

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

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

Complainant,

V.

Complaint No. 30

**ANGELA SHAFFER,
License No. SLP-0979,**

Respondent.

CONSENT DECREE

The Respondent, Angela Shaffer (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 Findings 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 December 8, 2009 the Board received a complaint (docketed by the Board as Complaint No. 30) from Molly Laraway alleging that the Respondent overcharged for services, had evaluations too frequently, that evaluations were being provided at the same

time speech therapy services were being provided, that the sessions were too short, and that there were no progress reports received by the mother of the patient.

2. The Respondent provided services through The Speech Path, as a Speech Language Pathologist for Austin Laraway from February 2, 2009 to June 24, 2009.

3. The Complainant, Molly Laraway, is Austin Laraway's mother.

4. Ms. Laraway has complained that the therapy sessions that her son received were between 20-25 minutes in length, and that she was charged \$285.00 for each of these three sessions; \$105.00 for treatment of speech and \$180.00 for speech evaluation. She has further alleged that these evaluations could not have taken place because Austin was receiving speech therapy at the times of the alleged evaluations. She alleges that she was never informed that these evaluations were going to take place, and that she never received any progress reports following these evaluations.

5. Mrs. Laraway attempted to contact Respondent on August 16, 2009 by letter and received a response from the office manager stating that Mrs. Laraway needed to contact Respondent. Mrs. Laraway attempted to contact Respondent on November 4, 2009, by letter, asking for the evaluations along with any and all files and or notes in his record.

6. In response to this request, Mrs. Laraway was sent a copy of the release for services, and the following:

- a. Initial evaluation and plan of care, Dated February 2, 2009 and signed by Respondent on November 4, 2009.
 - b. Re-Evaluation and plan of care dated April 6, 2009 and signed by Respondent on November 4, 2009.
 - c. Ten Visit Progress Report dated April 6, 2009 and signed by Respondent on November 4, 2009.
 - d. Re-Evaluation and Ten Visit Progress Report dated May 19, 2009 and signed by Respondent November 4, 2009.
 - e. Re-Evaluation, Plan of Care, and Ten Visit Progress Report dated June 24, 2009 and signed by Respondent on November 4, 2009.
7. During the time period of each of these evaluations, Austin Laraway was receiving a speech session.

Conclusions of Law

8. That the Board is a State entity created by W. Va. Code § 30-32-1 *et seq.* and is empowered to regulate the practice of counseling.
9. That the Board is empowered to suspend, revoke or otherwise discipline an individual's counseling license under the authority granted to it by W. Va. Code § 30-32-1 *et seq.*

10. 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 W. Va. Code R. § 29-5-1 et seq. See also W. Va. Code § 30-32-17 (b)(13).*

11. West Virginia Code § 30-32-17 (b)(5) states, in pertinent part:

The Board may take disciplinary actions for conduct that may result from but not necessarily be limited to:

(5) Committing fraud or deceit in the practice of speech-language pathology or audiology, including but not limited to:

(i) Willfully making or filing a false report or record in the practice of speech-language pathology or audiology,

(ii) Submitting a false statement to collect a fee; or

(iii) Obtaining a fee through fraud or misrepresentation.

The Respondent is in violation of this law rule by completing a speech session at the same time as an evaluation, and billing for both. It is impossible that these two could be completed in the time period allotted.

12. 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 be limited to:

(9) Committing any act if 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 completing a speech session at the same time as an evaluation, and

billing for both. It is impossible that these two could be completed simultaneously.

13. West Virginia Code Rule § 29-5-2.4.b.4 states "Individuals shall fully inform the persons they serve of the nature and possible effects of services rendered and products dispensed." Respondent is in violation of this rule by not providing progress reports.

14. West Virginia Code Rule § 29-5-2.b.10 states "Individuals shall not charge for services not rendered, nor shall they misrepresent, in any fashion, services rendered or products dispensed." Respondent is in violation of this rule by completing a speech session at the same time as an evaluation. It is impossible that these two could be completed simultaneously.

15. West Virginia Code Rule § 29-5-2.6.a.3 states "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." Respondent is in violation of this rule by completing a speech session at the same time as an evaluation, and billing for both. It is impossible that these two could be completed simultaneously.

16. 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 completing a speech session at the same time as

an evaluation, and billing for both. It is impossible that these two could be completed simultaneously.

17. 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 13-16, Respondent is in violation of this law.

18. Because of the violation of West Virginia Code §§ 30-32-17 (b)(5), (b)(9), and (b)(13), and West Virginia Code Rule §§ 29-5-2.4.b.4, 2.b.10, 2.6.a.3, 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. W. Va. Code § 30-32-1 *et seq.*
2. The Board is authorized to "suspend or revoke any license" when the holder acts in a manner prohibited by statute. *See* W. Va. 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 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's license is hereby **SUSPENDED** for a period of twelve (12) months. However, this suspension shall be stayed, and Respondent shall be placed on probation for a period of one year, during which the Respondent shall comply with the following terms and conditions:

a. Respondent shall rescind the charges for the evaluations in the Laraway file for the evaluations performed on April 6, 2009, May 19, 2009 and June 24, 2009.

b. Respondent shall cease and desist the practice of billing for two services on the same date unless two services are provided and documented.

c. Respondent shall obtain two hours of Continuing Education in the area of Ethics during the 2010-2012 licensing period.

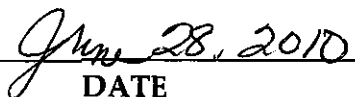
2. Any deviation from the requirements of this Order, without the prior written consent of the Board, shall constitute a violation of this Consent Decree, and result in the immediate suspension of Respondent's license for the remainder of the suspension previously stayed by this Order. The Board shall 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.*

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:



ANGELA SHAFFER, Individually



DATE

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

19th day of JULY, 2010

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

By: Michael Zagarella 7/19/10
Dr. Michael Zagarella, AuD/CCC-A
President of WVBESLPA

