CONSENT AGREEMENT
BETWEEN
LINDA JENKINS
AND
OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

This CONSENT AGREEMENT is entered into by and between Linda Jenkins (hereinafter "Ms. Jenkins"), 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.

Ms. Jenkins voluntarily enters into this CONSENT AGREEMENT being fully informed of her 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. Ms. Jenkins admits the following events.

    a) During the period January 1, 2002 through February 26, 2004, Ms. Jenkins practiced speech-language pathology for Delaware-Union Educational Service Center, 4565 Columbus Pike, Delaware, Ohio, 43015 without holding a current, valid speech-language pathology license. Practice without a current, valid license is a violation of Section 4753.02 of the Ohio Revised Code.

4. Ms. Jenkins 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, Ms. Jenkins knowingly and voluntarily agrees with the Board to the following terms and conditions;

A.

1. License number SP 2580 shall be suspended for a period of 1 year and 1 month. Eleven months of this suspension shall be stayed. The remaining 2 months of the suspension shall be served beginning August 5, 2004 through October 5, 2004.

2. Ms. Jenkins 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, Ms. Jenkins appears to have breached any terms or conditions of this CONSENT AGREEMENT, the Board reserves the right to institute formal disciplinary proceedings against her. 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 Ms. Jenkins set forth in this CONSENT AGREEMENT, the BOARD agrees not to proceed further with any disciplinary action against Ms. Jenkins 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 Ms. Jenkins by initiating a Notice of Opportunity for Hearing or by other appropriate means on the basis of any act, conduct, or admission of Ms. Jenkins 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 UDERSTANDINGS.

E. By her signature on this agreement, Ms. Jenkins 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. Ms. Jenkins agrees that should the BOARD reject this CONSENT AGREEMENT and if this case proceeds to hearing, she 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. Ms. Jenkins waives any and all claims or causes of action she 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 Ms. Jenkins, License #SP-2580, originally issued on May 18, 1982.

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, Ms. Jenkins 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. Ms. Jenkins agrees that the BOARD may release her social security number to organizations that are legally required to request it for tracking or monitoring purposes. Ms. Jenkins acknowledges that by signing this CONSENT AGREEMENT she knowingly and voluntarily waives any expectation of privacy or constitutional privacy interests that she may have in maintaining the confidentiality of her social security number as regards such entities. Ms. Jenkins understands and does not contest that the BOARD is required to collect and report her 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. This CONSENT AGREEMENT is not an adjudication order within the meaning of Section 119.01(D) of the Ohio Revised Code.

M. If Ms. Jenkins, 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.

N. Upon consent of Ms. Jenkins and the BOARD, the terms and conditions of this CONSENT AGREEMENT may be modified or terminated in writing.

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

Linda J. Jenkins
Linda Jenkins

Date: 7-28-2004

Dean Wayne Sheppard
Attorney

Date: 7/28/04

Jane M. Kukula Au.D., Chair
Ohio Board of Speech-Language Pathology and Audiology

Date: 8-4-04

Dominic Chieffo
Assistant Attorney General

Date: 08-04-04