

**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. 52

**AMANDA GALLAHER,
LICENSE No. SLP-0727,**

RESPONDENT.

SECOND CONSENT AGREEMENT AND ORDER

Upon due investigation, the West Virginia Board of Examiners for Speech-Language Pathology and Audiology (“Board”) found probable cause to believe that Respondent, Amanda Gallaher (“Ms. Gallaher”), failed to comply with the terms of the *Consent Agreement and Order* and *Supervisory Agreement* previously entered in this matter, which failure constitutes a violation of W. Va. Code §§ 30-32-1 *et seq.* and W. Va. Code R. §§ 29-1-1 *et seq.* Ms. Gallaher was notified of the allegations against her and provided the opportunity to request an administrative hearing pursuant to the rules of the Board and the laws of this State. Rather than proceeding to an administrative hearing, the parties have agreed to the entry of the following *Second Consent Agreement and Order* to resolve and dispose of this matter.

FINDINGS OF FACT

The Board adopts the following factual findings:

1. Ms. Gallaher is a licensee of the Board, holding License No. SLP-0727.

2. Upon information received in July 2017, the Board initiated an investigation into possible violations of W. Va. Code §§ 30-32-1 *et seq.* and W. Va. Code R. §§ 29-1-1 *et seq.* by Ms. Gallaher.

3. In a Board-initiated complaint dated January 29, 2018, the Board informed Ms. Gallaher of the findings of its investigation and the allegations against her. Further, the Board requested that she respond to the complaint within 30 days.

4. Ms. Gallaher responded to the Board by letter dated March 29, 2018.

5. Upon review and consideration of the foregoing information and documents, the Board, by majority vote at its meeting on May 23, 2018, determined there was sufficient evidence to warrant further proceedings and that probable cause existed to charge Ms. Gallaher with the following:

- a. Engaging in the practice of speech-language pathology without a license, in violation of W. Va. Code § 30-32-1(a) and W. Va. Code R. § 29-5-2.5.b.1;
- b. Supervising a speech-language pathology assistant while unlicensed, in violation of W. Va. Code § 30-32-19(g)(4) and W. Va. Code R. § 29-2-4.1;
- c. Delegating the provision of services to an individual who does not hold the appropriate license, in violation of W. Va. Code § 30-32-19(g)(12) and W. Va. Code R. §§ 29-5-2.5.b.4 and 29-5-2.7.b.1;
- d. Misrepresenting that she held a valid license when submitting insurance claims, in violation of W. Va. Code § 30-32-19(g)(3) and W. Va. Code R. § 29-5-2.7.b.2; and

e. Communicating with a patient's guardian(s) by means of unprofessional, threatening, abusive, and/or harassing language, in violation of W. Va. Code § 30-32-19(g)(3) and W. Va. Code R. §§ 29-5-2.1 and 29-5-2.4.a.

6. The Board issued a *Complaint and Statement of Charges* informing Ms. Gallaher that it had found the existence of probable cause at its May 23, 2018 Board meeting.

7. The Board and Ms. Gallaher entered into a *Consent Agreement and Order* as of August 1, 2018, to resolve the aforementioned complaint. As part of that agreement, Ms. Gallaher's license was suspended for six months and she was required to complete six months of supervised probation following the suspension period. Ms. Gallaher was also required to pay a \$600 fine and complete additional continuing education courses.

8. Pursuant to the *Consent Agreement and Order*, Ms. Gallaher also executed a *Supervisory Agreement* which governed the terms of her supervised probation. Ms. Gallaher was required to meet with her supervisor at least once a week, with no less than two hours of face-to-face contact per month, to address the issues which formed the basis for the Board's complaint and any further issues identified during supervision, and to review with the supervisor her case work and all aspects relevant to the practice of speech-language pathology.

9. Ms. Gallaher's supervised probation began in March 2019. The supervisor submitted her first written report to the Board in late May 2019. The supervisor reported that Ms. Gallaher's patients appeared to be pleased with her services but complained that she frequently cancelled appointments. The supervisor found that Ms. Gallaher had used an outdated assessment form with one of her patients and had failed to submit the required "Service Practitioner Supervision Form" to her service coordinator.

10. The supervisor submitted her second written report to the Board in late August 2019. The supervisor reported that Ms. Gallaher had cancelled their last several meetings, citing medical issues. The supervisor forwarded correspondence from service coordinators who were concerned by Ms. Gallaher cancelling or not showing up to scheduled sessions with her patients and, more generally, that she was taking on more work than she could handle. Due to Ms. Gallaher cancelling meetings, the supervisor was unable to review and assess her work with patients. Ultimately, the supervisor reported to the Board that Ms. Gallaher had failed to complete the terms of her supervised probation, which was supposed to end in September 2019.

