

**BEFORE THE
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

NICOLE FRANGOS

**Meadow Heights Elementary School
2619 Delores Street
San Mateo, CA 94403**

**Speech-Language Pathologist License No.
SP 18907**

Respondent.

Case No. 11 2012 66

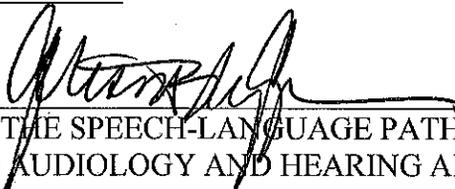
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 24, 2015.

It is so ORDERED June 24, 2015.



FOR THE SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY AND HEARING AID
DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

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15 **Speech-Language Pathologist License No.**
16 **SP 18907**

17 Respondent.

Case No. 11 2012 66

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Paul Sanchez ("Complainant") is the Executive Officer of the Speech-Language
22 Pathology and Audiology and Hearing Aid Dispensers Board ("Board"). He brought this action
23 solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney
24 General of the State of California, by Ashley Harlan, Deputy Attorney General.

25 2. Nicole Frangos ("Respondent") is represented in this proceeding by attorney Ilya
26 Frangos, whose address is:

27 599 Shoal Circle

28 Redwood City, CA 94065.

1 CULPABILITY

2 9. Respondent understands that the charges and allegations in Accusation No. 11 2012
3 66, if proven at a hearing, constitute cause for imposing discipline upon her Speech-Language
4 Pathologist License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for these charges in the Accusation and that those charges constitute cause for discipline.
8 Respondent hereby gives up her right to contest that cause for discipline exists based on these
9 charges.

10 11. Respondent agrees that if she ever petitions for early termination of probation, all of
11 the charges and allegations contained in Accusation No. 11 2012 66 shall be deemed true, correct
12 and fully admitted by Respondent for purposes of any such proceeding or any other licensing
13 proceeding involving Respondent in the State of California.

14 12. Respondent agrees that her Speech-Language Pathologist License is subject to
15 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
16 Disciplinary Order below.

17 CONTINGENCY

18 13. This stipulation shall be subject to approval by the Board. Respondent understands
19 and agrees that counsel for Complainant and the staff of the Board may communicate directly
20 with the Board regarding this stipulation and settlement, without notice to or participation by
21 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that
22 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
23 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
24 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
25 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
26 be disqualified from further action by having considered this matter.

1 4. **CHANGES OF NAME AND CONTACT INFORMATION**

2 Respondent shall notify the Board in writing, within five (5) days of a change of name,
3 residence or mailing address, telephone number, and email address.

4 5. **SUBMIT QUARTERLY WRITTEN DECLARATIONS**

5 Respondent shall submit to the Board quarterly written declarations and verification of
6 actions signed under penalty of perjury. These declarations shall certify and document
7 compliance with all the terms and conditions of probation.

8 6. **EMPLOYEE NOTIFICATION**

9 When currently employed, applying for employment, or contracted to provide services as
10 a speech-language pathologist, audiologist, dispensing audiologist, speech-language pathology
11 assistant, or hearing aid dispenser, respondent shall notify his or her employer and supervisor or
12 contractor of the probationary status of respondent's license. This notification to the respondent's
13 current employer and supervisor, or contractor shall occur no later than the effective date of the
14 Decision placing respondent on probation. The respondent shall notify any prospective employer
15 and supervisor or contractor of his or her probationary status with the Board prior to accepting
16 such employment. This notification shall include a copy of the Board's Decision placing
17 respondent on probation.

18 Respondent shall provide to the Board the names, physical addresses, and telephone
19 numbers of all employers, supervisors and contractors.

20 Respondent shall complete and sign an agreement with the employer and supervisor, or
21 contractor, and the Board to allow the Board to communicate with the employer and supervisor or
22 contractor.

23 Respondent shall cause each employer and supervisor or contractor to submit quarterly
24 written declarations to the Board. These declarations shall include a performance evaluation.

25 Respondent shall notify the Board, in writing, of any change in her employment status,
26 within five (5) days of such change.

27 7. **INTERVIEWS WITH BOARD REPRESENTATIVES**

28 Respondent shall appear in person for interviews with the Board, or its designee, upon

1 request at various intervals and with reasonable notice.

