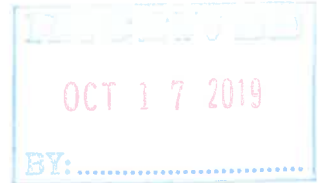


**BEFORE THE WEST VIRGINIA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

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



COMPLAINANT,

v.

COMPLAINT No. 54

**SARA BROWNING,
LICENSE No. SLP-1050,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

After due investigation, the West Virginia Board of Examiners for Speech-Language Pathology and Audiology (“Board”) determined there was probable cause to believe that Respondent, Sara Browning (“Ms. Browning”), exhibited unprofessional conduct in the practice of speech-language pathology in violation of certain provisions of W. Va. Code §§ 30-32-1 *et seq.* and W. Va. Code R. §§ 29-1-1 *et seq.* The Board gave Ms. Browning written notice of the allegations against her and the opportunity to request an administrative hearing under 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 *Consent Agreement and Order* to resolve and dispose of this matter.

FINDINGS OF FACT

The Board adopts the following factual findings:

1. Ms. Browning is a licensee of the Board, holding License No. SLP-1050, and at all times relevant hereto, was employed by Kindred at Home in Beckley, West Virginia.

2. In April 2019, the Board received a complaint and supplemental information from Melissa Burks, the interim director of Kindred at Home, alleging that Ms. Browning had falsely documented certain vital signs during multiple visits with patients, that Ms. Browning had admitted to doing so, and that Ms. Browning was terminated from employment as a result.

3. Subsequent to the filing of that complaint, the Board requested and received copies of patient visit notes completed by Ms. Browning which evidence the false documentation of blood pressure and pulse readings.

4. The Board transmitted a copy of Ms. Burks' complaint to Ms. Browning and requested that she respond thereto within 30 days.

5. Ms. Browning responded to Ms. Burks' complaint by letter dated April 22, 2019. Therein, Ms. Browning admitted that on multiple patient visits she did not have her "therapy bag (which contained the necessary equipment to check vitals)" and, therefore, she simply transposed into her notes the recordings of vital signs taken by other providers during previous patient visits.

6. Upon its investigation, and after reviewing the information and documents described herein, the Board, by majority vote at its meeting on September 18, 2019, determined there was sufficient evidence to warrant further proceedings and that probable cause existed to charge Ms. Browning with the following:

- a. Failing to take and record a patient's vital signs during treatment, in violation of W. Va. Code §§ 30-32-19(g)(3)-(5) and W. Va. Code R. §§ 29-5-2.4.a, 29-5-2.4.b.1; and
- b. Falsely documenting a patient's vital signs during treatment, in violation of W. Va. Code §§ 30-32-19(g)(3)-(4) and W. Va. Code R. §§ 29-5-2.4.b.10, 29-5-2.6.a.3, 29-5-2.7.b.2.

7. The Board issued a *Complaint and Statement of Charges* informing Ms. Browning that it had found the existence of probable cause at its September 18, 2019 meeting.

CONCLUSIONS OF LAW

1. Ms. Browning is a licensee of the Board, holding License No. SLP-1050, and is therefore subject to the license requirements 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. Browning was notified of the allegations against her pursuant to the rules of the Board and the laws of this State.

5. The 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, Sara Browning, by signing this *Consent Agreement and Order*, 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 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, Sara Browning, 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. Browning is hereby REPRIMANDED for her actions in this matter.
2. Within six months from the date of entry of this Order, Ms. Browning shall complete three hours of Board-approved continuing education on the subject of ethics/professional responsibility and three hours of Board-approved continuing education on the subject of proper billing practices. Ms. Browning shall then submit to the Board a certificate of completion or other documentary proof of successful completion. These six credit hours of continuing education will not count toward the continuing education requirement for license renewal.

3. Within six months from the date of entry of this Order, Ms. Browning shall reimburse the Board the costs of this proceeding, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.

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 Ms. Browning's license to practice speech-language pathology in the State of West Virginia.

5. 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, to the National Practitioner's Database and on the Board's website.

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

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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
Erin Browning, President

Entered: October 1, 2019
Date

REVIEWED AND AGREED TO BY:

Sara Browning
Sara Browning
Respondent

10/14/19
Date

This day personally appeared before me, Sara Browning, 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 14th day of October, 2019.

My Commission expires: February 1, 2023

Sheila Spratt Morgan
Notary Public

