

LOUISIANA BEHAVIOR ANALYST BOARD

IN THE MATTER OF

COMPLAINT NUMBER: 2021-002B

KAYLA DIMARTINO

LICENSE NO: L-403

CONSENT AGREEMENT AND ORDER

WHEREAS, KAYLA DIMARTINO (“MS. DIMARTINO”) 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.);

WHEREAS, the Louisiana Behavior Analyst Board (“LBAB”) received information indicating that MS. DIMARTINO allowed an individual who was not registered or had not completed the registration process with the LBAB to engage in providing applied behavior analysis services to clients of SPEARS LEARNING CENTER from February, 2020 to December, 2020 (except the months of April-May, 2020, when the clinic was not in operation due to the Covid-19 pandemic);

WHEREAS, after the LBAB received said information the individual became registered with the LBAB, but is no longer employed by SPEARS LEARNING CENTER;

WHEREAS, by correspondence dated March 3, 2021, the LBAB notified MS. DIMARTINO of the Board-initiated complaint filed against her, provided MS. DIMARTINO with a summary of the nature of the complaint, and requested that MS. DIMARTINO, within thirty (30) days, provide a statement giving her review of the circumstances that are the subject of the complaint;

WHEREAS, by letter dated March 19, 2021, MS. DIMARTINO provided a response to the complaint, giving her review of the allegations set forth therein;

WHEREAS, MS. DIMARTINO requested an informal meeting (Bertucci Hearing), which was held on September 21, 2021, in order to address the allegations raised against MS. DIMARTINO;

WHEREAS, MS. DIMARTINO at the informal meeting on September 21, 2021, MS. DIMARTINO contended she was unaware TRIVON OLIVER was not registered with the LBAB, but ultimately admitted it was MS. DIMARTINO's responsibility as the designated supervisor to confirm registration of RLTs;

WHEREAS, the respondent, KAYLA DIMARTINO, 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, KAYLA DIMARTINO, has admitted the following:

1. Respondent, KAYLA DIMARTINO, 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-403;
2. At all times pertinent to the facts of this case, MS. DIMARTINO was actively engaged in the practice of Applied Behavior Analysis in Covington, Louisiana, at Spears Learning Center.
3. The Respondent, KAYLA DIMARTINO, acknowledges that the LBAB may have sufficient information to file an Administrative Complaint based upon the allegations against her as addressed in the March 3, 2021 notice letter from the LBAB. Thus, to avoid proceeding to an administrative hearing, Respondent agrees to the terms of this Consent Agreement and Order.
4. The Respondent, KAYLA DIMARTINO, admits that her conduct violated the following rules and regulations of the LBAB: La. R.S. 37:3712(B)(6)(7)(12)(15), LAC 46:VIII §304, and §1001.

WHEREAS, the Respondent, KAYLA DIMARTINO, 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. KAYLA DIMARTINO 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. DIMARTINO shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MS. DIMARTINO to practice behavior analysis in the State of Louisiana for a period of up to two (2) years, as determined by the LBAB at a regularly scheduled meeting of the LBAB, without the need to institute new disciplinary proceedings against MS. DIMARTINO.

WHEREAS, Respondent, MS. DIMARTINO, recognizes her right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time MS. DIMARTINO 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. DIMARTINO 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. DIMARTINO 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 and further waives the right to appeal the approval of this Agreement by the LBAB.

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. DIMARTINO accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:958:

1. The LBAB license of MS. DIMARTINO to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-403, shall be, and is hereby REPRIMANDED, based upon the allegations of the complaint and investigation. MS. DIMARTINO accepts and shall maintain strict compliance with the following terms and conditions.
2. MS. DIMARTINO shall pay legal costs associated with the Complaint in the amount of SIX HUNDRED DOLLARS (\$600.00) as well as 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 FOUR HUNDRED FIFTY DOLLARS (\$450.00) within six (6) months 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 in six installments of \$175.00, postmarked no later than the tenth (10th) day of each month, with the first payment due within thirty (30) days after the approval of this Agreement by the LBAB. There shall be no pre-payment penalty.
3. MS. DIMARTINO shall participate in and cooperate with a practice and process audit by the LBAB Complaints Coordinator. She shall promptly provide any information requested in association with the audit.
4. MS. DIMARTINO shall report the terms of the terms of this Agreement to any Board or Agency by which she is licensed, as well as the BACB.
5. Any violation or failure of strict compliance with any of the terms and conditions set forth in this Consent Agreement and Order by MS. DIMARTINO shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MS. DIMARTINO to practice Applied Behavioral Analysis in the State of Louisiana for a period of up to two (2) years, as determined by the LBAB.

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. 2020-002B, adopts the Consent Agreement and Order in the matter on this 19th day of October, 2021.

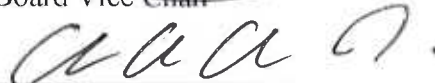
LOUISIANA BEHAVIOR ANALYST BOARD



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



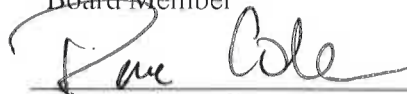
Calvin Cryer, M.A.
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Alfred Tuminello, Jr., M.A.
Board Member



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 KAYLA DIMARTINO, could be charged under Complaint Number 2021-002B; 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, **KAYLA DIMARTINO**, make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2021-002B 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 or a member of the discipline committee 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 (or any of its member’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.


KAYLA DIMARTINO


Date

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

DATED: 10/13/2021 Kayla DiMartino
KAYLA DIMARTINO

SUBSCRIBED AND SWORN TO before me this 13 day of October,
2021, at MONOEVILLE, Louisiana.

[Signature]
Notary Public
Print Name: Carole A Brancewicz
My Commission Expires: upon death

