

APPROVED

**VIRGINIA BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
INFORMAL CONFERENCE COMMITTEE
MINUTES**

The Virginia Board of Audiology Speech-Language Pathology Special Conference Committee convened for informal conference on Thursday, April 10, 2008 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201 Conference Room 3, Richmond, Virginia.

COMMITTEE MEMBERS PRESENT:

Sally Jones-McNamara, MCS, CCC-SLP, CCP, Chair
Geoffrey Harter, MD
Angela W. Moss, MA CCC- SLP

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Mykl D. Egan, Adjudication Specialist
Anne Joseph, Deputy Director, Administrative Proceeding Division
Loretta Hopson-Bush, Compliance Case Manager
Rashaun K. Minor, Discipline Operations Manager

MATTER SCHEDULED

**Respondent: Tonya Lorraine Horton, Audiologist
Case Number: 108379**

CALLED TO ORDER

Ms. Jones called the conference to order at 1:17 p.m.

DISCUSSION

Tonya Horton appeared before the Committee in person and with counsel, Robert Harrison Gibbs, Jr., Esquire, in accordance with the Notice of the Board dated January 11, 2008 and continuance notice dated February 5, 2008.

The Committee fully discussed with Ms. Horton compliance with Consent Order entered April 19, 2005. Ms. Horton may have violated Terms 2 and 9 of the Board's Order, which required Ms. Horton to submit self-reports beginning 60 days after the Order became final.

Specifically: Ms. Horton's self-reports due September 30, 2005 and March 31, 2006 was received early. Self-reports due December 31, 2005, June 30, 2007, and September 30, 2007,

were received late. No self-reports have been received since the report due September 30, 2007 was received on December 28, 2007.

Ms. Horton may have violated Term 4 of the Board's Order, which required Ms. Horton to inform all current and future Audiology employers that she was on probation and to provide each employer with a copy of the Board Order. Ms. Horton failed to notify Hearing Professionals, of Bowie, Maryland a company which employed Ms. Horton as an audiologist that she was under a Board Order and failed to provide them with a copy of the Order.

Ms. Horton may have violated Term 6 of the Board's, which required Ms. Horton to complete 30 competency hours of continuing education on or before December 30, 2005. These hours were in addition to the competency hours required to maintain her license. The 30 hours were set out as follows:

- 2 hours in ethics;
- 2 hours in Rules and Regulations; and
- 26 hours in the practice of Audiology.

While Ms. Horton received an exemption for one of ethics, Ms. Horton completed only 27 hours of education, none of which were in the Rules and Regulations of the Virginia Board of Audiology and Speech-Language Pathology.

CLOSED SESSION

Upon a motion by Ms. Moss and duly seconded by Dr. Harter, the Committee convened in a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Tonya Horton. Additionally, Ms. Moss moved that Ms. Hahn, Mr. Egan, and Ms. Minor attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The vote was unanimous and in favor of the motion.

OPEN SESSION

Ms. Moss certified that the matters discussed in the preceding closed session met the requirements of §2.2-3711(A)(28) of the *Code of Virginia* and the Committee re-convened in open session.

DECISION

Ms. Egan read the Findings of Fact and Conclusions of Law adopted by the Committee. The Findings of Fact and Conclusions of Law are as follows:

1. Tonya L. Horton, Audiologist, currently holds license number 2201 001288 to practice as an audiologist in the Commonwealth of Virginia.
2. Pursuant to an Order of the Board of Audiology and Speech-Language Pathology entered April 19, 2005 ("Board's Order"), Ms. Horton's application for licensure as

an audiologist was approved, and she was placed under certain terms and conditions.

3. Ms. Horton violated Term 4 of the Board's Order, which required her to inform all current and future audiology employers that she was on probation and to provide each employer with a copy of the Board Order. Ms. Horton failed to notify Hearing Professionals, Bowie Maryland, a company which employed her as an audiologist, that she was under a Board Order, and she failed to provide them with a copy of the Order.

Mr. Egan read the decision adopted by the Committee:

Ms. Horton shall be CONTINUED on INDEFINITE PROBATION under the following terms and conditions:

1. The period of probation shall begin on the date that the Order is entered and shall end upon completion of not less than two years of full time employment as a licensed audiologist. At the conclusion of the probationary period, Ms. Horton may petition the Board to be reinstated without restriction unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000(A), et seq., of the Code.
2. Ms. Horton shall enroll in and successfully complete eight Type I competency hours of continuing education in the area of ethics. Four of those hours shall be in face-to-face coursework. These hours shall be in addition to the continuing competency hours required pursuant to 18 VAC 30-20-300(A) of the Regulations of the Board of Audiology and Speech-Language Pathology. All courses must be pre-approved by the Board, and must be completed on or before December 31, 2010. Ms. Horton shall provide proof of completion to the Board.
3. Ms. Horton shall inform her current audiology employer and each future audiology employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. Further, she shall provide the Board with written proof that each employer has been provided with a copy of the Board's Order.
4. Ms. Horton shall inform the Board in writing within ten (10) days of the date she begins practice as an audiologist, or changes employment, or any interruption in employment as an audiologist occurs, and she shall provide the name and address of the employer.
5. The Board shall issue Ms. Horton a license marked "PROBATION WITH TERMS."
6. Ms. Horton shall maintain a course of conduct in her capacity as an audiologist in compliance with Code of Virginia and the Regulations of the Board of Audiology and Speech-Language Pathology.

7. Any violation of the terms and conditions stated in the Order shall be reason for revoking the license of Ms. Horton, and an administrative proceeding will be held to decide whether her license shall be revoked.
8. Upon submission of a request for release from probation, the Committee authorizes the Executive Director to review the file for compliance with the Board's Order, and in accordance with the terms set out in Term 1 of this Order, either release Ms. Horton from probation and reinstate her license to a full and unrestricted status or schedule this matter for an informal conference.

Upon a motion by Ms. Moss and duly seconded by Dr. Harter, the decision of the Committee was adopted. The vote was unanimous in favor of the motion.

ADJOURNMENT

The Committee adjourned the matter at 3:05 p.m.

Sally Jones-McNamara, MCS, CCC-SLP, CCP, Chair

Lisa R. Hahn, Executive Director

Date

Date