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LOUISIANA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

IN THE MATTER OF
JAMIE MILLER

LICENSE NO. 1433
ADMINISTRATIVE COMPLAINT NO. 2019-02

CONSENT AGREEMENT AND ORDER

WHEREAS, Jamie Miller (hereinafter sometimes referred to as “Respondent”) was and is 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 investigation regarding supervision of a Speech-Language Pathology Assistant, 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, Jamie Miller 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 Pathologist through June 30, 2019, 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 1433.
2. At all times pertinent hereto, Respondent was actively engaged in the practice of speech-language pathology.

3. At all times pertinent hereto, Respondent provided supervision for a speech-language pathology assistant, as per a Supervision Agreement Form which began on August 23, 2017 through the present time.
4. Upon investigation by Tony McCoy, Complaint Investigation Officer, Ms. Miller's speech-language pathology assistant supervisee admitted to administering the CELF test to students, which publisher's examiner requirements specify that it should be administered by a speech-language pathologist. Ms. Miller stated that the speech-language pathology assistant administered, scored, and interpreted tests. Rule 117.A.1.a. 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. Rule 701.F.1.b. states that speech-language pathology assistant licensees shall not interpret test results.
5. The speech-language pathology assistant admitted to creating IEPs and then having Ms. Miller read over them. Rule 117.A.1.d. states that assistants should follow treatment plans or protocols as developed and documented by the supervising speech-language pathologist.
6. The speech-language pathology assistant attended IEP meetings and signed her name as "SLP A". Rule 105.B.1. 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. The Code of Ethics, 701.F.3.a. states

that individuals shall not misrepresent their credentials, competence, education, training or experience.

7. Based on the findings of fact listed above, Ms. Miller violated:

a. Rule 127.D. which states that “supervision must involve the personal and direct participation of the supervisor in order for the supervisor to monitor, observe, evaluate, and make suggestions for improvement regarding the supervisee’s employment.”

b. Rule 127.E. which states that the “supervisor is responsible for ensuring that the assistant does not make decisions regarding evaluation, management and future disposition of clients.”

c. Code of Ethics, 701.E.2.d. by failing to provide appropriate supervision and assume full responsibility for services delegated to all supervisees, including assistants...Individuals shall not delegate any service requiring professional competence to persons unqualified.

d. Code of Ethics 701.2.e. which 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”

e. Code of Ethics 701.3.b. states “Individuals shall not misrepresent the credentials of assistants, support personnel, students, or any others under their supervision and shall inform those they serve professionally of the name and professional credentials of persons providing services”

f. Code of Ethics 701.4.a. “Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the code of ethics”.

8. The findings of fact indicate that the following statutory provisions were violated:

- a. 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.”
- b. 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.”
- c. LA R.S. 37:2662.A.(8) has “violated any provision of this Chapter.”

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, Jamie Miller 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 Jamie Miller 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 supervision, 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 \$1,000.00, on or before six months from the date all parties sign this Consent Agreement and Order.
4. 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).
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), 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 New Orleans, Louisiana on this the 7th day of December, 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

Keith Hardy
Board Member

IN WITNESS HEREOF, Jamie Miller has entered into this Consent Agreement and Order and executed same at Clinton, Louisiana, on this 15th day of October, 2018.

Jamie Miller
Jamie Miller

[Signature]
Notary



NOTARIZATION REQUIRED