

**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. 43
SLP License# SLP-1632

RACHEL ANN YODER,

Respondent.

CONSENT DECREE

COMES NOW, Respondent, Rachel Ann Yoder (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 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. From August 2014 through July 2015, Respondent was employed as a speech-language pathologist (“SLP”) by Cornerstone Pediatric Center, LLC (“Cornerstone”), in Bridgeport, West Virginia.
2. During this time, Respondent was in the process of completing her Clinical Fellowship Year (“CFY”) in speech language-pathology.

3. Respondent did not apply for nor did she receive a provisional license from the Board while completing her CFY at Cornerstone, and thus was illegally providing SLP services without licensure.

4. Respondent received certification from the American Speech-Language Hearing Association (“ASHA”) on July 7, 2015, upon completion of her CFY at Cornerstone.

5. On or about July 20, 2015, Respondent applied for and received her SLP license from the Board pursuant to W. Va. Code § 30-32-12, permitting her to practice as an SLP pending disposition of her application.

6. During the application process, the Board became aware that Respondent had failed to obtain a provisional license to practice as an SLP during her CFY.

7. On September 15, 2015, the Board initiated a complaint against Respondent for illegally practicing as an SLP without a provision license during her CFY.

8. Upon investigation, the Board determined that probable cause existed 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. Unlawful practice as an SLP in West Virginia without a license. W. Va. Code § 30-32-1(a).
- ii. Being guilty of unprofessional conduct as defined by legislative rule of the Board. W. Va. Code § 30-32-19(g)(3).
- iii. Violating provisions of this article, rule or lawful order of the Board. W. Va. Code § 30-32-19(g)(4).

b. Violations of Legislative Rules:

- i. Individuals shall engage in the provision of clinical services only when they hold the appropriate license or when they are in the licensure process and are supervised by an individual who hold the appropriate license. W. Va. Code R. § 29-5-2.5.b.1.
- ii. Individuals shall not misrepresent their credentials, competence, education training or experience. W. Va. Code R. § 29-5-2.6.a.1

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 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 (\$500.00), payable within sixty (60) days of execution of this Consent Decree.

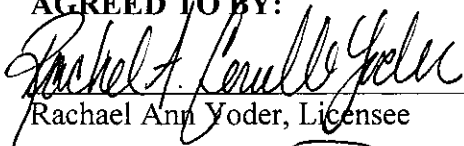
3. A letter of **REPRIMAND** will be placed in Respondent's file maintained by the Board for a period of one (1) year.

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


5. 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.

6. 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.

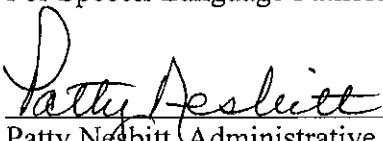
AGREED TO BY:


Rachael Ann Yoder, Licensee

12/14/15
Date


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

01-04-16
Date


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

11/20/2015
Date