

Louisiana Behavior Analyst Board

IN THE MATTER OF

COMPLAINT NUMBER: 2020-001B

CAROLYN BARAHONA, PH.D., LBA

LICENSE NO. L-015

CONSENT AGREEMENT AND ORDER

WHEREAS, CAROLYN BARAHONA, Ph.D., LBA (“DR. BARAHONA”) 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. 37:3701, et seq.), the Professional and Occupational Standards for Behavior Analysts (LAC 46:VIII §301, et seq.), the BACB Professional and Ethical Compliance Code for Behavior Analysts (BACB, 2014), and the rules regarding disciplinary proceedings (LAC 46:VIII §601, et seq.);

WHEREAS, on January 29, 2020, DR. BARAHONA self-reported a lawsuit filed against DR. BARAHONA and Gulf South Autism Center (“GSAC”), among others, to the Louisiana Behavior Analyst Board (“LBAB”);

WHEREAS, the allegations contained in the lawsuit prompted the LBAB to open an investigation into the allegations against DR. BARAHONA, which allegations are detailed more fully in the Order of Summary Suspension signed in this matter on May 26, 2020;

WHEREAS, on March 13, 2020, DR. BARAHONA responded to the LBAB’s request for a response to the allegations in the lawsuit and denied each allegation listed in the lawsuit;

WHEREAS, pursuant to La. R.S. 37:3704(A)(9), the Louisiana Behavior Analyst Board (“LBAB”) summarily suspended LBA License number L-015, issued to DR. BARAHONA, by Order of Summary Suspension dated May 26, 2020, pending an administrative hearing on the continuation of the summary suspension, which hearing took place on July 6-7, 2020;

WHEREAS, at the conclusion of the hearing regarding the continuation of the summary suspension of DR. BARAHONA's license, the LBAB, based upon the testimony and evidence presented, ruled that the license of DR. BARAHONA would remain suspended pending further proceedings;

WHEREAS, on April 20, 2021, the LBAB issued its Findings of Fact and Conclusions of Law for Summary Suspension Order relative to its ruling from the July 6-7, 2020 hearing on the summary suspension;

WHEREAS, on April 30, 2021, DR. BARAHONA filed a Petition for Reconsideration with the LBAB, requesting that it reconsider its Findings of Fact and Conclusions of Law for Summary Suspension Order;

WHEREAS, on July 28, 2021, a hearing was held regarding DR. BARAHONA's Petition for Reconsideration, which was verbally denied at the end of the hearing;

WHEREAS, on August 25, 2021, the LBAB issued an Order regarding its denial of DR. BARAHONA's Petition for Reconsideration;

WHEREAS, the respondent, DR. BARAHONA, 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, DR. BARAHONA, has admitted the following:

1. Respondent, DR. BARAHONA, 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-015.
2. At all times pertinent to the facts of this case, DR. BARAHONA was actively engaged in the practice of Applied Behavior Analysis in New Orleans, Louisiana, at Gulf South Autism Center.

3. The Respondent, DR. BARAHONA, 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 against her as addressed in the Order of Summary Suspension filed in this matter and the evidence and testimony presented at the hearing of July 6-7, 2020 before the LBAB. Thus, in order to avoid further proceedings, Respondent agrees to the terms of this Consent Agreement and Order.
4. The Respondent, DR. BARAHONA, admits only that she violated La. R.S. 37:3712(B)(12) and (15) and BACB Rules 3.03 and 4.04, by failing to obtain written consent from parents before implementing functional behavioral assessments and implementing or making significant modifications to behavioral change programs. However, she recognizes that the LBAB may have sufficient information to file an Administrative Complaint raising possible violations of the following rules and regulations of the LBAB: La. R.S. 37:3717(B)(2)(a)(c)(5)(11)(12)(14)(15), BACB Rules 1.0, 1.01, 1.04(a)(b)(d), 1.05, 2.0, 2.04(c), 2.05, 2.09, 2.1(a), 2.13, 4.0, 4.01, 4.03(a) 4.04, 4.05, 4.08, 4.09, 5.0, 5.03(a)(b), 5.05, 5.06(a), 5.07, 7.01, 7.02(a)(b), LAC 46:VIII §509(D), §515(A)(B)(C)(D)(E)(3)(5)(6), and §1001.

