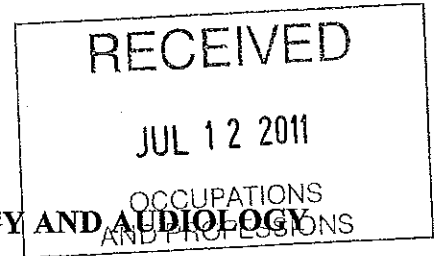


Gail Byrd

Agreed Order of Settlement

500.00



COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY  
BOARD ACTION NO. 11-001  
ADMINISTRATIVE ACTION NO. 11-KBSLP-0145

KENTUCKY BOARD OF SPEECH-LANGUAGE  
PATHOLOGY AND AUDIOLOGY

COMPLAINANT

v.

GAIL BYRD, #1103

RESPONDENT

**AGREED ORDER OF SETTLEMENT**

*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 Gail Byrd 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, it has come to the attention of the Board that the Respondent failed to represent facts truthfully to a third-party payor, the First Steps Program; and

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 her under KRS Chapter 334A and the accompanying regulations;

2) The Respondent admits that she violated KRS 334A.180(1)(b), (c), and (f) and 201 KAR 17:041 (5)(4); and

3) *The Respondent, Gail Byrd, shall pay to the Board a fine in the sum of five hundred dollars (\$500).* 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 with this signed Agreed Order; and

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. Further, a check returned for insufficient funds shall constitute an independent violation of KRS 334A; and

5) *Respondent shall complete 6.0 hours of continuing education.* The Respondent shall submit proof to the Board that this continuing education has been completed within six months of the entry of this Agreed Order as signified by the date the Agreed Order was signed by the Board Chair. The 6.0 hours of continuing education referenced in this term is *in addition to* any continuing education that Respondent is required to complete to retain her license; and

6) The Respondent acknowledges that she has had the opportunity to have an attorney review this Agreed Order. Respondent agrees to waive the right to appeal from this Agreed Order; and

7) The Respondent acknowledges that this Agreed Order is not entered and final until it is signed by the Board Chair after an affirmative vote of acceptance at a regular

board meeting. Until this Agreed Order is signed by the Board Chair, Respondent acknowledges that its contents shall have no force or effect; and

8) This Agreed Order shall constitute the final resolution of the violations allegedly committed by the Respondent and referenced in the "History" subsection of this Agreed Order; and

9) The Respondent acknowledges that non-compliance with this Agreed Order shall constitute an independent violation of KRS 334A.

***Voluntary Waiver of Rights***

The Respondent, Gail Byrd, has had the opportunity at all times to seek advice from competent counsel of choice and has done so. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

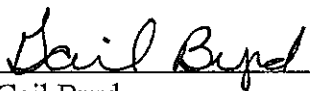
***Publication of Settlement Agreement***

The Respondent acknowledges that, once adopted by the Board, this Agreed Order shall 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.

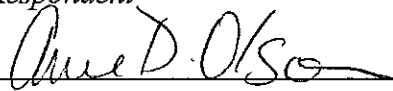
***Complete Agreement***

This Agreed Order consists of five pages, inclusive of the certificate of service, and embodies the entire agreement between Kentucky Board of Speech-Language Pathology and Audiology and the Respondent, Gail Byrd. It may not be altered, amended or modified without the express written consent of both parties.

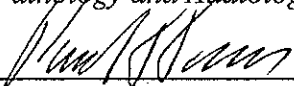
*Have Seen, Understood and Approved:*

  
\_\_\_\_\_  
Gail Byrd  
*Respondent*

7-6-11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chair  
*Kentucky Board of Speech-Language  
Pathology and Audiology*

7/12/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul Fauri  
*Counsel for Respondent*

7-7-11  
\_\_\_\_\_  
Date

**Certificate of Service**

The original of this Agreed Order has been retained at the Board Office. 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<sup>th</sup> day of July, 2011:

Paul Fauri  
P.O. Box 1304  
Frankfort, KY 40602  
*Counsel for Respondent*

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

Stuart Cobb  
Office of the Attorney General  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204  
*Hearing Officer*

And the original shall be maintained by the Board.

Marcia Egbert  
Board Administrator  
*Kentucky Board of Speech-Language Pathology and Audiology*