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8 **BEFORE THE**
9 **SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID**
10 **DISPENSERS BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 11-2014-32

12 **JENNIFER DOUGLAS,**
13 **1680 North Vine Street, #816**
14 **Hollywood, CA 90028**
15 **Speech-Language Pathologist License No.**
16 **SP 11478,**

A C C U S A T I O N

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Paul Sanchez (Complainant) brings this Accusation solely in his official capacity as
21 the Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid
22 Dispensers Board, Department of Consumer Affairs.

23 2. On or about February 11, 1999, the Speech-Language Pathology and Audiology and
24 Hearing Aid Dispensers Board issued Speech-Language Pathologist License Number SP 11478 to
25 JENNIFER DOUGLAS, (Respondent). The Speech-Language Pathologist License was in full
26 force and effect at all times relevant to the charges brought herein and will expire on September
27 30, 2017, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Speech-Language Pathology and Audiology
3 and Hearing Aid Dispensers Board (Board), Department of Consumer Affairs, under the authority
4 of the following laws. All section references are to the Business and Professions Code unless
5 otherwise indicated.

6 4. Section 2531.02 of the Code states:

7 “Protection of the public shall be the highest priority for the Speech-Language Pathology
8 and Audiology and Hearing Aid Dispensers Board in exercising its licensing, regulatory, and
9 disciplinary functions. Whenever the protection of the public is inconsistent with other interests
10 sought to be promoted, the protection of the public shall be paramount.”

11 5. Section 2531.5 of the Code states: “The board shall issue, suspend, and revoke
12 licenses and approvals to practice speech-language pathology and audiology as authorized by this
13 chapter.”

14 6. Section 2530.6 of the Code states:

15 “Speech-language pathologists and audiologists supervising speech-language pathology or
16 audiology aides shall register with the board the name of each aide working under their
17 supervision. The number of aides who may be supervised by a licensee shall be determined by
18 the board. The supervising audiologist or speech-language pathologist shall be responsible for
19 the extent, kind, and quality of services performed by the aide, consistent with the board's
20 designated standards and requirements.”

21 7. Section 2533 of the Code states:

22 “The board may refuse to issue, or issue subject to terms and conditions, a license on the
23 grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon
24 the license of any licensee for any of the following:

25 “(a) Conviction of a crime substantially related to the qualifications, functions, and duties
26 of a speech-language pathologist or audiologist or hearing aid dispenser, as the case may be. The
27 record of the conviction shall be conclusive evidence thereof.

28 “(b) Securing a license by fraud or deceit.

- 1 “(c) (1) The use or administering to himself or herself of any controlled substance.
- 2 “(2) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic
3 beverages, to the extent or in a manner as to be dangerous or injurious to the licensee, to any other
4 person, or to the public, or to the extent that the use impairs the ability of the licensee to practice
5 speech-language pathology or audiology safely.
- 6 “(3) More than one misdemeanor or any felony involving the use, consumption, or self-
7 administration of any of the substances referred to in this section.
- 8 “(4) Any combination of paragraph (1), (2), or (3). The record of the conviction shall be
9 conclusive evidence of unprofessional conduct.
- 10 “(d) Advertising in violation of Section 17500. Advertising an academic degree that was
11 not validly awarded or earned under the laws of this state or the applicable jurisdiction in which it
12 was issued is deemed to constitute a violation of Section 17500.
- 13 “(e) Committing a dishonest or fraudulent act that is substantially related to the
14 qualifications, functions, or duties of a licensee.
- 15 “(f) Incompetence, gross negligence, or repeated negligent acts.
- 16 “(g) Other acts that have endangered or are likely to endanger the health, welfare, and
17 safety of the public.
- 18 “(h) Use by a hearing aid dispenser of the term "doctor" or "physician" or "clinic" or
19 "audiologist," or any derivation thereof, except as authorized by law.
- 20 “(i) The use, or causing the use, of any advertising or promotional literature in a manner
21 that has the capacity or tendency to mislead or deceive purchasers or prospective purchasers.
- 22 “(j) Any cause that would be grounds for denial of an application
23 for a license.
- 24 “(k) Violation of Section 1689.6 or 1793.02 of the Civil Code.
- 25 “(l) Violation of a term or condition of a probationary order of a license issued by the
26 board pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
27 of the Government Code.
- 28 “(m) Violation of a term or condition of a conditional license issued by the board pursuant

1 to this section.

2 8. Section 2537 of the Code states:

3 “It shall constitute unprofessional conduct and a violation of this chapter for any person
4 licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet
5 the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox
6 Professional Corporation Act, or any regulations duly adopted under those laws.”

7 9. California Code of Regulations, title 16, section 1399.154, states:

8 “As used in this article, the term:

9 “(a) ‘Speech-language pathology aide’ means a person who

10 “(1) assists or facilitates while a speech-language pathologist is evaluating the speech
11 and/or language of individuals or is treating individuals with a speech-language and/or language
12 disorder, and

13 “(2) is registered by the supervisor with the board and the registration is approved by the
14 board.

15 “(b) ‘Audiology aide’ means a person who

16 “(1) assists or facilitates while an audiologist is evaluating the hearing of individuals and/or
17 is treating individuals with hearing disorders, and

18 “(2) is registered by the supervisor with the board and the registration is approved by the
19 board.

20 “(c) ‘Supervisor’ means a licensed speech-language pathologist who supervises a speech-
21 language pathology aide or a licensed audiologist who supervises an audiology aide.

22 “(d) ‘Industrial audiology aide’ means an audiology aide who conducts pure tone air
23 conduction threshold audiograms for the purpose of industrial hearing testing in addition to other
24 acts and services as provided in these regulations.”

