's records, she was "shocked" to find that she did not have an updated hearing test within six (6) months of the hearing aid purchase date and indicated that it was "human error."

WHEREAS, the Board's investigation revealed that Ms. Smith fitted the patient, PC, for hearing aids without an updated hearing test within six (6) months.

WHEREAS, by failing to perform a hearing test within six (6) months prior to fitting the patient, PC, with hearing aids, Ms. Smith acknowledges that her actions were in violation of the following laws and rules of the Board:

- a. La. R.S. 37:2662(A)(4): Any individual licensed or registered pursuant to this Chapter may have his license suspended or revoked or be disciplined by the board upon proof that such

- individual: (4) 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.
- b. La. R.S. 37:2662(A)(5): Any individual licensed or registered pursuant to this Chapter may have his license suspended or revoked or be disciplined by the board upon proof that such individual: (5) 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.
- c. LAC 46:LXXV § 137(C)(1)(c): Audiologists who dispense hearing aids shall, regardless of the method of service delivery, comply with the following. 1. Audiologists shall ensure that a pre-purchase evaluation includes: c. a basic audiological test battery conducted within the preceding six-month period in a sound-treated environment unless the patient's physical condition prohibits accomplishment of these procedures. The battery shall include: i. basic comprehensive audiometry; ii. appropriate tolerance testing;
- d. LAC 46:LXXV § 701(E)(1): Licensees shall honor their responsibility to hold paramount the welfare of persons they serve professionally or who are participants in research and scholarly activities, provide professional services with honesty and compassion, and respect the rights of those served. The licensee shall take all reasonable precautions to avoid harm to the individual served professionally
- e. LAC 46:LXXV § 701(E)(2): Individuals shall honor their responsibility to achieve and maintain the highest level of professional competence and performance consistent with prevailing practice standards.
- f. LAC 46:LXXV § 701(E)(3): Individuals shall honor their responsibility to the public...and shall provide accurate information involving any aspect of the professions.
- g. LAC 46:LXXV § 701(E)(3)(d): Individuals shall not defraud through intent, ignorance, or negligence, or engage in any scheme to defraud in connection with obtaining payment, reimbursement, or grants and contracts for services provided, research conducted, or products dispensed.

- h. LAC 46:LXXV § 701(E)(4): Individuals shall uphold the dignity and autonomy of the professions...and accept the professions' self-imposed standards.
- i. LAC 46:LXXV § 701(E)(4)(d): Individuals shall not engage in any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.
- j. LAC 46:LXXV § 701(E)(4)(e): Individuals shall not engage in dishonesty, negligence, fraud, deceit, or misrepresentation.
- k. LAC 46:LXXV § 701(E)(4)(m): Individuals shall comply with local, state, and federal laws and regulations applicable to professional practice...

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, the undersigned attorney for LBESPA has communicated with Ms. Smith, who has indicated that it is her desire to resolve this matter through a Consent Agreement and Order;

WHEREAS, Ms. Smith recognizes her right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time Ms. Smith would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on her behalf in defense or in mitigation of the charges made, and to a decision thereon by LBESPA based upon written findings of fact and conclusions of law in accordance with the Louisiana Administrative Procedure Act. Ms. Smith nonetheless hereby waives her right to formal adjudication and, pursuant to La. R.S. 49:975(D), consents to the entry of the Consent Agreement and Order set forth hereinafter. Ms. Smith also acknowledges that she hereby waives any rights to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, *et seq.*, or which she

otherwise may be afforded by any law to contest her agreement to, or the force and effect of the LBESPA's investigation or this Consent Agreement and Order in any Court or other forum.

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in LBESPA by La. R.S. 49:975(D), LBESPA orders and Ms. Smith accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:977:

1. The license of Ms. Smith to be engaged in the practice of audiology in the State of Louisiana, as evidenced by License Number 5157 shall be, and is hereby REPRIMANDED. Accordingly, Ms. Smith accepts and shall maintain strict compliance with the following terms and conditions.
2. Ms. Smith shall successfully complete the Board's open book examination, and pay all related testing fees. The exam questions relate to the Louisiana Speech-Language Pathology and Audiology Practice Act (La. R.S. 37:250, *et seq.*); the Board's Rules and Regulations; and Ethical Questions.
3. Ms. Smith shall complete ten (10) hours of continuing education, with at least two hours in ethics. All courses must be pre-approved by the Board. Certificates of completion must be submitted by May 31, 2025. These continuing education hours are in addition to those required for renewal of her Audiology license.
4. Ms. Smith shall pay an administrative fine in the amount of \$1,000.00 fine within one (1) year from the date all parties sign this Consent Agreement and Order. The payment(s) shall be made on a quarterly basis, with the first payment due within ninety (90) days from the date that all parties sign this Consent Agreement and Order. Payment shall be made by credit card.

5. Ms. Smith further acknowledges that failure to pay the fine set forth above at paragraph 4 will require the Board to take further action in collection of this debt. Ms. Smith has twelve (12) months to pay said fine before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in La. R.S. 47:1675(E).
6. Ms. Smith shall report the terms of this Consent Agreement and its approval to any board or agency located in the United States with which she is licensed.
7. Ms. Smith 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.
8. Ms. Smith specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order in a timely manner without LBESPA's authorization may result in further disciplinary action by the Board, up to and including **SUSPENSION** of her license until such time as the Board receives and accepts documentation of Ms. Smith's completion of the requirements set forth above. The admissions contained herein will be considered proven and the only issue will be her failure to follow the terms of this Consent Agreement and Order.