2 8. **EMPLOYMENT LIMITATIONS**

3 While on probation, Respondent may not work as a faculty member or instructor in an
4 accredited or approved school of speech-language pathology or school of audiology.

5 9. **EDUCATIONAL COURSE**

6 Respondent shall take and successfully complete course work substantially related to the
7 violation. Within sixty (60) days of the effective date of the Decision, Respondent shall submit a
8 plan to comply with this requirement. Respondent must obtain approval of such plan by the
9 Board prior to enrollment in any course of study.

10 Respondent shall successfully complete the required remedial education no later than the
11 end of the first year of probation. Upon successful completion of the course, Respondent shall
12 cause the instructor to furnish proof to the Board immediately. Respondent shall not receive
13 continuing education credit for license renewal for any course taken pursuant to a disciplinary
14 order or settlement agreement.

15 10. **RECOVERY OF COSTS**

16 Respondent shall pay to the Board its costs of investigation and enforcement in the amount
17 of \$5,725.00. Respondent shall be permitted to pay those costs in a payment plan approved by
18 the Board, with payments to be completed no later than six (6) months prior to the end of the
19 probationary term.

20 Respondent shall pay to the Board its cost of probation monitoring on a monthly basis
21 during the probationary term.

22 11. **FUNCTION AS A LICENSEE**

23 Respondent, during the period of probation, shall engage in the practice of speech-language
24 pathology in California for a minimum of sixteen (16) hours per week or sixty-four (64) hours per
25 calendar month. For the purpose of compliance with this section, "engaged in the practice of
26 speech-language pathology" may include, when approved by the Board, volunteer work in
27 speech-language pathology, or work in any non-direct patient position that requires licensure. In
28 the event Respondent should leave California to practice outside the state, Respondent must

1 provide written notification (within five (5) calendar days) to the Board of the dates of departure
2 and anticipated return to the state. Respondent's probation is tolled, if and when respondent
3 ceases practicing in California. Practice outside of California will not apply to the reduction of
4 the probationary period.

5 In the event Respondent ceases to practice a minimum of sixteen (16) hours per calendar
6 week or sixty-four (64) hours per calendar month in California, Respondent must provide written
7 notification of that fact to the Board. The period when the Respondent is not practicing the
8 minimum number of hours noted above, will not apply to the reduction of the probationary
9 period. Absence from practice shall not relieve the Respondent from maintaining a current
10 license. For purposes of this term and condition, non-practice due to Board ordered suspension
11 shall not be considered a period of non-practice. If Respondent stops practicing in California for
12 a total of five (5) years for a speech-language pathologist, audiologist, or speech-language
13 pathology assistant, or three (3) years for a hearing aid dispenser, Respondent's license shall be
14 automatically cancelled.

15 If Respondent has not complied with this term and condition during the probationary
16 period, and Respondent has presented sufficient documentation of his or her good faith efforts to
17 comply with this term and condition, and if Respondent is in compliance with all other probation
18 terms and conditions, the Board, in its sole discretion, may grant an extension of Respondent's
19 probation period up to one year without further hearing in order to comply with this term and
20 condition. During the one year extension, all original terms and conditions of probation shall
21 apply unless they have been modified by the Board via a petition for modification of probation.

22 12. VOLUNTARY LICENSE SURRENDER

23 During Respondent's term of probation, if she wishes to cease practice, Respondent may
24 request in writing to surrender the license(s) to the Board. The Board shall evaluate the request
25 based on the factual circumstances surrounding that particular request, and notify Respondent in
26 writing whether it has been granted. Upon formal acceptance of the license surrender,
27 Respondent's license will no longer be subject to the terms and conditions of probation.
28 Respondent shall return the pocket license(s) and wall certificate(s) to the Board within ten (10)

1 days of the effective date of the surrender.

2 Surrender of Respondent's license shall be considered a disciplinary action and shall
3 become a part of Respondent's license history with the Board. If Respondent re-applies for a
4 license, the application shall be treated as a petition for reinstatement of a revoked license.