WHEREAS, the Respondent, DR. BARAHONA, agrees not to engage in or repeat the alleged misconduct mentioned in this Consent Agreement and Order, and acknowledges that doing so will be considered a violation of the terms of this Consent Agreement and Order and shall be cause for further disciplinary action. DR. BARAHONA 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 her shall be deemed adequate and sufficient cause for the LBAB to immediately summarily suspend the license of DR. BARAHONA to practice applied behavior analysis in the State of Louisiana. In the event of a summary suspension, DR. BARAHONA maintains her right to a hearing, administrative review, and judicial review.

WHEREAS, DR. BARAHONA recognizes her right to have an administrative adjudication of the charges outlined in the Order of Summary Suspension after the filing of an Administrative Complaint, at which time DR. BARAHONA 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. DR. BARAHONA 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. DR. BARAHONA 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 DR. BARAHONA accepts the following administrative action in lieu of further proceedings, which is a final decision pursuant to La. R.S. 49:958:

1. The LBAB license of DR. BARAHONA to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-015, shall be, and is hereby **SUSPENDED**, while DR. BARAHONA completes the requirements outlined below at No. 2. DR. BARAHONA accepts and shall maintain strict compliance with the following terms and conditions.
2. During the time DR. BARAHONA's license is suspended, she shall complete the following requirements:
 - a. DR. BARAHONA will receive a temporary SCaBA certification once she provides the LBAB with a written Supervisory Agreement between an LBA supervisor and DR. BARAHONA that addresses (i) the domains of competency within which services may be provided by DR. BARAHONA and (ii) the nature and frequency of the supervision of the practice of DR. BARAHONA as a SCaBA by the LBA.

- b. Based on the terms of the Supervisory Agreement, DR. BARAHONA will be allowed to practice Applied Behavior Analysis in the state of Louisiana as a SCaBA while she completes the supervision requirements set forth below.
 - c. The LBA supervisor of DR. BARAHONA must be approved by the LBAB and have practiced for more than three (3) years. The LBA supervisor shall not practice with or be employed by any of DR. BARAHONA's prior employers.
 - d. The written Supervisory Agreement shall include one of the following options: (i) a minimum of one hour face-to-face supervisory meetings shall occur not less than once every four weeks for a minimum of one year, with a report to the LBAB by the LBA supervisor every two months; (ii) a minimum of one hour face-to-face supervisory meetings shall occur not less than once every two weeks for a minimum of six months, with a report to the LBAB by the LBA supervisor every month. Such supervisory meetings may take place over virtual face-to-face platforms (i.e. Zoom or other videoconferencing programs).
 - e. While LAC 46:VIII §503 is applicable to the Supervisory Agreement, Sections B(1), B(2) and C shall not count as part of the requirements of this Supervisory Agreement. During the term set forth at paragraph (d), DR. BARAHONA shall work a minimum of twenty (20) hours per week, subject to reasonable fluctuations due to holidays, vacation and sick time.
 - f. At the end of the six-month or one-year period set forth above at paragraph 2(d), DR. BARAHONA shall appear before the LBAB at a regularly scheduled (or special) meeting at which she will answer any questions of the LBAB regarding her practice as well as her compliance with this Agreement, in accordance with LAC 46:VIII §809, to determine if she is eligible to have her license reinstated and whether she will be allowed thereafter to practice without supervision. She may bring her supervising LBA to provide testimony on her behalf. If DR. BARAHONA is current with her payments to the LBAB in accordance with paragraph 5, below, she may be reinstated even though the total amount owed to the LBAB has not yet been paid in full. However, DR. BARAHONA shall continue to make any payments due in accordance with Paragraph 5 if reinstated.
 - g. DR. BARAHONA shall earn CE hours in 2021 and 2022 in the amount required by a practicing LBA. The discipline committee will, within thirty (30) days of approval of this Consent Agreement and Order by the LBAB, provide DR. BARAHONA with the courses required that will count as her CE hours when reporting in 2022.
3. DR. BARAHONA shall pay legal costs associated with the Complaint in the amount of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500.00).

