



LOUISIANA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY
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IN RE: CLIFTON O. ISTRE, JR.

AUGUST 21, 2021

COMPLAINT NO.: 2020-001

LICENSE NO.: N / A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Prosecuting Counsel for the LOUISIANA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY ("Board") presented *Proposed Findings of Fact and Conclusions of Law* for consideration, relative to the administrative hearing of the licensure of CLIFTON O. ISTRE, JR. ("Respondent"), which took place on Saturday, August 21, 2021 and began at or about 9:00 AM at the Renaissance Hotel (7000 Bluebonnet Boulevard, Baton Rouge, LA 70810) and *via* electronic means (La. R.S. 42:17.1) ("Hearing"). The Hearing was conducted in accordance with the Administrative Procedure Act (La. R.S. 49:950 et seq) ("APA").

I. APPEARANCES

The following Board members participated in the Hearing: Chair Glenn M. Waguespack, MS, L-AUD, CCC-A ("Hearing Officer"); Lucie LeDoux, MS, L-AUD-SLP, CCC-A/SLP (Secretary / Treasurer); Jerrilyn T. Frasier, Au.D., L-AUD/SLP; Deanna Hardy (Public Member); Annette E. Hurley, Ph.D., L-AUD; and, Daphne R. Washington, MA, L-SLP, CCC-SLP.

Erica A. Chatelain, M.Ed., L-SLP (Vice-Chair) was absent.

Also present: Laurie M. Pennison, counsel for Respondent; Ryan Montegut, Prosecuting Counsel on behalf of the Board; Thomas E. Devillier, counsel for the Board.

No witnesses were called to testify at the Hearing.

II. JURISDICTION

Jurisdiction for this Hearing is vested in the APA, the Louisiana Speech-Language Pathology and Audiology Practice Act (La. R.S. 37:2650 et seq) ("Act"), and Part LXXV of Title 46 of the Louisiana Administrative Code (LAC 46:LXXV.103 et seq) ("Code").

III. FINDINGS OF FACT

1. Respondent was licensed by the Board in the State of Louisiana as both an audiologist and a speech-language pathologist for approximately 45 years, until his license lapsed on July 1, 2018.¹
2. On July 18, 2019, the Board received a late license renewal application from Respondent.²
3. On July 19, 2019 and July 29, 2019, respectively, the Board received two (2) license reinstatement applications from Respondent (collectively, “Reinstatement Applications”).³
4. On July 31, 2019, the Board denied the *Reinstatement Applications* for his apparent unlicensed practice of speech-language pathology and / or audiology (“Denial Notice”).⁴
5. On August 2, 2019, Respondent appeared at a compliance hearing and acknowledged his failure to comply with the Act by practicing speech-language pathology and / or audiology from about July 1, 2018 through about August 2, 2019 without a “current, unsuspended, [and] unrevoked license issued by the board” (“Lapsed Period”).⁵
6. Respondent unlawfully billed for services rendered during the Lapsed Period but made restitution for services rendered to persons, including but not limited to insurance carriers, cumulatively totaling THIRTEEN THOUSAND FIVE HUNDRED FORTY-FOUR AND 69 / 100 DOLLARS (\$13,544.69) (“Restitution”).⁶

¹ Exhibit 1 – License No. 156.

² Ex. 2 – July 8, 2019, *License Renewal Application*. See also, LAC 46:LXXV.125(K) and (L).

³ Ex. 3 – July 2019, *Reinstatement Applications*.

⁴ Ex. 4 – July 31, 2019, *Denial Notice*.

⁵ Ex. 5 – August 2, 2019, *Minutes*.

⁶ Ex. 6 – April 20, 2021, *Email correspondence from* counsel for Respondent *to* the Board, including Check Nos. 1886 (\$2,500.00), 1887 (\$2,500.00), 1906 (\$51.22), 1907 (\$539.90), 7267 (\$2,800.00), 7268 (\$5,153.57) drawn on accounts bearing the name of Respondent and / or Medical Hearing Services, Inc.

