

**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. 41  
License No. SLP-1110

KELLY RENEE DEW,

Respondent.

**CONSENT DECREE**

COMES NOW, Respondent, Kelly Renee Dew (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. Pursuant to West Virginia Code § 30-32-19(d), the Board may enter into a Consent Decree. 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 a speech pathologist holding license number SLP-1110, issued by the Board on August 20, 2007.
2. On or about July 2, 2014, the Board received a Complaint against Respondent from her former employer, Gentiva Home Health, located at 5187 US Route 60 in Huntington, West Virginia.

3. The Complaint alleges that Respondent falsified patient records and attempted to charge patients for services not provided, as follows:

- a. Prepared and submitted patients' charts for therapy services that were not provided;
- b. Prepared and submitted patient charts for Medicare billing of services that were not provided; and
- c. Forged patients' names to their charts for services that were not provided.

4. The allegations in the Complaint include charts for eight (8) patients with as few as (1) visit and as many as seven (7) visits.

5. Upon an investigation, the Board determined that probable cause exists that Respondent violated the following provisions of the West Virginia Code and Legislative Rules governing the conduct of speech pathologists:

- a. Violations of West Virginia Code § 30-32-19:
  - 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).
  - iii. Providing substandard care due to deliberate or negligent act or failure to act regardless of whether actual injury to a patient or client is established. W. Va. Code § 30-32-19(g)(5).
  - iv. Abandoning or neglecting a patient or client in need of immediate professional care without making reasonable arrangements for the continuation of care. W. Va. Code § 30-32-19(g)(13).

b. Violations of Legislative Rules:

- i. Licensees shall comply with the Board's code of ethics as set forth in 29 CSR 5. Failure to comply with the Code of Ethics will be grounds for disciplinary action as described in W. Va. Code § 30-32-19. W. Va. Code R. § 29-1-9.1.
- ii. Individuals shall honor their responsibility to hold paramount the welfare of persons they serve professionally. W. Va. Code R. § 29-5-2.4.a.
- iii. Individuals shall provide all services competently. W. Va. Code R. § 29-5-2.4.b.1.
- iv. Individuals shall not charge for services not rendered, nor shall they misrepresent, in any fashion, services rendered or products dispensed. W. Va. Code R. § 29-5-2.4.b.10.
- v. Individuals shall not misrepresent diagnostic information, services rendered, or products dispensed or engage in any scheme or artifice to defraud in connection with obtaining payment or reimbursement for such services or products. W. Va. Code R. § 29-5-2.6.a.3.
- vi. Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, or any form of conduct that adversely reflect on the professions or on the individual's fitness to serve persons professionally. W. Va. Code R. § 29-5-2.7.b.2.

## 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. Respondent accepts the findings of fact as set forth above.

4. 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.

5. 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.

6. 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.

7. Respondent has reviewed and consents to the following order affecting her license to practice speech pathology 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. Respondent shall pay a fine in the amount of five hundred dollars (\$500), payable within sixty (60) days of execution of this Consent Decree.

3. Respondent's license is placed on probation for a period of one (1) year from the date of execution of this Consent Decree.

4. Respondent's employer must be notified in writing of the one (1) year probation and be provided with a copy of this Consent Decree. Respondent must verify in writing to the

Board that her employer has been notified of her probation and received a copy of this Consent Decree.

5. Respondent must submit quarterly reports to the Board on the form provided by the Board.

6. Respondent must submit to the Board a copy of her employer's annual performance evaluation at the end of her one (1) year probationary period.

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


8. 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.

9. 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.

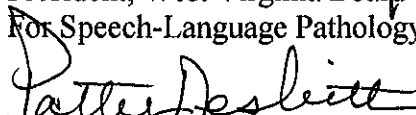
**AGREED TO BY:**

  
\_\_\_\_\_  
Kelly Renee Dew, Licensee

8/17/15  
Date

  
\_\_\_\_\_  
Dr. Michael J. Zagarella  
President, West Virginia Board of Examiners  
For Speech-Language Pathology and Audiology

8/28/15  
Date

  
\_\_\_\_\_  
Patty Nesbit, Administrative Services Manager  
West Virginia Board of Examiners for Speech-  
Language Pathology and Audiology

8/31/2015  
Date