11. By correspondence dated September 24, 2019, the Board informed Ms. Gallaher that she was in violation of the *Consent Agreement and Order* and *Supervisory Agreement* and, therefore, the Board was extending her supervised probation until December 1, 2019. The Board instructed Ms. Gallaher to continue meeting with the supervisor and come into compliance with the *Supervisory Agreement*, otherwise additional disciplinary action may be necessary. The Board also reminded Ms. Gallaher of her obligation under the Board's Code of Ethics to seek professional assistance and, if necessary, withdraw from certain areas of practice in the event professional services become negatively affected by health-related conditions.

12. The supervisor submitted her third written report to the Board on December 11, 2019. The supervisor listed the recent meetings that Ms. Gallaher had cancelled and provided certain of their communications regarding those meetings. The supervisor noted that, based upon Ms. Gallaher's billing records, she was working in and around the time she cancelled meetings due to alleged medical issues. The supervisor detailed her findings and observations made during and after an in-person meeting with Ms. Gallaher on November 15, 2019. The information gathered by the supervisor, including Ms. Gallaher's own statements, indicate that medical issues

have had a significant adverse impact on her ability to provide professional services. For instance, Ms. Gallaher was removed or removed herself from approximately 45% of the cases she committed to take once returning from her suspension. The supervisor ultimately reported that Ms. Gallaher failed to complete the terms of her original and extended periods of supervision.

13. At a meeting held December 12, 2019, the Board reviewed and considered all available information, including the above-described reports and information supplied by Ms. Gallaher, and received an oral report from the supervisor. Based thereon, and by a majority vote taken at said meeting, the Board found probable cause to believe that Ms. Gallaher failed to comply with the terms of the *Consent Agreement and Order* and *Supervisory Agreement* previously entered in this matter, which, in turn, is a violation of the Board's governing statutes and rules.

CONCLUSIONS OF LAW

1. Ms. Gallaher is a licensee of the Board, holding License No. SLP-0727, and is therefore 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 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 to practice speech-language pathology 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. Ms. Gallaher was notified of the allegations against her pursuant to the rules of the Board and the laws of this State.

5. Ms. Gallaher's conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-32-19 and W. Va. Code R. § 29-5-2. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Amanda Gallaher, by signing this *Second Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this *Second 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 admit that my actions violated the statutes and rules of the West Virginia Board of Examiners for Speech-Language Pathology and Audiology.

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

The Respondent, Amanda Gallaher, by affixing her signature hereto, agrees to the following:

ORDER

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

1. Ms. Gallaher's license, License No. SLP-0727, is hereby SUSPENDED for a period of at least one (1) year from the date of entry of this Order.

2. Following the expiration of this one-year suspension period, and as a condition to her license being reactivated, Ms. Gallaher must submit to a physical and mental examination by one or more Board-approved health care providers, at her own expense, and be deemed fit to perform the necessary duties and responsibilities of a licensed speech-language pathologist and to practice in compliance with the Board's governing statutes and rules.

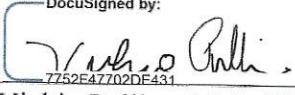
3. Any failure to comply with all provisions in this *Second Consent Agreement and Order* may result in additional disciplinary action, up to and including the further suspension or revocation of Ms. Gallaher's license to practice speech-language pathology in the State of West Virginia.

4. This document is a public record as defined in West Virginia Code § 29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the National Practitioner's Database and for posting on the Board's website.

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


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

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

DocuSigned by:
By: 
7752E47702DF431
Vickie Pullins, M.A./CCC-SLP, Secretary

Entered: 3/23/2020
Date

REVIEWED AND AGREED TO BY:


Amanda Gallaher
Respondent

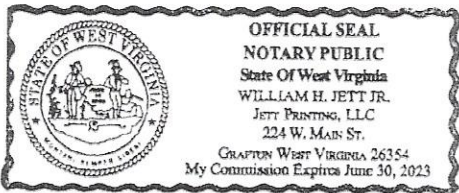
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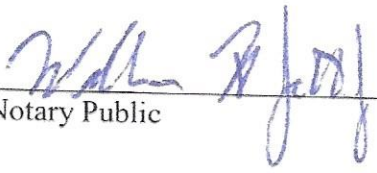


This day personally appeared before me, Amanda Gallaher, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed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

Given under my hand and seal on this the 12th day of March, 2020

My Commission expires: June 30, 2023




Notary Public