

**LOUISIANA BEHAVIOR ANALYST BOARD**

**IN THE MATTER OF**

**COMPLAINT NUMBER: 2018-001C**

**AMY THEOBALD**

**LICENSE NO: L-045**

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**CONSENT AGREEMENT AND ORDER**

**WHEREAS**, AMY THEOBALD (“MS. THEOBALD”) 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 MS. THEOBALD may have engaged in the following conduct: failure to adequately supervise and be available to registered line technicians under her supervision; failure to prepare timely, tailor-made programs/treatment plans for each individual client and update plans accordingly; requiring RLTs to implement inadequate and inappropriate services; failure to inform RLTs of new client arrivals and/or discuss treatment plan for said new client; inadequate and unethically designed supervision and training of RLTs and others under her supervision; exploitation of person(s) who were under her supervision and/or in her employ; failure to provide accurate parent report(s); failure to provide effective treatment; failure to notify and/ or timely notify parents of seizures, falls, etc. of clients; deception to parents who were under assumption academics were being provided; fostering an environment where untruthful and dishonest behavior was promoted in others; improper billing practices; use of cameras as supervision;

falsification of data and/or documentation not consistent with best practices and the law; acceptance of clients that facility and/or staff were not trained to accommodate; inadequate training of RLTs, specifically in restraining clients; and poor sanitary conditions; and

**WHEREAS**, by letters dated June 11, 2018, and November 2, 2018, the LBAB notified MS. THEOBALD of the Board-initiated complaint filed against her, provided MS. THEOBALD with a summary of the nature of the complaint, and requested that MS. THEOBALD, within thirty (30) days, provide a statement giving her review of the circumstances that are the subject of the complaint; and

**WHEREAS**, by letter dated July 1, 2018, MS. THEOBALD provided a response to the June 11, 2018 notice letter from the Board, and by letter dated December 6, 2018, MS. THEOBALD, through counsel, provided a response to the second notice of complaint from the Board, giving her review of the allegations set forth therein; and

**WHEREAS**, the parties herein met for an informal meeting (Bertucci hearing) on March 14, 2019, in order to address the allegations raised against MS. THEOBALD; and

**WHEREAS**, the respondent, MS. THEOBALD, 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; and

**WHEREAS**, the Respondent, MS. THEOBALD, has admitted the following:

1. Respondent, MS. THEOBALD, 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-045.
2. MS. THEOBALD was actively engaged in the practice of Applied Behavior Analysis in Lafayette, Louisiana, at BrightSpots Behavior and Learning until January 2019; since that time Ms. Theobald has not been practicing full-time as a BCBA, but instead has limited her practice to PRN status.

3. The Respondent, MS. THEOBALD, 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 solely upon the allegations related to supervision as addressed in the notice letter from the LBAB. Thus, in order to avoid time and costs of proceeding to an administrative hearing, Respondent agrees to the terms of this Consent Agreement and Order.
4. The Respondent, MS. THEOBALD, without admitting any violation of any law, regulation, and/or rule, acknowledges that the LBAB may be able to prove because MS. THEOBALD waives her right to a hearing that her conduct may have violated the following rules and regulations of the LBAB: La. R.S. 37:3716, BACB Rules 1.04(a)(c)(d), 1.07(a), 2.10(a)(b), 5.02, 5.04, 5.06, LAC 46:VIII §511, §513, and §1001.

**WHEREAS**, the Respondent, MS. THEOBALD, 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. MS. THEOBALD 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 MS. THEOBALD shall be deemed adequate and sufficient cause for the LBAB to immediately summarily suspend the license of MS. THEOBALD to practice applied behavior analysis in the State of Louisiana. In the event of a summary suspension, MS. THEOBALD maintains her right to a hearing, administrative review, and judicial review.

**WHEREAS**, Respondent, MS. THEOBALD, recognizes her right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time MS. THEOBALD 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. THEOBALD 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. THEOBALD 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. THEOBALD accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:958:

1. The LBAB license of MS. THEOBALD to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-045, shall be, and is hereby **SUSPENDED**, for a period of one (1) year. MS. THEOBALD accepts and shall maintain strict compliance with the following terms and conditions.
2. MS. THEOBALD shall pay legal costs associated with the Complaint in the amount of **EIGHT THOUSAND DOLLARS (\$8,000.00)** 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. MS. THEOBALD 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 **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)** 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. MS. THEOBALD shall obtain six (6) continuing education hours in business ethics from either [www.universalclass.com](http://www.universalclass.com) or Lorman Education Services at [www.classes.com/ceu-courses-for-ethics/](http://www.classes.com/ceu-courses-for-ethics/). The continuing education hours must be completed before the expiration of her period of suspension.

5. MS. THEOBALD recognizes that in order for her license to be reinstated, the Board shall review her compliance with this agreement after the expiration of the one (1) year period, in accordance with LAC 46:VIII §809. In order to be reinstated, MS. THEOBALD shall obtain all continuing education hours and complete all renewal forms necessary for renewal of her license.
6. Any violation or failure of strict compliance with any of the terms and conditions set forth in this Consent Agreement and Order by MS. THEOBALD shall be deemed adequate and sufficient cause for the LBAB to immediately summarily suspend the license of MS. THEOBALD to practice Applied Behavioral Analysis in the State of Louisiana. In the event of a summary suspension, MS. THEOBALD maintains her 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. 2018-001C, adopts the Consent Agreement and Order in the matter on this 20<sup>th</sup> day of October, 2020.

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

**LOUISIANA BEHAVIOR ANALYST BOARD**

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

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Calvin Cryer, M.A.  
Board Vice Chair

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

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

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Angela Murray, M.S.  
Board Member

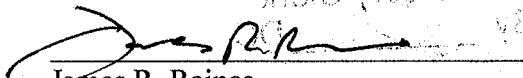
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Renee Cole, M.A.  
Board Member

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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 AMY THEOBALD, could be charged under Complaint Number 2018-001C; 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

11/13/20  
Date

I, **AMY THEOBALD**, 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 2018-001C 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.

  
AMY THEOBALD

10/13/2020  
Date

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

DATED:

10/13/2020

AMY THEOBALD

*Amy Theobald*

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of Oct.

2020, at Hancock County, Mississippi, Louisiana.

Timothy A. Keller  
Chancery Clerk

By: *[Signature]* DC



Notary Public

*[Signature]*  
My Commission Expires: 12/31/2023

My Commission Expires Dec. 31, 2023