

OH SLP AUD 03/25/10 AM 9:06:1

**CONSENT AGREEMENT  
BETWEEN  
DANIELLE N. LUCIDO  
AND  
OHIO BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

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This CONSENT AGREEMENT is entered into by and between Danielle N. Lucido (hereinafter "Ms. Lucido"), 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. Lucido 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. Lucido admits to the following events:
  - a) The Board received her application for Conditional Licensure in Speech-Language Pathology on August 29, 2008. The application listed the name and address of her employer and her supervisor's name yet listed "unknown" for the beginning date of her Supervised Professional Experience.
  - b) She admits that the Supervised Professional Experience Plan ("Plan"), was required to be submitted to the Board office within 30 days upon employment.
  - c) She received her Speech-Language Pathology Conditional license, License Number COND.2009089, on September 2, 2008. It expires on March 2, 2010.
  - d) The Board received her Plan, on July 31, 2009. The Plan listed the start date as September 16, 2008, and the ending date as June 16, 2009.
  - e) She failed to submit the Plan in a timely manner by 288 days.

- f) She practiced without a Plan for 318 days during the period of September 16, 2008 through July 31, 2009, in violation of Ohio Revised Code 4753.10 (M) Ohio Administrative Code Section 4753-3-07 (E)(3).
- g) The Board received her Supervised Professional Experience Report ("Report") and Supervision Contacts Log ("Log") on July 31, 2009. The Report listed the start date for Supervised Professional Experience as September 16, 2008, and the ending date as June 11, 2009.
- h) She failed to submit the Report and Log in a timely manner by 20 days.
4. Ms. Lucido 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. Lucido knowingly and voluntarily agrees with the Board to the following terms and conditions:

- A.
- 1) The Board has extended the Respondent's Supervised Professional Experience Plan to January 1, 2010.
  - 2) As of the August 18, 2009 board meeting, the Respondent shall complete a new Supervised Professional Experience Plan reflecting an ending date for Supervised Professional Experience as January 1, 2010. This plan must be submitted with the signed Consent Agreement.
  - 3) The Respondent is to submit the Report and Log within thirty days of completing the plan reflecting that at least 12 on-site conferences occurred between August 18, 2009 through January 1, 2010. In addition, a monthly evaluation conference must be held and may be in conjunction with one of the on-site conferences.
  - 4) Once the Respondent gains full licensure she will be audited for continuing education hours for the next two renewal cycles.
  - 5) The Respondent shall henceforth comply with Chapter 4753 of the Ohio Revised Code and all other federal and state statues and rules governing the practice of speech-language pathology in the state of Ohio.
- B. If, in the discretion of the Board Ms. Lucido 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. Lucido set forth in this CONSENT AGREEMENT, the BOARD agrees not to proceed further with any disciplinary action

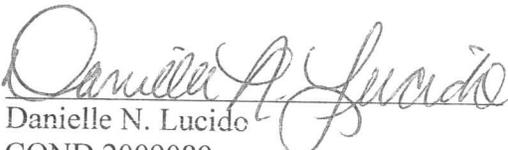
against Ms. Lucido for the matters enumerated under STIPULATIONS, ADMISSIONS AND UNDERSTANDINGS.

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- D. This CONSENT AGREEMENT shall not in any way or manner limit or affect the authority of the BOARD to proceed against Ms. Lucido by initiating a Notice of Opportunity for Hearing or by other appropriate means on the basis of any act, conduct, or admission of Ms. Lucido 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. Lucido 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. Lucido 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. Lucido 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. Lucido 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. Lucido 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. Lucido 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. Lucido, COND.2009089, originally issued on September 2, 2008.
- 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. Lucido 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. Lucido 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. Lucido 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. Lucido 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. Lucido 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. Lucido 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. Lucido acknowledges that she had an opportunity to review this Consent Agreement with legal counsel of her choosing.

  
 Danielle N. Lucido  
 COND.2009089

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

Date: 3/20/10

Date: 3/29/10

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 Attorney for Ms. Lucido

  
 Melissa L. Wilburn  
 Assistant Attorney General

Date: \_\_\_\_\_

Date: 4-1-2010