

JUL 13 2020

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

IN THE MATTER OF

LBESPA COMPLAINT #2018-12

DANELL F. RICE

L-SLP LICENSE #3185

CONSENT AGREEMENT AND ORDER

WHEREAS, Danell Rice is a licensed Speech-Language Pathologist subject to the jurisdiction 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 administrative investigation, the Speech-Language Pathologist, Danell Rice, has indicated her desire to resolve this matter through a Consent Agreement and Order as provided for in Rule No. 501(H) of the Board's Rules and Regulations and LA R.S. 49:955(D) of the Louisiana Administrative Procedures Act; and

WHEREAS, Danell Rice has admitted the following:

1. Ms. Rice is a Speech-Language Pathologist licensed by the Board to engage in the practice of speech-language pathology 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. 3185.
2. At all times pertinent hereto, Ms. Rice was actively engaged in the practice of speech-language pathology and employed by Terrebonne Parish School Board.
3. Throughout the 2017/2018 school year, Ms. Rice made a number of documentation errors, to include documenting sessions with the wrong dates of

service, weekends, school holidays, dates that students were absent from school, dates that she was off, etc.

4. Ms. Rice admitted to the Board's investigator that she was dealing with severe sleep apnea which she indicates affected her ability to focus and concentrate at the time in question, which may have affected her daily performance.

WHEREAS, the Board's investigation revealed:

- a. 71 instances where Ms. Rice documented seeing students, when she did not.
- b. Individual records show therapy with one student, but a different log reflects that Ms. Rice saw 3-4 students during that time. The investigation revealed that Ms. Rice documented overlapping sessions with students and made errors in recording how many students she had seen in a group session.
- c. The investigation revealed 32 instances where Ms. Rice failed to show up for a speech session with one of her students.
- d. The investigation further revealed that the Terrebonne Parish School District contacted Medicaid to reimburse money that was paid for services. The school district was unable to collect on other claims and chose not to bill for the 26 known students that Ms. Rice saw in the 2017/2018 school year.
- e. Investigation by the Medicaid Fraud Division of the Attorney General's office revealed Medicaid fraud in the amount of approximately \$250.

WHEREAS, by not providing required services to students, Danell Rice engaged in conduct likely to harm the public and demonstrated a disregard for the welfare of consumers which is a violation of LA R.S. 37:2662(4). Such conduct is a violation of Rule

701E(1)(q) which states that individuals whose professional practice is adversely affected by...other health-related conditions are impaired practitioners and shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.

WHEREAS, by charging for services not rendered, Danell Rice is in violation of Rule 701E(3)(c) of the Rules and Regulations, which states that individuals shall not misrepresent services rendered... Rule 701E(3)(d) of the Rules and Regulations, which states that 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...Rule 701E(4)(e) of the Rules and Regulations, which states that individuals' statements to the public shall provide accurate and complete information about the nature and management of communication disorders, about the professions, about professional services...

WHEREAS, by failing to maintain accurate documentation, Danell Rice is in violation of Rule 701E(1)(p) of the Rules and Regulations, which states that individuals shall maintain timely records and accurately record and bill for services provided and products dispensed, and shall not misrepresent services rendered...

WHEREAS, Danell Rice engaged in unprofessional conduct which is a violation of LA R.S. 37:2662(5). Such conduct is also a violation of Rule 701E(2) which states that individuals shall honor their responsibility to achieve and maintain the highest level of professional competence and performance consistent with prevailing practice standards, Rule 701E(3) which states that individuals shall honor their responsibility to the public...and shall provide accurate information involving any aspect of the professions, Rule 701E(4) which states that individuals shall uphold the dignity and autonomy of the

professions...and accept the professions' self-imposed standards, Rule 701E(4)(d) which states that 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, and Rule 701E(4)(m) which states that 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, Danell Rice 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 Ms. Rice have entered into this Consent Agreement and Order by which the Board agrees to resolve the complaint. Ms. Rice agrees to accept the following specified conditions in resolution of the complaint.

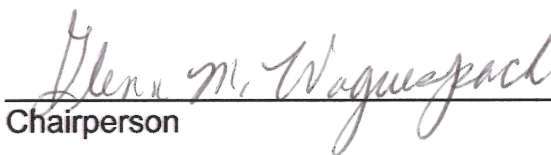
IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by LA R.S. 49:955(D), the Board orders and Danell Rice accepts the following administrative action which is a final decision pursuant to the LA R.S. 49:958:

1. Ms. Rice 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 and Regulations; and Ethical Questions, Parts I and II.

2. Ms. Rice shall complete ten (10) hours of continuing education in documentation, ethics and record keeping. All courses must be pre-approved by the board. A certificate of completion must be submitted at the time of completion, but no later than December 31, 2020. These continuing education hours are in addition to those required for the annual renewal to maintain the license.
3. Ms. Rice shall pay a \$2,500.00 fine within three (3) years from the date all parties sign this Consent Agreement and Order. The first quarterly payment due within one (1) year from the date that all parties sign this Consent Agreement and Order.
4. Ms. Rice shall pay the investigative costs of adjudicating this matter in the amount of \$2,200.26 within one (1) year from the date all parties sign this Consent Agreement and Order.
5. Ms. Rice 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.
6. Ms. Rice 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 Ms. Rice'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 and Regulations. Ms. Rice 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 and Regulations. Such reprimand shall include publication by LBESPA, notification to the Louisiana Department of Education, Louisiana Speech-Language Hearing Association (LSHA), American Speech-Language-Hearing Association (ASHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), and the National Practitioner Data Bank (NPDB).

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 24th day of July, 2020.


Chairperson


Vice Chairperson


Secretary/Treasurer


Board Member

IN WITNESS HEREOF, Danell Rice, Licensee, has entered into this Consent Agreement and Order and executed same at Houma, Louisiana, on this 10th day of July, 2020.

Danell L. Rice
Danell Rice

Cindy A. Bickford
Notary Public

NOTARIZATION REQUIRED



CINDY A. BICKFORD
NOTARY PUBLIC NO. 92169
My Commission is for Life