5 13. **VIOLATION OF PROBATION**

6 If Respondent violates probation in any respect, the Board may seek to revoke probation
7 and carry out the disciplinary order that was stayed. The Respondent shall receive prior notice
8 and the opportunity to be heard. If a Petition to Revoke Probation, an Accusation, a Petition to
9 Vacate Stay or other formal disciplinary action is filed against Respondent during probation, the
10 Board shall have continuing jurisdiction and the period of probation shall be extended and
11 Respondent shall comply with all probation terms and conditions until the matter is final. No
12 petition for modification or termination of probation shall be considered while there is an
13 accusation or petition to revoke probation pending against Respondent.

14 14. **COMPLETION OF PROBATION**

15 Respondent's license will be fully restored upon successful completion of probation.

16 15. **PRACTICE RESTRICTIONS: SERVING AS A SUPERVISOR**

17 Respondent may not function as a supervisor for any required professional experience
18 (RPE) candidate, or any registered support personnel, or trainee during the period of probation or
19 until approved by the Board.

20 16. **SUPERVISED PRACTICE**

21 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
22 Board, for its prior approval, the name and qualifications of one or more proposed supervisors.
23 Each supervisor shall have been licensed in California for at least three (3) years and have no
24 current or prior disciplinary action by the Board. An administrative citation and fine does not
25 constitute discipline and therefore, in and of itself, is not a reason to deny an individual as a
26 supervisor. The supervisor shall be independent with no current or prior business, or professional
27 relationship, or other relationship that could reasonably be expected to compromise the ability of
28 the supervisor to provide impartial and unbiased supervision of the Respondent.

1 The Board will advise Respondent within two weeks whether or not the proposed
2 supervisor and plan of supervision are approved. Respondent shall not practice until receiving
3 notification of Board approval of Respondent's choice of a supervisor and plan of supervision.
4 All costs of the supervision shall be borne by the Respondent.

5 The plan of supervision shall be general and not require the physical presence of the
6 supervisor during the time services are performed, but does require an occasional, random review
7 of the work performed as well as quarterly monitoring visits at the office or place of practice.
8 Additionally, the supervisor shall have full and random access to all patient records of
9 Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of
10 Respondent's areas of deficiencies.

11 Each proposed supervisor shall be a California licensed speech-language pathologist who
12 shall submit written reports to the Board on a quarterly basis verifying that supervision has taken
13 place as required and include an evaluation of Respondent's performance. It shall be
14 Respondent's responsibility to assure that the required reports are filed in a timely manner.

15 If the supervisor terminates his or her supervision or is no longer available to serve in the
16 supervisory role, Respondent must submit to the Board the name or names of a new supervisor
17 within fifteen (15) days. If a new supervisor is not approved by the Board within thirty (30) days
18 from the date of resignation of the previous supervisor, Respondent shall be suspended from
19 practice until a new supervisor has been approved by the Board and necessary documents are
20 filed with the Board. All costs of the supervision shall be borne by the Respondent.

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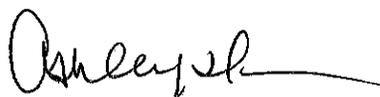
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

Dated: *May 1, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



ASHLEY HARLAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 11 2012 66

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6
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16 **San Mateo, CA 94403**

ACCUSATION

17 **Speech-Language Pathologist License No.**
18 **SP 18907**

Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about April 4, 2011, the Board issued Speech-Language Pathologist License
25 Number SP 18907 to Nicole Frangos (Respondent). The Speech-Language Pathologist License
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 December 31, 2014, unless renewed.
28

JURISDICTION

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

4. Section 2530.1 of the Code states:

"The Legislature finds and declares that the practice of speech-language pathology and audiology and hearing aid dispensing in California affects the public health, safety, and welfare and there is a necessity for those professions to be subject to regulation and control."

5. Section 2531.02 of the Code states:

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

6. Section 2531.5 of the Code states: "The board shall issue, suspend, and revoke licenses and approvals to practice speech-language pathology and audiology as authorized by this chapter."

7. Section 2533 of the Code states:

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

"..."

"(e) Committing a dishonest or fraudulent act that is substantially related to the qualifications, functions, or duties of a licensee.

"..."

COST RECOVERY

8. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 CODE OF REGULATIONS

4 9. California Code of Regulations, title 16, section 1399.156, states:

5 "Unprofessional conduct as set forth in Section 2533 of the code includes, but is not limited
6 to, the following:

7 "(a) Violating or conspiring to violate or aiding or abetting any person to violate the
8 provisions of the Act or these regulations.

