

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

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

RECEIVED
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BY:.....

COMPLAINANT,

v.

COMPLAINT No. 52

AMANDA GALLAHER,
LICENSE No. SLP-0727,

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, Amanda Gallaher ("Ms. Gallaher"), 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. Gallaher 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. Gallaher is a licensee of the Board, holding License No. SLP-0727, and at all times relevant hereto, practiced speech-language pathology at Smalltalkers, LLC in Morgantown, West Virginia.

2. Upon information received in connection with an application for registration of a Speech-Language Pathology Assistant, 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. By letter dated January 29, 2018, the Board informed Ms. Gallaher that it received an application from a prospective Speech-Language Pathology Assistant (“Assistant”) on July 13, 2017. This application was signed by Ms. Gallaher as the Assistant’s supervisor on May 17, 2017. However, Ms. Gallaher’s license had expired at the end of 2016 and was not reinstated until July 11, 2017.

4. The Assistant was employed at Smalltalkers, LLC from March 2017 until April 27, 2018. The Assistant claims that she merely observed children receiving therapy for the first several months of her employment.

5. Supervision logs submitted with the aforementioned application indicate that Ms. Gallaher, without an active license, supervised the provision of therapy services by the Assistant, who was also not licensed, during the month of June 2017 and through July 10, 2017.

6. According to insurance claims information, Ms. Gallaher provided speech-language pathology services during the months of April 2017 through July 2017, prior to renewing her license, and billed insurance for such services.

7. The Board, in its January 29, 2018 letter, provided evidence of written communications that were sent by Ms. Gallaher to the parents of a patient, which communications contain unprofessional, threatening, abusive, and harassing language.

8. Ms. Gallaher responded to the Board by letter dated March 29, 2018. Therein, Ms. Gallaher admitted to sending the aforementioned communications, which she herself characterized as “inappropriate” and “unprofessional.” Ms. Gallaher further admitted to having not renewed her license until July 2017 and to having “made some errors” in supervising the Assistant.

9. Upon its investigation, and after reviewing the information and documents described herein, the Board, by majority vote, at its Board 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.

10. 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.

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 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. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code §§ 30-32-1 and 30-32-19 and W. Va. Code R. §§ 29-2-4 and 29-5-2. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Amanda Gallaher, 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 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 is hereby REPRIMANDED for her actions in this matter.
2. Ms. Gallaher's license is hereby SUSPENDED for a period of six months from the date of entry of this order.
3. Upon the expiration of this six-month suspension, Ms. Gallaher will be subject to six months of supervised probation.
4. Before the end of this six-month probation period, Ms. Gallaher shall:
 - a. Complete two hours of Board-approved continuing education on the subject of ethics, in addition to the continuing education hours already required, and submit to the Board a certificate of completion or other documentary proof of successful completion; and
 - b. Pay to the Board a monetary fine of Six Hundred Dollars (\$600.00).
5. Any failure to comply with all provisions in this 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.
6. This document is a public record as defined in West Virginia Code § 29B-1-2(4). 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.
7. 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 Leigh Ann Browning
Erin Leigh-Ann Browning, President

Entered: 6-8-18
Date



REVIEWED AND AGREED TO BY:

Amanda Gallaher
Amanda Gallaher
Respondent

8-1-18
Date

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 1st day of August, 2018.

My Commission expires: May 17, 2024

Nancy J Shipp
Notary Public