4. DR. BARAHONA 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 TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00).
5. Payment of the amounts outlined in Paragraphs 3 and 4 (totaling TWENTY THOUSAND DOLLARS (\$20,000)) shall be made pursuant to the following quarterly payment schedule: \$4,200 in first year, with payments no less than \$1,050 per quarter; \$6,000 in second year, with payments no less than \$1,500.00 per quarter; \$9,800 in third year, with payments no less than \$2,450 per quarter. The LBAB will issue a schedule detailing the dates by which the quarterly payments shall be made by DR. BARAHONA. Payments must be made by certified check or money order, with the first payment being due within sixty (60) days of when the LBAB approves this Consent Agreement and Order. There shall be no pre-payment penalty.
6. DR. BARAHONA shall report the terms of this Consent Agreement and its approval to any board or agency located in the United States with which she is licensed.
7. Any violation or failure of strict compliance with any of the terms and conditions set forth in this Consent Agreement and Order by DR. BARAHONA shall be deemed adequate and sufficient cause for the LBAB to immediately summarily suspend the license of DR. BARAHONA to practice Applied Behavioral Analysis in the State of Louisiana. In the event of a summary suspension, DR. BARAHONA maintains her right to a hearing, administrative review, and judicial review.

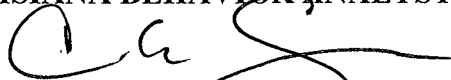
THIS CONSENT AGREEMENT AND ORDER shall take effect immediately upon adoption by the LBAB and is a matter of public record pursuant to La. R.S. 37:3712 and La. R.S. 44:1, et seq. The terms of this Consent Agreement and Order will be published and reported on the LBAB website, to the BACB, and to the National 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.

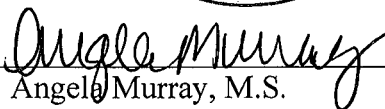
ORDER

The Louisiana Behavior Analyst Board, having examined the Consent Agreement and Order, Case No. 2020-001B, adopts the Consent Agreement and Order in the matter on this 16th day of November, 2021.

LOUISIANA BEHAVIOR ANALYST BOARD



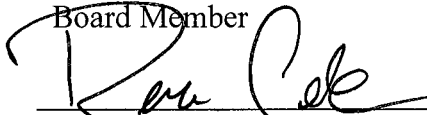
Calvin Cryer, M.A.
Board Chair



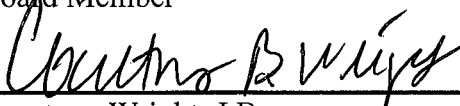
Angela Murray, M.S.
Board Vice Chair



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



Renee Cole, M.A.
Board Member



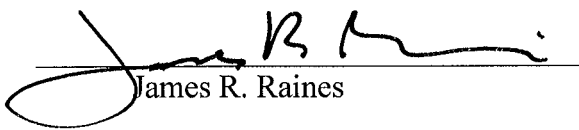
Courtney Wright, J.D.
Board Member

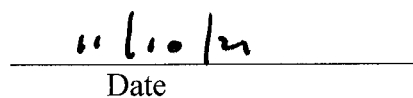
Joseph Tuminello, III, Ph.D.
Board Member



Daniela Riofrio, M.S.
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 DR. BARAHONA, could be charged under Complaint Number 2020-001B; 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


Date

I, **DR. BARAHONA**, without admitting any violation of any law, regulations and/or rule, make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2020-001B 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.

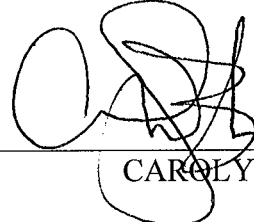


CAROLYN BARAHONA

11/5/2021

Date

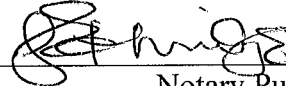
I, **CAROLYN BARAHONA**, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions.



CAROLYN BARAHONA

SUBSCRIBED AND SWORN TO before me this 5th day of November,

2021, at New Orleans, Louisiana.



Notary Public
Print Name: Gary C. Ethridge
My Commission Expires: is for life
La. Bar No. 14258
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Baton Rouge, LA 70809
(225) 924-1572