

LOUISIANA BEHAVIOR ANALYST BOARD

IN THE MATTER OF

COMPLAINT NUMBER: 2019-003B

COLBY GOTHREAUX

LICENSE NO: L-305

CONSENT AGREEMENT AND ORDER

WHEREAS, COLBY GOTHREAUX ("MR. GOTHREAUX") is a Licensed Behavior Analyst ("LBA"), and is subject to the jurisdiction and rules and regulations of the Behavior Analyst Practice Act (La. R.S. 37:1001, et seq.), the Professional and Occupational Standards for Behavior Analysts (LAC 46:VIII §301, et seq.), the BACB Professional and Ethical Code for Behavior Analysts, and the rules regarding disciplinary proceedings (LAC 46:VIII §601, et seq.); and

WHEREAS, the Louisiana Behavior Analyst Board ("LBAB") received information alleging that MR. GOTHREAUX may have allowed individuals who were not registered with the LBAB or individuals who had not completed the registration process, to engage in providing applied behavior analysis services to clients in group settings as well as with individual clients; he allegedly failed to adequately train and/or properly supervise registered line technicians registered under his license and/or under his supervision, and allegedly failed to inform RLTs of client diagnosis and/or discuss treatment plans for said clients;

WHEREAS, by correspondence dated November 6, 2019, the LBAB notified MR. GOTHREAUX of the Board-initiated complaint filed against him, provided MR. GOTHREAUX with a summary of the nature of the complaint, and requested that MR. GOTHREAUX, within thirty (30) days, provide a statement giving his review of the circumstances that are the subject of the complaint;

WHEREAS, by letter dated December 16, 2019, MR. GOTHREAU, through counsel, provided a response to the complaint, giving his review of the allegations set forth therein;

WHEREAS, the parties herein met for an informal meeting (Bertucci hearing) on June 3, 2020, in order to address the allegations raised against MR. GOTHREAU;

WHEREAS, the respondent, MR. GOTHREAU, has indicated his desire to resolve this matter through a Consent Agreement and Order provided for in LAC 46:VIII § 603 and La. R.S. 49:955(D) of the Louisiana Administrative Procedure Act;

WHEREAS, the Respondent, MR. GOTHREAU, has admitted the following:

1. Respondent, MR. GOTHREAU, is and was at all times pertinent to the facts and matters alleged herein, a Licensed Behavior Analyst, licensed by the LBAB to engage in the practice of behavior analysis in the State of Louisiana, as evidenced by LBA License Number L-305.
2. At all times pertinent to the facts of this case, MR. GOTHREAU was actively engaged in the practice of Applied Behavior Analysis in Lafayette, Louisiana, at BrightSpots Behavior and Learning.
3. The Respondent, MR. GOTHREAU, without admitting any violation of any law, regulation, and/or rule, acknowledges that the LBAB may have sufficient information to file an Administrative Complaint based upon the allegations related to allowing individuals who had not completed the registration process with the LBAB to engage in providing applied behavior analysis services directly to clients, which is a misdemeanor in the State of Louisiana under La. R.S. 37:3716, and not adequately and/or timely training all individuals before allowing the individuals to work directly with clients, which would be in violation of code articles 1.04(b) and 5.03(a) of the Professional and Ethical Compliance Code for Behavior Analysts incorporated by the LBAB under subsection 1001.

WHEREAS, the Respondent, MR. GOTHREAU, agrees not to repeat the misconduct mentioned in this Consent Agreement and Order, and acknowledges that any further misconduct mentioned in this Consent Agreement and Order will be considered a violation of the terms of this Consent Agreement and Order and shall be cause for further disciplinary action. MR. GOTHREAU further recognizes that any violation or failure of strict compliance with any of

the terms and conditions set forth in this Consent Agreement and Order by MR. GOTHREAUX shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MR. GOTHREAUX to practice applied behavior analysis in the State of Louisiana. In the event of a summary suspension, MR. GOTHREAUX maintains his right to a hearing, administrative review, and judicial review.

WHEREAS, Respondent, MR. GOTHREAUX, recognizes his right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time MR. GOTHREAUX would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on his behalf in defense or in mitigation of the charges made, and to a decision thereon by the LBAB based upon written findings of fact and conclusions of law in accordance with the Louisiana Administrative Procedure Act. MR. GOTHREAUX nonetheless hereby waives his right to formal adjudication and, pursuant to La. R.S. 49:955(D), consents to the entry of the Consent Agreement and Order set forth hereinafter. MR. GOTHREAUX also acknowledges that he hereby waives any rights to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, et seq., or which he otherwise may be afforded by any law to contest his agreement to, or the force and effect of this Consent Agreement and Order in any Court or other forum.

