

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

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

Complainant,

V.

**VANESSA MARIE McCULLOUGH,
License No. SLP-1358,**

Respondent.

CONSENT DECREE

The Respondent, Vanessa Marie McCullough, (hereinafter "Respondent"), and the West Virginia Board of Examiners for Speech-Language Pathology and Audiology (hereinafter "Board"), execute this Consent Decree for the purpose of resolving the above complaint filed against Respondent. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent agrees and stipulates to the Finds of Fact, Conclusions of Law and Order set forth herein concerning the proper disposition of this matter. The Board, having approved such agreement, does hereby Find and Order as follows:

Findings of Fact

1. On January 6, 2012 the Board filed a complaint (docketed by the Board as Complaint No. 36) alleging that the Respondent aided and abetted unlicensed practice at Berkeley Springs Rehab and Nursing Center in Berkeley Springs, WV as an employee of Enduracare Therapy Management from January 17, 2011 through January 6, 2012.
2. After an investigation, including conversations with the Respondent, Respondent's employer and Respondent's CFY Supervisor the Board concludes the Respondent was employed at Berkeley Springs Rehab and Nursing Center by Enduracare Therapy Management from January 17, 2011 through January 6, 2012. The Respondent knowingly and willfully worked as a Speech-Language Pathologist during that timeframe and provided Speech-Language Pathology services without a license to practice.

Conclusions of Law

3. That the Board is a State entity created by W.V. Code §30-32-1 *et seq.* and is empowered to regulate the practice of Speech-Language Pathology and Audiology.
4. That the Board is empowered to suspend, revoke or otherwise discipline an individual's Speech-Language Pathology and/or Audiology license under the authority granted to it by WV Code §30-32-1 *et seq.*
5. The Board has adopted a Code of Ethics, and stated that discipline may be instituted for violating any lawful order given, or rule adopted by the Board. *See* WV Code R. §29-5-1 *et seq.* *See also* WV Code §30-32-17 (b)(13).
6. West Virginia Code §30-32-17 (b)(4) states, in pertinent part, "The Board may take disciplinary actions for conduct that may result from but not necessarily to be limited

- to: (4) Abetting or abetting unlicensed practice.” The Respondent is in violation of this law rule by providing Speech-Language Pathology services without a license to practice.
7. West Virginia Code §30-32-17 (b)(9) states, in pertinent part, “The Board may take disciplinary actions for conduct that may result from but not necessarily to limited to:
(9) Committing any act of dishonorable, immoral or unprofessional conduct while engaging in the practice of Speech-Language Pathology or Audiology.” The Respondent is in violation of this law rule by providing Speech-Language Pathology services without a license to practice.
 8. West Virginia Code Rule §29-5-2.6.a.1 states, “Individuals shall not misrepresent their credentials, competence, education, training or experience. The Respondent is in violation of this law rule by providing Speech-Language Pathology services without a license to practice.
 9. West Virginia Code Rule §29-5-2.7.b.2 states, “Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, or any form of conduct that adversely reflects on the professions or on the individual’s fitness to serve persons professionally.” Respondent is in violation of this rule by providing Speech-Language Pathology services without a license to practice.
 10. West Virginia Code §30-32-17 (b)(13) states, in pertinent part, “The Board may take disciplinary actions for conduct that may result from but not necessarily be limited to:
(13) Violating any provision of this article, or any lawful order given, or rule adopted by the Board.” As set forth above in numbered paragraphs 6-9, Respondent is in violation of the law.

11. Because of the violation of West Virginia Code §§30-32-17 (b)(4), (b)(9), and (b)(13), West Virginia Code Rule §§29-5-2.6.a.1 and 2.7.b.2, Respondent is subject to disciplinary action.

Consent

Respondent, by signing below, agrees to the following:

1. West Virginia law allows a person to practice Speech-Language Pathology and Audiology only upon issuance of a license by the Board. WV Code §30-32-1 *et seq.*
2. The Board is authorized to “issue a letter of reprimand or concern” when the holder acts in a manner prohibited by statute. *See* WV Code §30-32-17.
3. Respondent has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and 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. Respondent acknowledges that she may pursue this matter through appropriate administrative remedies, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.
4. Respondent consents to the entry of the following Order affecting her license as a Speech-Language Pathologist in the State of West Virginia.

Order

On the basis of the foregoing and with the agreement of the Respondent, the Board hereby **ORDERS** as follows:

1. Respondent shall receive a **LETTER OF REPRIMAND** for unlicensed practice during the period of January 17, 2011 through January 6, 2012. The Letter of Reprimand will be valid for one (1) year and will be expunged upon completion of the following terms and after the designated time frame has expired.
2. Respondent shall complete an Ethics Seminar/Course in addition to the twenty (20) Continuing Education Requirements for license renewal. The seminar/course will be submitted to the Board for approval and will be completed within ninety (90) days.
3. The Respondent shall write an article regarding experiences with the West Virginia licensing process; to include the importance of knowing the Legislative Laws and Rules that regulate the Speech-Language Pathology profession and the likely repercussions if ignored.
4. Respondent shall pay a fine of \$500. The fine is to be paid within thirty (30) days.

(Note - Fine of \$500 received by the Board on 02/10/2012 - Deposited to WV General Revenue Fund on 02/13/2012)

5. Any deviation from the requirements of this Order, without the prior written consent of the Board, shall constitute a violation of this Consent Decree, and result in the immediate suspension of Respondent's license for the remainder of the reprimand in effect by this Order. The Board shall immediately notify Respondent via certified mail of the specific nature of the charges, and the suspension of Respondent's license. In the event Respondent contests an alleged violation of this Consent Decree which

results in the suspension of Respondent's license, Respondent may request a hearing to seek reinstatement of her license. The hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code §§ 30-1-8 and 30-32-1 *et seq.*

6. Further, in the discretion of the Board and in the event Respondent violates the provisions of This Consent Decree, the Board may schedule a hearing on its own initiative for the purpose of allowing the Board the opportunity to consider further discipline against Respondent's license.

CONSENT DECREE AGREED TO BY:

Vanessa Marie McCullough _____ 2/25/12
VANESSA MARIE MCCULLOUGH, Individually DATE

ENTERED into the records of the Board of Examiners for Speech-Language Pathology and Audiology this:

29 Day of February, 2012

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

By: Michael Zagarella _____ 2/29/12
DR. MICHAEL ZAGARELLA, AUD/CCC-A DATE
PRESIDENT OF WVBESLPA

