

LOUISIANA BEHAVIOR ANALYST BOARD

IN THE MATTER OF

COMPLAINT NUMBER: 2018-005C

ERIKA RICHTER

LICENSE NO: L-146

CONSENT AGREEMENT AND ORDER

WHEREAS, ERIKA RICHTER (“MS. RICHTER”) 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, on or about April 10, 2018, the Louisiana Behavior Analyst Board (“LBAB”) received a complaint regarding MS. RICHTER wherein it was alleged that she allowed non-registered line technicians to provide ABA services to clients; that she failed to provide adequate supervision to line technicians; failed to properly complete supervision forms; failed to timely provide Documentation of Experience forms and failed to properly train staff.

WHEREAS, by correspondence dated August 2, 2018 and March 8, 2019, the LBAB notified MS. RICHTER of the complaint filed against her, provided MS. RICHTER with a summary of the nature of the complaint, and requested that MS. RICHTER, within thirty (30) days, provide a statement giving her review of the circumstances that are the subject of the complaint;

WHEREAS, by letter dated August 20, 2018, MS. RICHTER provided an initial response to the complaint, and by correspondence dated April 16, 2019 and July 22, 2019,

through counsel, provided documentation and additional responses to the second notification letter from the LBAB including an explanation of reliance on the Board's Opinion #003 "Student Exemption of Registered Line Technicians" issued on April 12, 2016 ("Opinion #003");

WHEREAS, the parties herein met for an informal meeting (Bertucci hearing) on October 4, 2109, in order to address the allegations raised against MS. RICHTER;

WHEREAS, the respondent, ERIKA RICHTER, has indicated her 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, ERIKA RICHTER, has admitted the following:

1. Respondent, ERIKA RICHTER, 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-146; and
2. At all times pertinent to the facts of this case, MS. RICHTER was actively engaged in the practice of Applied Behavior Analysis in Bossier City, Louisiana, at Ray of Light Behavioral Services.
3. The Respondent, ERIKA RICHTER, 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 only upon the allegation related to allowing non-registered line technicians to provide ABA services to clients based upon Ms. Richter's misinterpretation of Opinion #003. Thus, in order to avoid the time and expense of proceeding to an Administrative hearing, Respondent agrees to the terms of this Consent Agreement and Order.

WHEREAS, the undersigned Prosecutor for the LBAB has communicated with counsel for MS. RICHTER, who has indicated that it is the desire of MS. RICHTER to resolve this matter through a Consent Agreement and Order;

WHEREAS, Respondent, MS. RICHTER, recognizes her right to have an Administrative Adjudication of the charges outlined in the complaint and notice letter, at which

time MS. RICHTER would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on her 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. MS. RICHTER nonetheless hereby waives her 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. MS. RICHTER also acknowledges that she hereby waives any rights to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, et seq., or which she otherwise may be afforded by any law to contest her 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 MS. RICHTER accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:958:

1. The LBAB license of MS. RICHTER to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-146 shall be, and is hereby **REPRIMANDED**, based upon the allegations of the complaint and investigation. MS. RICHTER accepts and shall maintain strict compliance with the following terms and conditions.
2. MS. RICHTER shall re-take the LBAB jurisprudence exam. In the event MS. RICHTER does not pass the exam, she shall continue to take it until she receives a passing score. The fee related to the exam will be waived. MS. RICHTER must pass the jurisprudence exam before she can renew her license with the LBAB.
3. MS. RICHTER specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order may result in further disciplinary action taken by the LBAB. The admissions contained herein will be considered proven and the only issue will be failure to follow the terms of the Consent Agreement and Order.

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

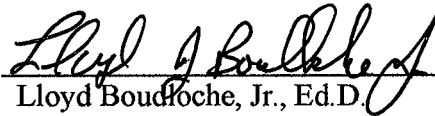
and Order may be published and reported in, including but not limited to, the LBAB website, the BACB, and the National Practitioners Data Bank (NPDB).

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.

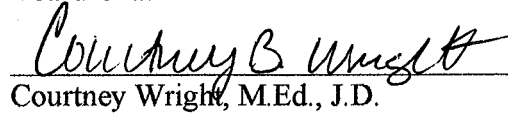
ORDER

The Louisiana Behavior Analyst Board, having examined the Consent Agreement and Order, Case No. 2018-005C, adopts the Consent Agreement and Order in the matter on this 10th day of December, 2019.

LOUISIANA BEHAVIOR ANALYST BOARD


Lloyd Boudfoche, Jr., Ed.D.

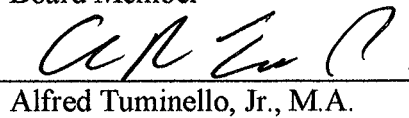
Board Chair


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

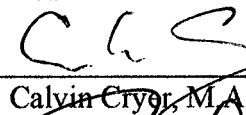
Board Vice Chair

Scott Williamson, M.A.

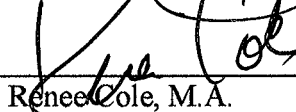
Board Member


Alfred Tuminello, Jr., M.A.

Board Member

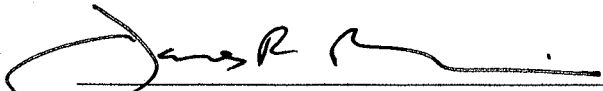

Calvin Cryer, M.A.

Board Member


Renee Cole, M.A.

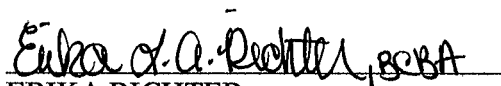
Board Member

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 **ERIKA RICHTER**, could be charged under Complaint Number 2018-005C; 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

11/19/19
Date

I, **ERIKA RICHTER**, 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 2018-005C 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.


ERIKA RICHTER

11/19/2019
Date

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

DATED: 11/12/2019 _____ Erika O.A. Richter, BCSA
ERIKA RICHTER

SUBSCRIBED AND SWORN TO before me this 12th day of November,
2019, at Shreveport, Louisiana.

Kimberly Jones
Notary Public
Print Name: Kimberly Jones
My Commission Expires: at death

