CONSENT AGREEMENT
BETWEEN
ROBERT PIERCE
AND
OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

This CONSENT AGREEMENT is entered into by and between Robert Pierce (hereinafter "Mr. Pierce"), and the OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY (hereinafter "Board"), the state agency charged with enforcing Chapter 4753 of the Ohio Revised Code and all rules promulgated thereunder.

Mr. Pierce voluntarily enters into this CONSENT AGREEMENT being fully informed of his rights under Chapter 119 of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues which are the subject of this CONSENT AGREEMENT.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following STIPULATIONS, ADMISSIONS AND UNDERSTANDINGS:

1. The Board is empowered by Chapter 4753 of the Ohio Revised Code and the rules promulgated thereunder to discipline a Speech-Language Pathologist or Audiologist for violations of that chapter and rules.

2. The Board enters into this CONSENT AGREEMENT in lieu of further formal proceedings. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4753 of the Ohio Revised Code and all rules promulgated thereunder.

3. Mr. Pierce admits the following events.

    a) Mr. Pierce was issued a speech-language pathology license, number SP 2189, on October 10, 1979. Mr. Pierce license expired on 12-31-00.

    b) The Board received Mr. Pierce's application for re-licensure as a speech-language pathologist on November 19, 2001.

    c) During spring semester 2001 Mr. Pierce practiced speech-language pathology and used in connection with his name a title or description tending to convey the impression that he was a speech-language pathologist at Kent State University without holding a current valid speech-language pathology license. This constitutes a violation of Section 4753.02 of the Ohio Revised Code.

d) During spring semester 2001 Mr. Pierce supervised a student in their clinical experience at Kent State University without holding a current valid speech-language pathology license. This constitutes a violation of Section 4753.10 (M) of the Ohio Revised Code and Sections 4753-3-05 (J)(1) and 4753-3-08 (M) of the Ohio Administrative Code.

e) Mr. Pierce failed to notify the board, in writing, of a change in address within thirty days of said change. This constitutes a violation of Section 4753.10 (M) of the Ohio Revised Code and Sections 4753-3-03 and 4753-3-08 (M) of the Ohio Administrative Code.

4. Mr. Pierce wishes to settle this matter in lieu of a hearing pursuant to Ohio Revised Code, Chapter 119.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceeding at this time, Mr. Pierce knowingly and voluntarily agrees with the Board to the following terms and conditions;

A.

1. License number SP 2189 shall be suspended for a period of fifteen (15) weeks. Said suspension shall be from October 3, 2004 through January 15, 2005.

2. Mr. Pierce shall henceforth comply with Chapter 4753 of the Ohio Revised Code and all other federal and state statutes and rules governing the practice of speech-language pathology in the state of Ohio.

B. If, in the discretion of the Board, Mr. Pierce appears to have breached any terms or conditions of this CONSENT AGREEMENT, the Board reserves the right to institute formal disciplinary proceedings against him. Any action initiated by the Board based on an alleged violation of this CONSENT AGREEMENT shall comply with the Administrative Procedures Act, Chapter 119 of the Ohio Revised Code.

C. In exchange for the agreements of Mr. Pierce set forth in this CONSENT AGREEMENT, the BOARD agrees not to proceed further with any disciplinary action against Mr. Pierce for the matters enumerated under STIPULATIONS, ADMISSIONS AND UNDERSTANDINGS.

D. This CONSENT AGREEMENT shall not in any way or manner limit or affect the authority of the BOARD to proceed against Mr. Pierce by initiating a Notice of Opportunity for Hearing or by other appropriate means on the basis of any act, conduct, or admission of Mr. Pierce justifying disciplinary action, which occurred before or after the date of this CONSENT AGREEMENT and is not directly related to the specific facts and circumstances hereinabove set forth as the STIPULATIONS, ADMISSIONS AND UNDERSTANDINGS.

E. By his signature on this agreement, Mr. Pierce agrees that in the event the BOARD, in its discretion, does not approve this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party.

F. Mr. Pierce agrees that should the BOARD reject this CONSENT AGREEMENT and if this case proceeds to hearing, he will assert no claim that the BOARD was prejudiced by its review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

G. Mr. Pierce waives any and all claims or causes of action he may have against the State of Ohio, the BOARD, and members, officers, employees and/or agents of either, arising out of matters which are the subject of this CONSENT AGREEMENT.

H. This CONSENT AGREEMENT shall be reflected in the Minutes of a regularly scheduled BOARD Meeting, and as a Formal Action recorded on the license history of Mr. Pierce, License #SP-2189, originally issued on October 10, 1979.

I. This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code.

J. For purposes of this CONSENT AGREEMENT, formal notification consists of written notice to the following: (1) Ohio licensees receiving any newsletter issued by the BOARD; (2) individuals/organizations who have requested formal notification of BOARD actions; and (3) the Healthcare Integrity Protection Data Bank (HIPDB), and/or any reporting required by the federal legislation creating HIPDB or any similar state or federal legislation. Further, Mr. Pierce agrees to cooperate with the BOARD in providing any information required for the BOARD to complete such a mandated report within the required time period(s).

K. Mr. Pierce agrees that the BOARD may release his social security number to organizations that are legally required to request it for tracking or monitoring purposes. Mr. Pierce acknowledges that by signing this CONSENT AGREEMENT he knowingly and voluntarily waives any expectation of privacy or constitutional privacy interests that he may have in maintaining the confidentiality of his social security number as regards such entities. Mr. Pierce understands and does not contest that the BOARD is required to collect and report his social security number pursuant to 42 U.S.C. Section 1320a-7e(b), 5 U.S.C. Section 552a, and 45 C.F.R. pt 61 for compliance with the U.S. Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB).

L. Within thirty (30) days of the effective date of this Consent Agreement, Mr. Pierce, shall provide a copy of this Consent Agreement to all employers or entities with which he provides speech-language pathology services or is receiving training. In addition, a copy of this Consent Agreement shall be given to any future employer or entity should a change of employment occur during the period of suspension.

M. This CONSENT AGREEMENT is not an adjudication order within the meaning of Section 119.01(D) of the Ohio Revised Code.

N. If Mr. Pierce violates the terms and conditions of this CONSENT AGREEMENT in any respect, the BOARD, after giving notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate as provided by Chapter 4753 of the Ohio Revised Code. Any administrative action initiated by the BOARD based on an alleged, found or admitted violation of this CONSENT AGREEMENT shall comply with the Administrative Procedures Act, Chapter 119 of the Ohio Revised Code.

O. Upon consent of Mr. Pierce and the BOARD, the terms and conditions of this CONSENT AGREEMENT may be modified or terminated in writing.

P. This CONSENT AGREEMENT shall take effect upon the last date of signature by the parties and their representatives as indicated below.

Robert B. Pierce

Robert Pierce

Date: 9-15-04

Paige A. Martin

Attorney

Date: 9-20-04

Debra Abel, AuD

Debra Abel, Au.D., Chair
Ohio Board of Speech-Language
Pathology and Audiology

Date: 10/1/04

Dominic Chieffo
Assistant Attorney General

Date: 10/1/04