Effect of Non-Acceptance of Agreement. Ms. Smith acknowledges that this Consent Agreement and Order is subject to the approval of the Board. She further acknowledges and agrees that if the Board rejects this Consent Agreement and Order, it will be void, and an Administrative Complaint may be filed relative to the allegations contained herein. If this Consent Agreement and

Order is rejected by the Board, it will not constitute a waiver of Ms. Smith's right to a hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. She further agrees that if the Board rejects this Consent Agreement and Order, the members of the Board may decide the matter after a hearing, and their consideration of this Consent Agreement and Order shall not alone be grounds for recusal of any member of the Board, including any claims that the Board is biased against her, that it cannot fairly decide the case, or that it has received ex-parte communication.

Address of Board. All payments ordered and any reports required by this Consent Agreement shall be addressed to:

Louisiana Board of Examiners for Speech-Language Pathology and Audiology
Towne Park Center
37283 Swamp Road, Suite 3B
Prairieville, LA 70769

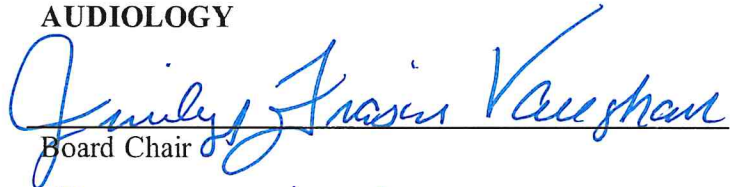
THIS CONSENT AGREEMENT AND ORDER shall take effect immediately upon adoption by the LBESPA and is a matter of public record. The terms of this Consent Agreement and Order may be published and reported in, including but not limited to, the LBESPA website, the Louisiana Speech-Language Hearing Association (LSHA), the American Speech-Language Hearing Association (ASHA), the American Academy of Audiology (AAA), the Louisiana Academy of Audiology (LAA), and the National Practitioner Data Bank (NPDB).

THE ADMISSIONS AND FINDINGS CONTAINED HEREIN are intended solely for the purpose of resolving the case at hand or in connection with other matters before LBESPA involving Respondent, Ms. Smith.

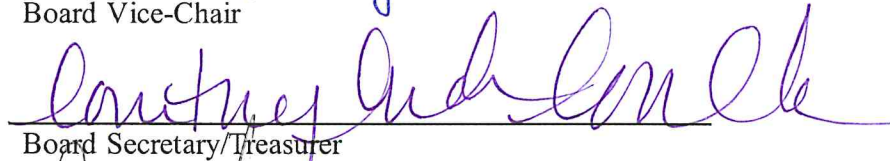
ORDER

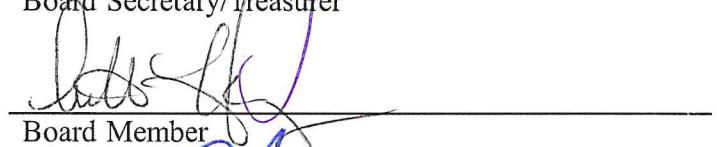
The Louisiana Board of Examiners for Speech-Language Pathology and Audiology, having examined the Consent Agreement and Order, and Complaint Number 2024-06, adopt the Consent Agreement and Order in this matter on this 13th day of December, 2024.

LOUISIANA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY


Board Chair


Board Vice-Chair


Board Secretary/Treasurer


Board Member


Board Member

Board Member

Board Member

I, **JAMES R. RAINES**, serving as counsel, do hereby acknowledge negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which Ms. Smith could be charged under Complaint Number 2024-06, and further certify that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint and represents a true and correct statement of that which could be proven at a hearing of this matter.

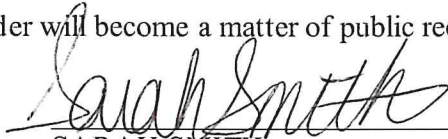


JAMES R. RAINES

10/17/24

Date

I, Sarah Smith, make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2024-06 by Consent Agreement and Order pursuant to La. R.S. 49:975(D), in lieu of the institution and prosecution of formal administrative proceedings, and accordingly consent to the entirety of the Order set forth herein and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, by agreement to this Order. By my subscription hereto, I also hereby authorize any member of the discipline committee to present this Order to the LBESPA for its consideration and to disclose to and discuss with the LBESPA the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including La. R.S. 49:977.2. I expressly acknowledge that the disclosure of such information to the LBESPA shall be without prejudice to the Prosecutor's authority to file a formal Administrative Complaint, or the LBESPA's capacity to adjudicate such Administrative Complaint, should the LBESPA decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LBESPA approve this Consent Agreement and Order that the Consent Agreement and Order will become a matter of public record.



SARAH SMITH

9/28/24

Date

I, **SARAH SMITH**, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions.

DATED: 9/28/24

Sarah Smith
SARAH SMITH

SUBSCRIBED AND SWORN TO before me this 28th day of September, 2024,
at _____.

Loretha Ary-Smith
Notary Public
Print Name: Loretha Ary-Smith
My Commission Expires: at Life



Loretha Ary-Smith
Notary Public-Caddo Parish
ID#56367
My Commission is for Life
Notary Validates Signature Only
Not Consent