

**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.

**Case No. 50
AUD License# A-0133**

BARBARA COX,

Respondent.

CONSENT DECREE

COMES NOW, Respondent, Barbara Cox (hereinafter "Respondent"), and the West Virginia Board of Examiners for Speech-Language Pathology and Audiology (hereinafter "the Board"), for the purpose of resolving a Complaint filed against Respondent by Jeffrey Davis on or about May 18, 2017. Pursuant to West Virginia Code § 30-32-19(d), the Board and Respondent may enter into a Consent Decree to resolve the complaint in lieu of a hearing. As reflected herein, the parties have reached an agreement in which Respondent agrees and stipulates to the Findings of Fact and Conclusions of Law set forth in this Consent Decree concerning the proper disposition of this matter. The Board, having approved such agreement does hereby find and **ORDERS** as follows:

FINDINGS OF FACT

1. Respondent is an audiologist, holding AUD License No. A-0133, originally issued by the Board on April 12, 1997.
2. Respondent owns and operates White Hall Hearing Care located in White Hall, West Virginia.

3. On April 13, 2017, Jeffrey Davis (“Mr. Davis”), had an appointment at Respondent’s office for a hearing evaluation and hearing aid selection. At the appointment Respondent completed an otoscopy, audiogram and hearing aid assessment for Mr. Davis.

4. Mr. Davis called Respondent on April 17, 2017 and requested a copy of his hearing test results. Mr. Davis further requested Respondent to provide a copy of his hearing test via email on April 18, 2017, April 21, 2017 and May 3, 2017.

5. In an email dated on April 20, 2017, Respondent refused to release the hearing test to Mr. Davis because she had not received payment from Mr. Davis’ insurer.

6. On or about May 18, 2017, the Board received a complaint filed by Mr. Davis against Respondent arising from Respondent’s refusal to release his hearing test.

7. The Board notified Respondent of the complaint by letter dated May 30, 2017. Respondent submitted her response to the complaint on June 11, 2017.

8. Upon investigation, the Board determined that probable cause exists that Respondent’s refusal to release the hearing test to Mr. Davis violated the following provisions of the West Virginia Code and Legislative Rules:

a. Violations of West Virginia Code:

- i. Being guilty of unprofessional conduct as defined by legislative rule of the board. W. Va. Code § 30-32-19(g)(3).
- ii. Violating provisions of this article, rule or lawful order of the Board. W. Va. Code § 30-32-19(g)(4).

b. Violation of Legislative Rules:

- i. Individuals shall maintain adequate records of professional services rendered and products dispensed and shall allow access to these records when appropriately authorized. W. Va. Code R. § 29-5-2.4.b.8.

CONCLUSIONS OF LAW

1. The Board is a state entity and is authorized to regulate conduct of speech pathologists and audiologists, and is charged with the responsibility to protect the health, safety and welfare of the public through its regulation of speech pathologists and audiologists. W. Va. Code § 30-32-1, *et al.*

2. The Board may suspend or revoke the license or registration of, impose probationary conditions upon or take disciplinary action against, any licensee who has engaged in conduct, practices or acts in violation of the standards of professional conduct as set forth in the governing statutes or legislative rules. W. Va. Code § 30-32-19.

3. The Board is authorized to enter into a Consent Decree to resolve a Complaint without further adjudication. W. Va. Code § 30-32-19(d).

CONSENT

1. By signing below, Respondent agrees that she has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress, and is mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein.

2. Respondent acknowledges that she may pursue this matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

3. The Board acknowledges that Respondent may reject this proposal. If the proposal is rejected, the Board will hold a Hearing to impose such sanctions of a disciplinary nature as it

deems appropriate. Should Respondent not approve this Consent Decree, Respondent waives any objections to the Board or any of its members participating in the adjudication of this matter.

4. Respondent understands that this Consent Decree and the underlying Complaint are public records and agrees that the sum and substance of the Complaint and this Consent Decree in part or in their entirety may be set forth in Board publications and placements deemed appropriate by the Board.

5. Respondent acknowledges that proof of any misstatement or misrepresentation made in connection with this matter will result in the rescission of this Consent Decree, the reinstatement of the Complaint, and the addition of any charges which may arise or ensue from providing false information to the Board in violation of West Virginia law as it pertains to the practice of speech-language pathology.

6. Respondent has reviewed and consents to the following order affecting her license to practice audiology in the State of West Virginia.

ORDER

1. Based on the foregoing and upon entry of this Consent Decree, the Board hereby **ORDERS** that this Consent Decree shall serve as an informal settlement of the Complaint.

2. A letter of **REPRIMAND** will be placed in Respondent's file maintained by the Board.

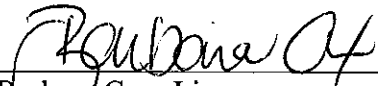
3. Any violation of the terms of this Consent Decree will result in further disciplinary action by the Board, as deemed necessary by the Board.

4. The Consent Decree constitutes a full and final settlement of this matter, and nothing in this Consent Decree or the circumstances giving rise to the same may be the subject of

any appeal or other civil or administrative action by this Board, except for an action to enforce the terms of this Consent Decree.

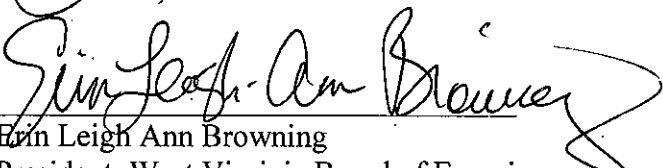
5. This matter shall be closed upon the execution of this Consent Decree by both parties and upon the satisfactory completion of the terms contained within this Consent Decree.

AGREED TO BY:



Barbara Cox, Licensee

9-12-17
Date



Erin Leigh Ann Browning
President, West Virginia Board of Examiners
For Speech-Language Pathology and Audiology

8-10-17
Date