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

11 "..."

12 10. California Code of Regulations, title 16, section 1399.156.1, states:

13 "For the purposes of denial, suspension or revocation of a license or registration pursuant to
14 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be
15 substantially related to the qualifications, functions or duties of a person holding a license under
16 the Act if to a substantial degree it evidences present or potential unfitness of a person holding a
17 license to perform the functions authorized by his or her license or registration in a manner
18 consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be
19 limited to, those involving the following:

20 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
21 violation of, or conspiring to violate any provision or term of the Act.

22 "..."

23 FIRST CAUSE FOR DISCIPLINE

24 (Dishonest And/Or Fraudulent Acts)

25 11. Respondent's license is subject to disciplinary action under code sections 2533(e)
26 and CCR 1399.156(b) in that she dishonestly and/or fraudulently billed patients for speech
27 therapy which she did not in fact provide. The circumstances are as follows:
28

1 12. From approximately December 16, 2011 until July 13, 2012, Respondent was
2 employed as a speech therapist for Easter Seals Bay Area. She provided speech therapy services
3 for clients of Golden Gate Resource Center (GGRC), a non-profit organization which provided
4 services for individuals with developmental needs. Respondent provided services to children
5 three years old and younger at their home or care facility. Each therapy session lasted one hour.
6 Respondent's duties included providing therapy to a child patient through directed play for 45
7 minutes, and 15 minutes were allotted for administrative work such as treatment planning and
8 record keeping. Respondent was expected to accurately record notes of each patient session on a
9 form titled "Easter Seals Bay Area Session Note," then sign and date the form below the line "By
10 signing below you confirm the information provided above is accurate." The form also contained
11 a line for the parent or daycare provider to print his or her name, and sign the form. Respondent
12 was required to submit patient session notes and a manual time card to ESBA at the end of each
13 month.

14 13. Ms. K., Respondent's supervisor, received a call from a GGRC manager who reported
15 that the parents of Patient D.M. had complained that Respondent had appeared only one time to
16 provide speech therapy services to D.M.. Ms. K. contacted D.M.'s daycare provider, who stated
17 that Respondent provided speech therapy to D.M. on only one occasion, however, Respondent
18 billed for 13 sessions. Ms. K. asked Respondent for her session notes, and Respondent provided
19 notes for only six of the thirteen sessions. Each note was signed by Respondent and the daycare
20 provider's name was printed. Respondent stated that she would provide the other notes at a later
21 date.

22 14. On or about July 12, 2013, Ms. K. met with Respondent and asked her about the
23 allegation. Respondent admitted that she had provided therapy to Patient D.M. on only one
24 occasion, that she had submitted timecards for payment for twelve other sessions, and that she
25 falsified the session notes. She denied falsely billing for any other patients. ESBA terminated
26 Respondent based on her admissions.

1 15. After Respondent was terminated, Ms. K. reviewed Respondent's attendance logs,
2 session notes and billing records, and learned that Respondent had dishonestly and/or fraudulently
3 billed for four other patients as follows:

4 A. On April 26, 2012, Respondent submitted a time card for a one hour session with
5 Patient N.M. but did not provide speech-language therapy services on that date.

6 B. On June 25, 2012 and June 29, 2012, Respondent submitted a timecard for one half
7 hour sessions for Patients E.K., S.K., and V.K. on each date, but she did not provide therapy
8 services to the patients on those dates.

9 16. On or about November 22, 2013, Division of Investigation Investigator Doris Pau
10 interviewed Respondent. Respondent admitted that she had billed approximately ten hours of
11 speech therapy for Patient D.M. that she did not in fact perform.

12 17. Therefore, Respondent's license is subject to discipline based on her dishonest and/or
13 fraudulent acts in violation of code section 2533(e) and Code of Regulations section 1399.156(b).

14 PRAYER

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

- 18 1. Revoking or suspending Speech-Language Pathologist Number SP 18907, issued to
19 Nicole Frangos;
- 20 2. Ordering Nicole Frangos to pay the Speech-Language Pathology and Audiology and
21 Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of this
22 case, pursuant to Business and Professions Code section 125.3;
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: JANUARY 6, 2015



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