

Arline A. Swain

Agreed Order

**COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

**IN RE:       SPEECH-LANGUAGE PATHOLOGY  
              Arline A. Swain, Licensee**

Arline A. Swain  


**AGREED ORDER**

***Parties***

**WHEREAS**, the parties to the Agreed Order herein are the Kentucky Board of Speech-Language Pathology and Audiology, hereinafter referred to as the "Board," and Arline Swain hereinafter referred to as the "Respondent."

***Jurisdiction***

**WHEREAS**, the Board has jurisdiction over this matter pursuant to KRS Chapter 334A and the related administrative regulations.

***History***

**WHEREAS**, the Respondent practiced Speech-Language Pathology without a license for the period of January 31, 2009 until the time her license was reinstated in June of 2009;

**WHEREAS**, the parties mutually desire to settle the issues in an expeditious manner, without the need for a formal hearing.

***Terms of Agreement***

**THEREFORE, it is hereby agreed** between the undersigned parties that this matter shall be settled and resolved upon the following terms:

1) The Respondent shall carefully review the Agreed Order herein and enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to him under KRS Chapter 334A and the accompanying regulations;

2) The Respondent, Arline Swain, acknowledges that the Board has accused her of violations of KRS 334A.180(1). The Respondent admits the underlying substance of the allegations. Further, the Respondent admits that, if a hearing is held in this matter, the Board may prevail. In the interest of settling this case in an expeditious manner, the Respondent agrees to the following terms set forth in the subsequent paragraphs;

3) The Respondent, Arline Swain, shall pay to the Board a fine in the sum of \$250. Payment of the fine shall be made by sending a personal check or money order made payable to the Kentucky Board of Speech-Language Pathology and Audiology, along with this signed Agreed Order, to the Board Office such that they are received prior to August 7, 2009;

4) Respondent acknowledges that a check returned for insufficient funds shall constitute noncompliance with this agreement. In the event that a check is returned for insufficient funds, the Board may proceed with an administrative hearing on this matter pursuant to the procedures and processes outlined in KRS 13B;

5) The Respondent acknowledges that the Board will conduct an audit of her records for the five licensing years following entry of this Agreed Order;

6) This agreement shall constitute the final resolution of the

violations allegedly committed by the Respondent and referenced in the "History" subsection of this agreement.

7) Failure to comply with this agreement may constitute grounds for further disciplinary action pursuant to KRS 334A.

### ***Voluntary Waiver of Rights***

The Respondent, Arline Swain, has had the opportunity at all times to seek advice from competent counsel of choice. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order. The Respondent waives her right to appeal from this Order to Circuit Court.

### ***Publication of Settlement Agreement***

The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law. Further the information reflected in this Order may be provided to a national data bank where such information is shared.

### ***Complete Agreement***

This Settlement Agreement consists of four pages and embodies the entire agreement between Kentucky Board of Speech-Language Pathology and Audiology and the Respondent, [REDACTED] It may not be altered, amended or modified without the express written consent of both parties.

**Have Seen, Understood and Approved:**

Arline Swaine  
Arline Swaine, Licensee  
Respondent

July 22/2009  
Date

Kellie Coldiron Ellis  
Kellie Coldiron ELLS  
Chair

8/11/09  
Date

Kentucky Board of Speech-Language Pathology and Audiology

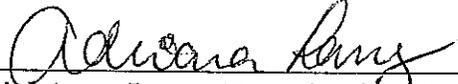
**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 12 day of August, 2009:

Arline A. Swain  


Hon. Michael West, Esq.  
Office of the Attorney General  
700 Capitol Ave., Ste. 118  
Frankfort KY 40601  
*Board Counsel*

And the original shall be maintained by the Board

  
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Adriana Lang, Board Administrator  
*Kentucky Board of Speech-Language Pathology and Audiology*