

**BEFORE THE WEST VIRGINIA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

**WEST VIRGINIA BOARD OF
EXAMINERS FOR SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY,**

COMPLAINANT,

v.

COMPLAINT NO. CE-012

**KELLY J. FABBRI,
LICENSE NO. SLP-0747,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

At a meeting held April 21, 2021, the West Virginia Board of Examiners for Speech-Language Pathology and Audiology (“Board”) addressed the issue of licensees randomly selected for the 2019-2020 Continuing Education Audit, including the Respondent, Kelli J. Fabbri, who did not comply with the terms of the audit set forth in W. Va. Code R. § 29-1-13.7.3 and/or who failed to provide evidence of completing the hours of continuing education required by W. Va. Code R. § 29-1-13.2. Failure to comply with the audit or to complete the required continuing education is grounds for disciplinary action. *See* W. Va. Code §§ 30-32-17(a), 30-32-19(g)(4); W. Va. Code R. § 29-1-13.7.4. Based on Respondent’s response to the audit, the Board has probable cause to pursue disciplinary action for continuing education deficiencies.

Now, in lieu of proceeding to a hearing in this matter, the parties have reached an agreement for the resolution of this matter and hereby agree to entry of this Order based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Board hereby adopts the following factual findings:

1. Respondent is a licensee of the Board, holding License No. SLP-0747, and therefore is subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-32-1 *et seq.*, and is empowered to regulate the practice of speech-language pathology and audiology in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license under the authority granted to it by W. Va. Code §§ 30-32-6 and 30-32-19 and W. Va. Code R. §§ 29-1-9 and 29-4-1 to 29-4-6.

4. Licensees of the Board are required to complete a minimum of 20 clock hours of continuing education during every two-year licensure period, including two hours on the subject of ethics. W. Va. Code R. § 29-1-13.2.

5. The Board may audit fifteen percent of its licensees at random to determine compliance with continuing education requirements. W. Va. Code R. § 29-1-13.7.2.b.

6. Those licensees randomly selected for audit are notified by certified mail and must respond within 30 days to provide evidence of completing the required continuing education. W. Va. Code R. § 29-1-13.7.3.

7. Respondent renewed his/her license for the 2021-2022 time period on December 2, 2020 and confirmed having completed the required continuing education for 2019-2020.

8. A certified letter/return receipt request was sent to Respondent on February 22, 2021 notifying him/her of the 2019-2020 Continuing Education Audit. Three attempts were made for delivery but was not received by the Respondent. On April 22, 2021, an email was sent with

notification of audit with the requirement of submission of 2019-2020 continuing education within 5 days.

9. Respondent's response to the April 22, 2021 email was due no later than April 27, 2021.

10. On April 26, 2021, the Board received Respondent's response. Respondent provided evidence of completing only 20 hours of continuing education prior to the end of calendar year 2020 but did not complete the required hours on the subject of ethics. Respondent made up the deficiency by completing 1 hour in the year 2021.

11. The Board may discipline a licensee for failing to comply with a continuing education audit and/or for failing to complete the required continuing education within the reporting period. *See* W. Va. Code §§ 30-32-17(a), 30-32-19(g)(4); W. Va. Code R. §§ 29-1-13.2, 29-1-13.7.4.

12. The number and/or type of continuing education hours reported by Respondent was insufficient to meet the continuing education reporting requirements for the 2019-2020 time period.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to take disciplinary action against Respondent.

2. Based upon the facts and matters set forth in the above Findings of Fact, the Board is authorized to suspend, revoke, or otherwise discipline the license of Respondent pursuant to W. Va. Code §§ 30-32-6 and 30-32-19.

3. Respondent's failure to obtain the required hours of continuing education within the 2019-2020 reporting period violates W. Va. Code § 30-32-19(g)(4) and W. Va. Code R. § 29-1-13.2. As such, Respondent is subject to disciplinary action.

CONSENT OF LICENSEE

I, Kelly J. Fabbri, by affixing my signature hereto, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this *Consent Agreement and Order* voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Kelly J. Fabbri, by affixing his/her signature hereto, agrees to the following:

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for his/her actions in this matter.
2. Respondent shall be assessed a late fee of Seventy Five Dollars (\$75.00) to be paid to the West Virginia Board of Examiners for Speech-Language Pathology and Audiology not later than thirty (30) days from the date of entry of this Order.

3. The Board accepts Respondent's continuing education hours completed during the calendar year 2021 in lieu of his/her deficient continuing education for the 2019-2020 reporting period. Accordingly, such hours may NOT be counted as part of Respondent's continuing education requirements for the years 2021-2022.

4. Any failure to comply with all provisions in this *Consent Agreement and Order* may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license.

5. This document is a public record as defined in West Virginia Code § 29B-1-2.

6. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

In recognition of this *Consent Agreement and Order*, we hereby affix our signatures.

WEST VIRGINIA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

By: _____
Erin Browning, Board President

Entered: _____
Date

REVIEWED AND AGREED TO BY:

Kelly J. Fabbri
Respondent

Date

This day personally appeared before me, Kelly J. Fabbri, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of his/her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the _____ day of _____, 2021.

My Commission expires: _____

Notary Public