

IN THE MATTER OF
ERIKA ANNE DECKARD
License Number 08203
Case Number AHS-06-2018

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BEFORE THE MARYLAND
BOARD OF EXAMINERS FOR
AUDIOLOGISTS, HEARING
AID DISPENSERS & SPEECH
LANGUAGE PATHOLOGISTS

CONSENT ORDER OF REPRIMAND AND FINE

On or about September 20, 2017, the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (the “Board”) received the license reinstatement application for Erika Deckard, S.L.P. (the “Respondent”), License Number 08203. Noting that the Respondent’s license reinstatement application stated that “I have continued to practice in Maryland the profession for which I have been licensed since my last license expired on 5/31/2017,” the Board initiated an investigation. The Board interviewed the Respondent on or about January 2, 2018. Based upon the reinstatement application, the Board’s investigation, and the Respondent’s interview, on January 18, 2018, the Board voted to offer a Pre-Charge Consent Order and Fine to the Respondent, in lieu of issuing Charges for violations of the Maryland Audiology, Hearing Aid Dispensing, and Speech-Language Pathology Act (the “Act”), Md. Health Occ. Code Ann. (“H.O.”) § 2-101 *et seq.* As a result of that offer, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. On or about June 6, 2016, the Board issued the Respondent a license to practice as a speech-language pathologist in the State of Maryland, license number 08203.

2. After failing to submit a renewal application by the applicable deadline, the Respondent's license expired on May 31, 2017.

3. On September 20, 2017, the Board received the Respondent's license reinstatement application. On September 22, 2017, the Board reinstated the Respondent's license to practice as a speech-language pathologist, license number 08203.

4. Noting that the Respondent's license reinstatement application stated that, "I have continued to practice in Maryland the profession for which I have been licensed since my last license expired on 5/31/2017," the Board initiated an investigation.

5. On or about January 2, 2018, a Board investigator interviewed the Respondent. During that interview, the Respondent disclosed that she had practiced as a speech-language pathologist for Anne Arundel Public Schools with an expired license between June 1, 2017 and September 20, 2017. In addition, the Respondent disclosed that she also practiced speech-language pathology part-time at a private practice in Annapolis, Maryland, during the period of time that her license was expired.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated the following provisions under the Act:

Md. Code Ann., Health Occ. Art.:

§ 2-401(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice...speech-language pathology...in this State unless licensed by the Board to practice...speech-language pathology...

§ 2-402.2(a) Unless authorized to practice speech-language pathology under this title or unless otherwise provided for under this article, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise that the person:

(1) Is authorized to practice speech-language pathology in this State; or

- (2) Evaluates, examines, instructs, or counsels individuals suffering from disorders or conditions that affect speech, language, communication, and swallowing.

The Board also concludes that, by practicing speech-language pathology without a license, the Respondent violated Md. Code Ann., Health Occ. § 2-314(5), (10), and (12).

Specifically:

§ 2-314 ...[T]he Board, may reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

- (5) Obtains a fee through fraud or misrepresentation;
- (10) Commits any act of unprofessional conduct in the practice of...speech-language pathology...; and
- (12) Violates any provision of this title.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of the Respondent to practice as a speech-language pathologist, license number 08203 in the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall pay to the Board a monetary fine of **ONE THOUSAND DOLLARS (\$1,000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order shall constitute a violation of this Consent Order; and it is further

ORDERED that the Respondent shall comply with and practice within all statutes and

regulations governing the practice of speech-language pathology in the State of Maryland; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Md. Code Ann., Health Occ. § 2-314 including probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Ann., General Provisions § 4-101 *et seq.*

10/18/2018
Date

Jennifer Mertes, Au.D., CC-A
Jennifer Mertes, Au.D., Chair
Maryland Board of Examiners for Audiologists,
Hearing Aid Dispensers, and Speech-Language
Pathologists

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent order. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

10/11/18
Date



Erika Anne Deckard, License Number 08203

NOTARIZATION

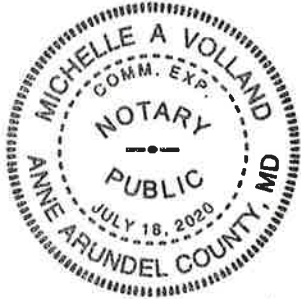
STATE: Maryland

CITY/COUNTY: Anne Arundel

I HEREBY CERTIFY that on this 11th day of October, 2018, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Erika Anne Deckard** and made oath in due form of law that the foregoing was the voluntary act and deed of **Erika Anne Deckard**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Michelle A. Volland
Notary Public

My Commission Expires: July 18, 2020