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the LBAB by La. R.S. 49:955(D), the LBAB orders and MR. GOTHREAUX accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:958:

1. The LBAB license of MR. GOTHREAUX to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-305, shall be, and is hereby **REPRIMANDED**, based upon the allegations of the complaint and investigation. MR. GOTHREAUX accepts and shall maintain strict compliance with the following terms and conditions.

2. MR. GOTHREAUX shall pay legal costs associated with the Complaint in the amount of \$1,500.00 within two (2) years from the date that all parties sign this Consent Agreement and Order, which payment shall be made by certified check or money order. The payment(s) shall be made on a quarterly basis, in accordance with due dates established by the Board, and with the first payment due within thirty (30) days from the date that all parties sign this Consent Agreement and Order. There shall be no pre-payment penalty.
3. MR. GOTHREAUX shall pay a fine as authorized by La. R.S. 37:3704(8) and La. R.S. 37:3712(C) for the above referred violations in the amount of FIVE HUNDRED DOLLARS (\$500.00) within two (2) years from the date that all parties sign this Consent Agreement and Order, with payments to be made by certified check or money order. The payment(s) shall be made on a quarterly basis, in accordance with due dates established by the Board, and with the first payment due within thirty (30) days from the date that all parties sign this Consent Agreement and Order. There shall be no pre-payment penalty.
4. MR. GOTHREAUX shall participate in and cooperate with a practice and process audit by the LBAB Complaints Coordinator. He shall provide any information requested in association with the audit within the timeframe(s) set forth by the Complaints Coordinator.
5. Any violation or failure of strict compliance with any of the terms and conditions set forth in this Consent Agreement and Order by MR. GOTHREAUX shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MR. GOTHREAUX to practice Applied Behavioral Analysis in the State of Louisiana. In the event of a summary suspension, MR. GOTHREAUX maintains his right to a hearing, administrative review, and judicial review.

THIS CONSENT AGREEMENT AND ORDER shall take effect immediately upon adoption by the LBAB and is a matter of public record. The terms of this Consent Agreement and Order will be published and reported in, including but not limited to, the LBAB website, the BACB, and the National Practitioners Data Bank (NPDB).

THE ADMISSIONS AND FINDINGS CONTAINED HEREIN are intended solely for the purpose of resolving the case at hand or in connection with other matters before the LBAB involving Respondent.

ORDER

The Louisiana Behavior Analyst Board, having examined the Consent Agreement and Order, Case No. 2019-003B, adopts the Consent Agreement and Order in the matter on this 20th day of October, 2020.

LOUISIANA BEHAVIOR ANALYST BOARD

**DUE TO COVID, BOARD MEMBERS
WILL SIGN AT NEXT
IN-PERSON BOARD MEETING.**

Courtney Wright, M.Ed., J.D.
Board Chair

Calvin Cryer, M.A.
Board Vice Chair

Alfred Tuminello, Jr., M.A.
Board Member

Lloyd Boudloche, Jr., Ed.D.
Board Chair

Angela Murray, M.S.
Board Member

Renee Cole, M.A.
Board Member

Joseph Tuminello, III, Ph.D.
Board Member

I, JAMES R. RAINES, serving as Prosecutor, do hereby acknowledge negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which COLBY GOTHREAU, could be charged under Complaint Number 2019-003B; and further certify that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint and represents a true and correct statement of that which could be proven at a hearing of this matter.


James R. Raines

10/28/20
Date

I, COLBY GOTHREAUX, without admitting any violation of any law, regulation, and/or rule make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2019-003B by Consent Agreement and Order ("Order") pursuant to La. R.S. 49:955(D), in lieu of the institution and prosecution of formal administrative proceedings, and accordingly consent to the entirety of the Order set forth hereinbefore and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize the Prosecutor to present this Order to the LBAB for its consideration and to disclose to and discuss with the LBAB the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including La. R.S. 49:960. I expressly acknowledge that the disclosure of such information to the LBAB shall be without prejudice to the Prosecutor's authority to file a formal Administrative Complaint, or the LBAB's capacity to adjudicate such Administrative Complaint, should the LBAB decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LBAB approve this Consent Agreement and Order that the Consent Agreement and Order will become a matter of public record.

Colby Gothreaux
COLBY GOTHREAUX

9-24-2020
Date

I, COLBY GOTHREAUX, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions.

DATED: 9-24-2020 Colby Gothreaux
COLBY GOTHREAUX

SUBSCRIBED AND SWORN TO before me this 24 day of September,
2020, at Louisiana, Louisiana.

Rebecca S. Daigle #169
Notary Public
Print Name: Rebecca S. Daigle
My Commission Expires: on death