7. On April 29, 2021, counsel for Respondent filed and requested a continuance of the Hearing, which was previously scheduled for May 1, 2021.⁷
8. On July 12, 2021, the Board reset the Hearing for August 21, 2021.⁸
9. On August 20, 2021, legal counsel for Respondent submitted to legal counsel for the Board, *via* email, certain confidential medical records of Respondent to be considered in deliberation as mitigating evidence.⁹

IV. CONCLUSIONS OF LAW

A preponderance of all known facts and evidence relating to this matter show that Respondent engaged in all of the following in violation of the Act or Code:

1. Failed to timely apply for his annual license renewal on or before June 30, 2018, and his license lapsed on July 1, 2018. La. R.S. 37:2661.1; LAC 46:LXXV.125.
2. Practiced speech-language pathology and / or audiology in Louisiana without a current, unsuspended, and unrevoked license issued by the Board. La. R.S. 37:2262(B) and 2652.
3. Engaged in negligent billing in connection with services provided. La. R.S. 37:2262(A)(3).
4. Violated laws and rules adopted and enforced by the Board. La. R.S. 37:2262(A)(6).
5. Failed to maintain timely and accurate records for services rendered and / or and products dispensed. LAC 46:LXXV.701(E)(1)(p).
6. Engaged in the unlicensed practice of speech-language pathology and / or audiology in a manner, which resulted in the payment or reimbursement for services rendered in violation of the Act and Code. LAC 46:LXXV.701(E)(3)(d) and (E)(4)(e).

⁷ Ex. 7 - April 29, 2021, *Motion and Order to Continue and Reset Hearing*.

⁸ Ex. 8 - July 12, 2021, *Notice of Resetting*.

⁹ Ex. 9 - 2021, *Personal Records (Confidential)*.

V. BOARD ORDER

After Respondent's counsel made an opening statement and waived certain objections for the record and following Prosecuting Counsel's presentation and introduction of the *Proposed Findings of Fact, Conclusions of Law, and Order* at the Hearing on Saturday, August 21, 2021, upon motion, the Board went into executive session to deliberate its ruling in this matter. After deliberating, the Board voted to come out of executive session. Pursuant to motion and a unanimous vote of those who participated in the Hearing, the Board *amended* the *Proposed Findings of Fact, Conclusions of Law, and Order* and adopted the following Order:

IT IS ORDERED, ADJUGED, AND DECREED that the license(s) of CLIFTON O. ISTRÉ, JR. (License No. 156) to practice speech-language pathology and / or audiology lapsed on July 1, 2018.

IT IS FURTHER ORDERED, ADJUGED, AND DECREED that CLIFTON O. ISTRÉ, JR. is permanently prohibited from all of the following in the State of Louisiana:

1. Using any designation in connection with his name, which tends to imply he is a licensed speech-language pathologist or licensed audiologist.
2. Allowing himself to be represented as a licensed speech-language pathologist or licensed audiologist.
3. Applying for licensure, applying for reinstatement of licensure, or being licensed or registered in any manner with the Board.
4. Practicing unlicensed as or otherwise performing the duties of a licensed speech-language pathologist or licensed audiologist.

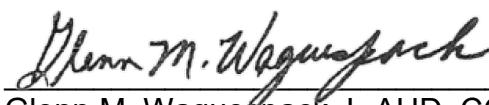
IT IS FURTHER ORDERED, ADJUGED, AND DECREED that this Order serves as a formal censure and reprimand, which shall be reported by the Board to the National Practitioner Data Bank ("NPDB").

IT IS FURTHER ORDERED, ADJUGED, AND DECREED that Respondent, CLIFTON O. ISTRÉ, JR., shall pay a non-refundable fine in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), in addition to the Restitution already paid, on or before November 19, 2021.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to La. R.S. 37:2663(C), Respondent shall pay the attorney fees, costs, and expenses related to Complaint No. 2021-001 and the Hearing, on or before November 19, 2021.

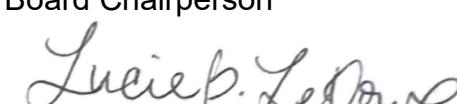
THIS DONE AND SIGNED, this 21ST day of August 2021.

LOUISIANA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY



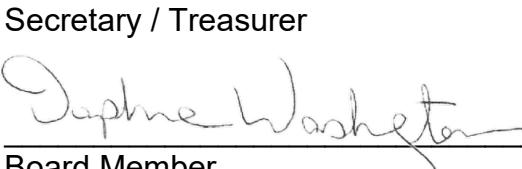
Glenn M. Waguespack, L-AUD, CCC-A

Board Chairperson



Lucie LeDoux, MS, L-AUD-SLP, CCC-A/SLP,

Secretary / Treasurer



Daphne Washington
Board Member



Deanna Harday
Board Member