



Ohio Board of Speech-Language Pathology and Audiology

www.state.oh.us/slp

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Columbus, Ohio 43215
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August 5, 2004

Rebecca Conner
221 Lake Pointe Circle
Canfield, Ohio 44406

Case#A04-20

ADJUDICATION ORDER

This matter came on for a review of the evidence before the Ohio Board of Speech-Language Pathology and Audiology (hereinafter "Board") in the matter of Rebecca Conner, 221 Lake Pointe Circle, Canfield, Ohio 44406, Case Number A04-20. The following Board members were present: Jane Kukula, Au.D., Audiology board member, Chairperson; Debra Abel, Au.D., Audiology board member, Vice-chairperson, Carol Leslie, Ph.D., Speech-Language Pathology board member, Davida Parsons, M.A., Speech-Language Pathology board member, Patricia Zurlinden, M.A., Speech-Language Pathology board member, and Ann Shotwell, public board member.

The review of the evidence was to determine whether or not to reprimand or place on probation, or suspend, revoke, or refuse to issue or renew the license of Rebecca Conner as a speech-language pathologist. Ms. Conner practiced speech-language pathology without a speech-language pathology license, for Austintown Local Schools, from January 1, 2002 through March 17, 2004 in violation of Section 4753.02 of the Ohio Revised Code. The review was held pursuant to the Notice of Opportunity for Hearing mailed to Ms. Conners by certified mail on May 11, 2004. Ms. Conners did not subsequently request a hearing. Accordingly, pursuant to *Goldman vs. Ohio State Medical Board* (1996), 110 Ohio App.3d 124 (Franklin Co.), Ms. Conners could not participate in the hearing or submit additional evidence.

Ms. Conners was not present at the hearing.

Assistant Attorney General Dominic Chieffo appeared on behalf of the Board.

The following witness was called on behalf of the Board:

Michael J. Setty, Executive Director, Ohio Board of Speech-Language Pathology and Audiology.

The following was admitted into evidence:

Affidavit by Michael J. Setty dated July 27th, 2004 attached hereto along with exhibits appended to the affidavit.

The Board considered all of the evidence presented before rendering the following decision.

It is hereby ORDERED by the Board of Speech-Language Pathology and Audiology as follow:

Ms. Conners speech-language pathology license SP 7973 shall be suspended for a period of 2 years and 3 months. One year and 3 months of the suspension shall be stayed. The remaining 1 year suspension shall be served beginning August 15, 2004 through August 15, 2005.

The Adjudication Order shall be effective immediately upon receipt.

APPEAL RIGHTS

Section 119.12, Ohio Revised Code, may authorize an appeal from this Adjudication Order. If so, such an appeal may be taken to the Court of Common Pleas of the county in which your place of business or residence is located, or, if you are not an Ohio resident, to the Court of Common Pleas of Franklin County.

Such an appeal shall be commenced by filing the original Notice of Appeal with the Ohio Board of Speech-Language Pathology and Audiology, 77 South High Street, 16th Floor, Columbus, Ohio 43215, and a copy of said Notice of Appeal with the proper court of common pleas as determined under Section 119.12, Ohio Revised Code. Such Notice of Appeal shall contain the Order appealed from and the grounds of said appeal. Such original Notice of Appeal must be filed at the Board office and the copy of said Notice of Appeal filed at the proper court of common pleas within fifteen (15) calendar days of the mailing date of this Order.

By Order of the Ohio Board of Speech-Language Pathology and Audiology


Michael J. Setty
Executive Director

CERTIFICATION

I hereby certify that the forgoing is a true and accurate copy of the Adjudication Order of the Ohio Board of Speech-Language Pathology and Audiology that was entered on its Journal of the 4th day of August, 2004 and that this copy was mailed to Rebecca Conners, 221 Lake Pointe Circl, Canfield, Ohio 44406, by certified mail number 7001 0360 0002 4136 3565.


Vickie DiCesare
Investigator

cc: Dominic Chieffo, Assistant Attorney General
Board Members

**CONSENT AGREEMENT
BETWEEN
REBECCA K. CONNER
AND
OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

This CONSENT AGREEMENT is entered into by and between Rebecca K. Conner (hereinafter "Ms. Conner"), 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. Conner voluntarily, without any coercion, duress or threats, hereby 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 have had a formal adjudication hearing on the issues which are the subject of this CONSENT AGREEMENT, the latter of which she waived.

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 although Ms. Conner waived 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. Conner admits the following events.
 - a) During the period January 1, 2002 through March 17, 2004, Ms. Conner practiced speech-language pathology for Austintown Local Schools, 225 Idaho Road, Austintown, Ohio, 44515 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. Conner wishes to resolve this matter although she waived her right to 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 formal proceeding, Ms. Conner knowingly, voluntarily and freely agrees with the Board to the following terms and conditions;

A.

1. License number SP 7973 shall be suspended for a period of 2 years and 2 months. All but 175 days of the suspension shall be stayed. The 175 days of the suspension being served from August 15, 2004 through February 6, 2005.
2. She will forthwith dismiss, with prejudice, the administrative appeal commenced IN THE COURT OF COMMON PLEAS, MAHONING COUNTY, OHIO as REBECCA K. CONNER, Appellant, v. OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, Appellee, Case Number 04 CV-2917
3. Ms. Conner 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. This CONSENT AGREEMENT shall not in any way or manner limit or affect the authority of the BOARD to proceed against Ms. Conner by initiating a Notice of Opportunity for Hearing or by other appropriate means on the basis of any act, conduct, or admission of Ms. Conner 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.

C. Ms. Conner hereby waives any and all claims, actions 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.

D. 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. Conner, License #SP-7973, originally issued on April 1, 2004.

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

F. 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. Conner 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).

G. Ms. Conner 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. Conner 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. Conner 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).

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

I. This CONSENT AGREEMENT is not effective until signed by the parties hereto and their counsel.

Rebecca K. Conner
Rebecca K. Conner

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

Date: 4-21-05

Date: 5/6/05

Stanley J. Okusewsky III
Stanley J. Okusewsky III
Attorney for Rebecca K. Conner

Dominic J. Chieffo
Dominic J. Chieffo
Assistant Attorney General

Date: 4-21-05

Date: 5/9/05