

LOUISIANA BEHAVIOR ANALYST BOARD

IN THE MATTER OF

COMPLAINT NUMBER:  
2023-010B

MATTHEW FARRELL

LICENSE NO: L-611

CONSENT AGREEMENT AND ORDER

**WHEREAS**, MATTHEW FARRELL (“MR. FARRELL”) 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.), and the Professional and Occupational Standards for Behavior Analysts (LAC 46:VIII §301, et seq.);

**WHEREAS**, the Louisiana Behavior Analyst Board (“LBAB”) initiated a complaint against MR. FARRELL based upon information received indicating that MR. FARRELL may have instructed a supervisee to not be truthful to a client’s parents, failed to inform the client’s parents of a change in treatment plan, failed to obtain consents from the parents, failed to adequately train RLTs to handle aggressive clients, billed supervision for more time than actually performed, and provoked a client by making harassing comments about a pet;

**WHEREAS**, by correspondence dated February 22, 2023, the LBAB notified MR. FARRELL of the Board-initiated complaint filed against him, provided MR. FARRELL with a summary of the nature of the complaint, and requested that MR. FARRELL, 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 23, 2023, MR. FARRELL provided a response to the complaint, giving his review of the allegations set forth therein;

**WHEREAS**, an informal conference (Bertucci hearing) was held between MR. FARRELL and the disciplinary committee on August 31, 2023, to address the allegations raised in the complaint;

**WHEREAS**, the respondent, MATTHEW FARRELL, has indicated his desire to resolve this matter through a Consent Agreement and Order as provided for in LAC 46:VIII §603 and La. R.S. 49:975(D) of the Louisiana Administrative Procedure Act;

**WHEREAS**, the Respondent, MATTHEW FARRELL, has admitted the following:

1. Respondent, MATTHEW FARRELL, 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-611.
2. At all times pertinent to the facts of this case, MR. FARRELL was actively engaged in the practice of Applied Behavior Analysis.
3. The Respondent, MATTHEW FARRELL, acknowledges that the LBAB may have sufficient information to file an Administrative Complaint based upon the allegations against him as addressed in the February 22, 2023, notice letter from the LBAB. Thus, Respondent agrees to the terms of this Consent Agreement and Order.
4. The Respondent, MATTHEW FARRELL, admits that his conduct violated the following rules and regulations of the LBAB: La. R.S. 37:3712(B)(2), (12), and (15), BACB Rules 1.01, 1.02, 2.08, 2.09, 2.11, 2.16, 219, and LAC 46:VIII §1001.

WHEREAS, the Respondent, MATTHEW FARRELL, 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. MATTHEW FARRELL 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. FARRELL shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MR. FARRELL to 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 MR. FARRELL.

WHEREAS, Respondent, MR. FARRELL, recognizes his right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time MR. FARRELL 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. FARRELL nonetheless

hereby waives his right to formal adjudication and, pursuant to La. R.S. 49:975(D), consents to the entry of the Consent Agreement and Order set forth hereinafter. MR. FARRELL 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. 49:975(D), the LBAB orders and MR. FARRELL accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:977:

1. The LBAB license of MR. FARRELL to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-611, shall be, and is hereby REPRIMANDED, based upon the findings of the investigation. MR. FARRELL accepts and shall maintain strict compliance with the following terms and conditions.
2. MR. FARRELL shall pay legal costs associated with the Complaint in the amount of FIVE HUNDRED DOLLARS (\$500.00) 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 SEVEN HUNDRED DOLLARS (\$700.00) 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 monthly installments of \$200.00, postmarked no later than the tenth (10<sup>th</sup>) 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. MR. FARRELL shall complete six (6) hours of continuing education units (CEUS) assigned by the LBAB Complaints Coordinator covering informed consent and behavior modification. The hours shall be completed within six (6) months from the date that all parties sign this Consent Agreement and Order. These hours will be in addition to the CEUS required to maintain licensure.
4. Any violation or failure of strict compliance with any of

the terms and conditions set forth in this Consent Agreement and Order by MR. FARRELL shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MR. FARRELL to practice Applied Behavioral Analysis in the State of Louisiana for a period of up to two (2) years, as determined by the LBAB.

5. MR. FARRELL further acknowledges that failure to reimburse the fees set forth above at Paragraph 2 will require the Board to take further action in collection of this debt. Respondent has six (6) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in La. R.S. 47:1676(E).

**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.

**Effect of Non-Acceptance of Agreement.** MR. FARRELL acknowledges that this Consent Agreement and Order is subject to the approval of the Board. He further acknowledges and agrees that if the Board rejects this Consent Agreement and Order, it will be void, and an Administrative Complaint may be filed relative to the allegations contained herein. If this Consent Agreement and Order is rejected by the Board, it will not constitute a waiver of MR. FARRELL'S right to a hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. He further agrees that if the Board rejects this Consent Agreement and Order, the members of the Board may decide the matter after a hearing, and their consideration of this Consent Agreement and Order shall not alone be grounds for recusal of any member of the Board, including any claims that the Board is biased against him, that it cannot fairly decide the case, or that it has received ex parte communication.


**ORDER**

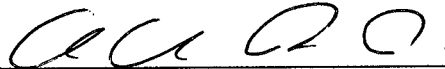
The Louisiana Behavior Analyst Board, having examined the Consent Agreement and Order, Case No. 2023-010B, adopts the Consent Agreement and Order in the matter on this 13<sup>th</sup> day of December, 2023.

**LOUISIANA BEHAVIOR ANALYST BOARD**

absent

Joseph Tuminello, III, Ph.D.  
Board Chair


  
Daniela Rofrio, M.S.  
Board Vice Chair



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

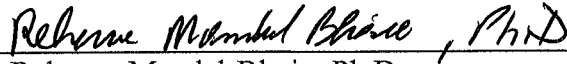
absent

Renee Cole, M.A.  
Board Member

  
Angela Murray, M.S.  
Board Member

absent

Courtney Wright, J.D.  
Board Member

  
Rebecca Mandal-Blasio, 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 **MATTHEW FARRELL** could be charged under Complaint Number 2023-010B; 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.



12-13-2023

James R. Raines

Date

I, **MATTHEW FARRELL**, make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2023-010B by Consent Agreement and Order ("Order") pursuant to La. R.S. 49:975(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. 49:977.2. 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.

  
12-8-2023  
MATTHEW FARRELL

Date

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

DATED: 12-8-2023  
*Matthew Farrell*  
\_\_\_\_\_

**MATTHEW FARRELL**

**SUBSCRIBED AND SWORN TO** before me this 8 day  
of December, 2023, at  
Denham Springs, Louisiana

*David Anthony Dominique*  
\_\_\_\_\_  
Notary Public

Print Name: David Anthony Dominique  
My Commission Expires: Death

4905417.v1

DAVID ANTHONY DOMINIQUE  
NOTARY PUBLIC  
BAR ROLL # 36129  
STATE OF LOUISIANA  
My commission is for Life