

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

IN THE MATTER OF

BRITTANY MCCARTY

AUG 22 2014

LBESPA ADMINISTRATIVE

COMPLAINT #2014-04

**CONSENT AGREEMENT AND ORDER**

**WHEREAS**, this matter came before the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (hereinafter sometimes referred to as "Board") pursuant to an application for licensure to practice as a Speech-Language Pathology Assistant submitted by BRITTANY McCARTY (hereinafter sometimes referred to as "Applicant").

**WHEREAS**, information received during the application process and board meeting conducted on June 5, 2014, reflects that Ms. McCarty practiced speech-language pathology without a license from February 1, 2014 through June 4, 2014, in violation of the Louisiana Revised Statutes, Title 37, Chapter 34; Section 2652 and in violation of the Louisiana Administrative Code's Professional and Occupational Standards (Title 46) for Speech Pathology and Audiology (Part LXXV), revised April 20, 2013. In addition to practicing without a license, Ms. McCarty also practiced beyond the scope of practice of a Speech-Language Pathology Assistant, as well as, failure to follow the Board's directive to cease and desist practice based on her testimony and on the evidence that she was notified by mail on April 17, 2014.

**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**, Applicant 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 Applicant have entered into this Consent Agreement and Order by which the Board agrees to resolve the licensure concerns.

**WHEREAS**, by practicing without a valid license, Ms. McCarty has violated her professional and ethical duty as set out in Louisiana Speech-Language Pathology and Audiology Practice Act LA R.S. 2652 by practicing speech-language pathology without a current, license, as well as Rule 701(E)(2)(b) which states individuals shall hold the appropriate qualifications for the area(s) in which they are providing...professional services.

**WHEREAS**, by practicing outside of the scope of practice of a Speech-Language Pathology Assistant, Ms. McCarty has violated her professional and ethical duty as set out in Rule 701(F)(2)(a) which states individuals shall provide all services competently and engage in only those aspects of service provision that are within the scope of their practice and competence, considering their level of licensure, education, training and experience. In addition, Ms. McCarty has violated Rule 117(A)(2)(viii) by participating in Individualized Family Service Plan (IFSP) meetings without the supervising speech-language pathologist, as supported by the Applicant's testimony.

**WHEREAS**, by failing to follow the Board's directive to cease her practice of speech-language pathology, Ms. McCarty has violated her professional and ethical duty as set out in Rule 701(F)(4)(j) which states individuals shall cooperate fully with the board on matters of professional conduct relative to this code of ethics.

**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 Brittany McCarty accepts the following administrative action which is a final decision pursuant to the LA R.S. 49:958:

1. Within ninety (90) days of the date all parties sign this Consent Agreement and Order, Applicant shall successfully complete an open book examination, and pay all related testing fees, regarding Louisiana Revised Statute 37:2650-2666 (The Practice Act); the Board's Rules, Regulations and Procedures; and Ethical Questions, Parts I and II.
2. Applicant shall pay a fine in the amount of \$500.00 within six (6) months from the date that all parties sign this Consent Agreement and Order.
3. Applicant shall complete 10 hours of continuing education, in addition to the required 10 hours for annual licensure renewal, with a concentration in scope of practice and supervision. The continuing education must be pre-approved by the board prior to completion of the educational offerings. Continuing education must be completed within one (1) year from the date that all parties sign this Consent Agreement and Order.
4. Applicant must complete double the required minimum supervision required to hold a Speech-Language Pathology Assistant license for six (6) months. Upon

completion of the additional supervision, licensee must submit Supervision Form 200s to the board for review.

5. Applicant acknowledges that a Speech-Language Pathology Assistant license will be issued upon the signing of this Consent Agreement and Order.
6. Applicant waives any and all legal, procedural, or judicial remedies, appeals, or relief which might be available under the Administrative Procedures Act, and the statutory and procedural rules of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.
7. Applicant 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 **SUSPENSION** 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 employer, Southern University, Louisiana Speech-Language Hearing Association (LSHA), American Speech-Language-

Hearing Association (ASHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), and the Healthcare Integrity and Protection (HIP) Data Bank.

**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 9<sup>th</sup> day of August, 2014.

Glenn Waguespack  
Glenn Waguespack, L-AUD, Chair

Kerrilyn R. Phillips  
Kerrilyn R. Phillips, L-SLP, Vice Chair

Dawn Richard  
Dawn Richard, L-SLP, Secretary-Treasurer

N/A  
Board Member

**IN WITNESS HEREOF**, Brittany McCarty, Applicant, has entered into this Consent Agreement and Order and executed same at Baton Rouge, Louisiana, on this 26<sup>th</sup> day of June, 2014.

Brittany McCarty  
Brittany McCarty

Marie L. Brown  
Notary

MARIE L. BROWN  
NOTARY PUBLIC  
NOTARY ID # 9340  
STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE  
My Commission is for Life

**NOTARIZATION REQUIRED**