

**CONSENT AGREEMENT
BETWEEN
CATHERINE RICHARDS
AND
OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

This CONSENT AGREEMENT is entered into by and between Catherine Richards (hereinafter "Ms. Richards"), 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. Richards 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. Richards admits the following events.

a) Ms. Richards was issued a speech-language pathology license, number SP 6851, on May 23, 2001.

b) During the 2003/2004 school year, Ms. Richards failed to maintain adequate records of speech-language pathology services she provided to students while employed at Hudson City Schools.

This is in violation of Ohio Administrative Code 4753-9-01 (4), 4753-3-08 (M) and Ohio Revised Code 4753.10 (M).

4. Ms. Richards desires to resolve this matter in lieu of a hearing pursuant to Ohio Revised Code, Chapter 119.
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Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceeding at this time, Ms. Richards knowingly and voluntarily agrees with the Board to the following terms and conditions;

1. The license of Catherine Richards to practice speech-language pathology in the state of Ohio shall be SUSPENDED for a period of nine (9) months, in accordance with ORC 4753.10 (M) and OAC 4753-3-08 due to her failure to maintain adequate records for the students to which she provided speech-language pathology services for at Hudson City Schools.
 2. Ms. Richards shall serve a suspension beginning June 12, 2005 through August 12, 2005. The balance of the suspension set forth in paragraph 1 hereof shall be STAYED provided that: a) Ms. Richards shall attend an IEP development course before the beginning of 2005/2006 school year and provide documentation of attendance to the Board. B) Ms. Richards shall collect a compendium of at least 7 different formats for documenting services and collecting data, select one of the formats, and submit a narrative to the Board stating the reason she chose a certain format over the others to use in her own work. C) Ms. Richards shall work under a speech-pathologist supervisor to be approved by the Board for school year 2005/2006. She is to submit her daily schedule and lesson plans on a weekly basis to the supervisor which includes goals and outcomes of her therapy sessions. The supervisor shall report Ms. Richards progress to the Board on a quarterly basis.
 3. Ms. Richards 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. Richards 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. Richards set forth in this CONSENT AGREEMENT, the BOARD agrees not to proceed further with any disciplinary action against Ms. Richards 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. Richards by initiating a Notice of Opportunity for Hearing or by other appropriate means on the basis of any act, conduct, or admission of Ms. Richards 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.
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- E. By her signature on this agreement, Ms. Richards 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. Richards 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. Richards 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. Richards, License #SP-6851, originally issued on May 23, 2001.
 - 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. Richards 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. Richards 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. Richards 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. Richards 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. Within thirty (30) days of the effective date of this Consent Agreement, Ms. Richards, shall provide a copy of this Consent Agreement to all employers or entities with which she 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.
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M. This CONSENT AGREEMENT is not an adjudication order within the meaning of Section 119.01(D) of the Ohio Revised Code.

N. If Ms. Richards, 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 Ms. Richards 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.

Catherine Richards
Catherine Richards

Patrick Mangino
Patrick Mangino, Au.D., Chair
Ohio Board of Speech-Language
Pathology and Audiology

Date: 2/19/05

Date: 3/10/05

Attorney

Dominic Chieffo
Dominic Chieffo
Assistant Attorney General

Date: _____

Date: 3/10/05