25 10. California Code of Regulations, title 16, section 1399.154.2, states:

26 “A supervisor of a speech-language pathology or audiology aide shall:

27 “(a) Have legal responsibility for the health, safety and welfare of the patients.

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1 “(b) Have legal responsibility for the acts and services provided by the speech-language
2 pathology or audiology aide, including compliance with the provisions of the Act and these
3 regulations.

4 “(c) Be physically present while the speech-language pathology or audiology aide is
5 assisting with patients, unless an alternative plan of supervision has been approved by the board.
6 A supervisor of industrial audiology aides shall include a proposed plan for alternative
7 supervision with the application form. An industrial audiology aide may only be authorized to
8 conduct puretone air conduction threshold audiograms when performing outside the physical
9 presence of a supervisor. The supervisor shall review the patient histories and the audiograms
10 and make any necessary referrals for evaluation and treatment.

11 “(d) Evaluate, treat, manage and determine the future dispositions of patients.

12 “(e) Appropriately train the speech-language pathology or audiology aide to perform duties
13 to effectively assist in evaluation and/or treatment. A supervisor shall establish and complete a
14 training program for a speech-language pathology or audiology aide in accordance with Section
15 1399.154.4 which is unique to the duties of the aide and the setting in which he or she will be
16 assisting the supervisor.

17 “(f) Define the services which may be provided by the speech-language pathology or
18 audiology aide. Those services shall not exceed the competency of the aide as determined by his
19 or her education, training and experience, and shall not include any treatment beyond the plan
20 established by the supervisor for the patient.”

21 11. California Code of Regulations, title 16, section 1399.156, states:

22 “Unprofessional conduct as set forth in Section 2533 of the Code includes, but is not
23 limited to the following:

24 “(a) Violating or conspiring to violate or aiding or abetting any person to violate the
25 provisions of the Act or these regulations.

26 “(b) Committing any corrupt act, or any abusive act against a patient, which is substantially
27 related to the qualifications, functions or duties of a speech-language pathologist or audiologist.

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1 “(c) Incompetence or negligence in the practice of speech-language pathology or audiology
2 which has endangered or is likely to endanger the health, welfare, or safety of the public.

3 “(d) Commission of an act prohibited by Section 1399.155.

4 “(e) On or after January 1, 2013, a violation of Section 143.5 of the Code.

5 “(f) Failure to provide to the Board, as directed, lawfully requested copies of documents
6 within 15 days of receipt of the request or within the time specified in the request, whichever is
7 later, unless the licensee is unable to provide the documents within this time period for good
8 cause, including but not limited to, physical inability to access the documents in the time allowed
9 due to illness or travel. This subsection shall not apply to a licensee who does not have access to,
10 and control over, the requested documents.

11 “(g) Failure to cooperate and participate in any Board investigation pending against the
12 licensee. This subsection shall not be construed to deprive a licensee of any privilege guaranteed
13 by the Fifth Amendment to the Constitution of the United States, or any other constitutional or
14 statutory privileges. This subsection shall not be construed to require a licensee to cooperate with
15 a request that would require the licensee to waive any constitutional or statutory privilege or to
16 comply with a request for information or other matters within an unreasonable period of time in
17 light of the time constraints of the licensee's practice. Any exercise by a licensee of any
18 constitutional or statutory privilege shall not be used against the licensee in a regulatory or
19 disciplinary proceeding against the licensee.

20 “(h) Failure to report to the Board within 30 days any of the following:

21 “(1) The bringing of an indictment or information charging a felony against the licensee.

22 “(2) The arrest of the licensee.

23 “(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no
24 contest, of any felony or misdemeanor.

25 “(4) Any disciplinary action taken by another licensing entity or authority of this state or of
26 another state or an agency of the federal government or the United States military.

27 “(i) Failure or refusal to comply with a court order, issued in the enforcement of a
28 subpoena, mandating the release of records to the Board.”

1 18. On or about April 23, 2014, a parent of a Regional Center client assigned to L.Y. filed
2 a formal complaint alleging that Respondent allowed L.Y. to treat Regional Center clients without
3 supervision.

4 19. During the subsequent complaint investigation, Respondent initially claimed that L.Y.
5 was a licensed assistant. However, Respondent ultimately admitted that L.Y. was an aide.
6 Respondent stated that she “forgot” that she hired L.Y. as an aide.

7 20. On or about January 13, 2016, Investigator S.V. interviewed L.Y., who admitted she
8 provided unsupervised home therapy. Further, L.Y. stated that she inquired of Respondent as to
9 whether a supervisor would accompany her to the clients’ homes. According to L.Y., Respondent
10 stated, “a supervisor is just a phone call away.”

11 21. Respondent terminated L.Y.’s employment at the end of April 2014.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 22. Respondent is subject to disciplinary action under section 2533 and section 2537, and
15 California Code of Regulations, title 16, section 1399.153, section 1399.154.2, and section
16 1399.156 in that Respondent allowed Y.L. to practice as a Speech-Language Pathology Assistant
17 without determining Y.L.’s licensure status.

18 23. Paragraphs 14 through 21 are incorporated by reference.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Appropriately Supervise a Speech-Language Pathology Aide)**

21 24. Respondent is subject to disciplinary action under section 2533, and California Code
22 of Regulations, title 16, section 1399.154.2, in that Respondent failed to supervise Y.L. when she
23 provided services to Regional Center clients.

24 25. Paragraphs 14 through 21 are incorporated by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board issue a decision:

1. Revoking or suspending Speech-Language Pathologist License Number SP 11478, issued to JENNIFER DOUGLAS;
2. Ordering Jennifer Douglas to pay the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: June 13, 2016



PAUL SANCHEZ
Executive Officer
Speech-Language Pathology and Audiology and Hearing
Aid Dispensers Board
Department of Consumer Affairs
State of California
Complainant

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