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SEP 09 2009

The Ohio Board of
Speech-Language Pathology
and Audiology

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**CONSENT AGREEMENT
BETWEEN
RUTH J. FULTZ
AND**

OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

This CONSENT AGREEMENT is entered into by and between Ruth J. Fultz (hereinafter "Ms. Fultz"), 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. Fultz 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. Fultz admits to the following events:
 - a) She received her Speech-Language Pathology license, License Number SP.5551, on December 5, 1997. It expires on December 31, 2010.
 - b) She attested "Yes" on the 2009-2010 renewal application to having completed twenty clock hours of continuing education for the 2008 renewal period.
 - c) She was issued a 2008 Continuing Education Audit dated September 17, 2009. She failed to comply, submitting insufficient continuing education for renewal. This conduct constitutes a violation of the Ohio Revised Code section 4753.10 (M) and Ohio Administrative Code (OAC) rules 4753-4-01(D)(4)(7) and 4753-9-01 (B)(1)(c). She did not complete the required hours of continuing education. This conduct constitutes a violation of the Ohio Revised Code section 4753.10 (M) and OAC rules 4753-3-08 (A) and 4753-4-01 (D)(6), and 4753-9-01 (B)(1)(c).

- d) The Board received a letter from her on May 5, 2009, explaining that she was not able to comply with the audit due to extenuating circumstances.
 - e) She received an Advisory Letter dated July 28, 2009, from the Board.
4. Ms. Fultz 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 herinafter set forth, and in lieu of any further formal proceeding at this time, Ms. Fultz knowingly and voluntarily agrees with the Board to the following terms and conditions:

A.

- 1) The Respondent shall voluntarily surrender her Speech-Language Pathology license, License Number, SP.5551. The surrender shall be effective as of August 18, 2009.
- 2) The Respondent shall not practice, if she returns to Ohio, prior to notifying the Board of her return.
- 3) Should the Respondent return to Ohio and wish to reinstate her license, the following conditions must be satisfied:



- a. The Respondent shall submit documentation of continuing education for the 2008 Continuing Education Audit. If the Respondent is unable to produce proof that the continuing education hours for the 2008 renewal period were already completed, twenty hours of continuing education must be completed prior to reinstatement.
 - b. The Respondent shall comply with all Continuing Education Audit requirements in effect at the time she submits her renewal application. The Respondent must complete an additional twenty hours of continuing education required for the renewal period following her reinstatement. The Respondent shall submit proof of the additional twenty hours of along with her renewal application.
 - c. The Respondent shall submit any applicable fees with the renewal application.
- 4) In addition to the terms, the Respondent shall abide by the terms listed in the Advisory Letter:
- a. The Respondent is advised to contact the Ohio Board of Speech-Language Pathology and Audiology's enforcement department immediately upon her return, should she return to Ohio.
 - b. The Respondent acknowledges that if she returns to Ohio and resumes her practice of speech-language pathology without reinstatement of her

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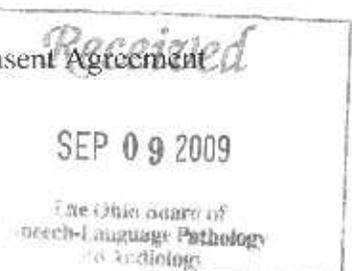
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license, she will be in violation of Ohio Revised Code Section 4753.10, which authorizes the Board to refuse to reinstate, refuse to issue, or to revoke her license, among other penalties.

- 5) The Respondent 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. Fultz 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. Fultz set forth in this CONSENT AGREEMENT, the BOARD agrees not to proceed further with any disciplinary action against Ms. Fultz 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. Fultz by initiating a Notice of Opportunity for Hearing or by other appropriate means on the basis of any act, conduct, or admission of Ms. Fultz justifying disciplinary action, which occurred before or after the date of this CONSENT AGREEMENT and not directly related to the specific facts and circumstances hereinabove set forth as the STIPULATIONS, ADMISSIONS AND UNDERSTANDINGS.
- E. By her signature on this agreement, Ms. Fultz agrees that in the event the BOARD, in its discretion, does not approve this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party.
- F. Ms. Fultz agrees that should the BOARD reject this CONSENT AGREEMENT and if this case proceeds to a 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. Fultz 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. Ms. Fultz hereby releases the Board, its members, officers, employees, representatives and/or agents jointly and severally from any and all liability arising from the matters, which are the subject of this CONSENT AGREEMENT.
- I. Ms. Fultz waives all her rights under Chapter 119 of the Ohio Revised Code, as they relate to matters, which are the subject of this CONSENT AGREEMENT.

- J. Ms. Fultz agrees that any breach of this CONSENT AGREEMENT shall be deemed to be a violation of a lawful order given by the Board, pursuant to Ohio Revised Code Section 4753.10(M).
- K. 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. Fultz, SP.5551, originally issued on December 5, 1997.
- L. This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code.
- M. 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. Fultz 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).
- N. Ms. Fultz 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. Fultz 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. Fultz 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).
- O. This CONSENT AGREEMENT is not an adjudication order within the meaning of Section 119.01(D) of the Ohio Revised Code.
- P. If Ms. Fultz 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.
- Q. Upon consent of Ms. Fultz and the BOARD, the terms and conditions of this CONSENT AGREEMENT may be modified or terminated in writing.
- R. This CONSENT AGREEMENT shall take effect upon the date of signature by the representative of the Board.
- S. Ms. Fultz acknowledges that she had an opportunity to review this Consent Agreement with legal counsel of her choosing.



Ruth J. Fultz
Ruth J. Fultz
SP.5551

Valenta G. Ward-Gravelly
Valenta Ward-Gravelly, Au.D., Chairperson,
Ohio Board of Speech-Language Pathology
and Audiology

Date: 9-3-09

Date: 10/16/09

N/A
Attorney for Ms. Fultz

Melissa L. Wilburn
Melissa L. Wilburn
Assistant Attorney General

Date: N/A

Date: 10-16-09

