

**LOUISIANA BEHAVIOR ANALYST BOARD**

**IN THE MATTER OF**

**COMPLAINT NUMBER: 2022-009C**

**KIMBERLY HERMOSURA**

**LICENSE NO: L-387**

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**CONSENT AGREEMENT AND ORDER**

**WHEREAS**, KIMBERLY HERMOSURA (“Respondent”) was a Licensed Behavior Analyst (“LBA”), 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”) received a complaint alleging Respondent interfered with the treatment plan of another LBA’s client, by sending and receiving iPad messages stating her intention to provoke the other LBA’s client, and ignoring the client’s mand to stop an action that was agitating and provoking the client, and

**WHEREAS**, by correspondence dated July 18, 2022, the LBAB provided Respondent with a summary of the nature of the Complaint and requested Respondent 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 11, 2022, and received by the LBAB on August 16, 2022, Respondent complied with the LBAB’s request and provided the requested response and review of the allegations set forth therein and cooperated with the investigation of this matter;

**WHEREAS**, Respondent 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: 975(D) of the Louisiana Administrative Procedure Act;

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

1. At all times pertinent to the facts and matters alleged in the Complaint, she was 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-387.
2. At all times pertinent to the allegations in the Complaint, Respondent was actively engaged in the practice of Applied Behavior Analysis in Denham Springs, Louisiana, at The Center for Autism and Related Disorders.
3. LBA License Number L-387 lapsed on December 31, 2022.

**WHEREAS**, Respondent does not admit or offer any defense to the allegations in the Complaint; however, in an effort to facilitate resolution of this matter, Respondent acknowledges that the Board may have sufficient information to file an Administrative Complaint based upon the allegations against her for violation of La. R.S. 37:3712(B)(2)(a)(c)(12) former BACB Rules 2.0, 2.05(a), and 10.06, and former LAC 46:VIII §1001, which were in effect at the time of the Complaint, and thereafter proceed to an administrative hearing based upon said allegations.

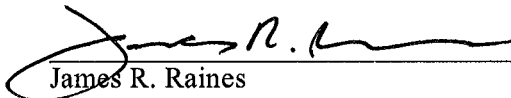
**WHEREAS**, Respondent recognizes her right to have an administrative adjudication of the allegations outlined in the complaint and notice letter, at which time she would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on her behalf in defense or in mitigation of the allegations, 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. HERMOSURA 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. HERMOSURA 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 appeal 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. HERMOSURA accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:958:

1. MS. HERMOSURA voluntarily allowed her license to be engaged in the practice of Applied Behavior Analysis (“ABA”) in the State of Louisiana, as evidenced by the LBA License Number L-387, to lapse on December 31, 2022, and acknowledges that the Board may have had sufficient information to suspend her license based upon the allegations of the complaint. MS. HERMOSURA shall not engage in the provision of ABA services subject to the jurisdiction of the LBAB during the time her license is lapsed.
2. Respondent agrees not to seek reinstatement of her license for a period of one year from January 1, 2024. If her license is reinstated, the license shall be placed on probation for eighteen months. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of the probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Should Respondent’s license be reinstated, the probationary period concludes upon receipt by Respondent of the Board letter acknowledging the close of the probationary period. During the first year of her probationary period, Respondent shall take one hour of Board-approved continuing education in ethics each month.
3. If MS. HERMOSURA’s license is reinstated, during the eighteen-month probationary period, MS. HERMOSURA shall be supervised by a Board-approved supervisor for a minimum of one time per month for one hour where such supervision must be face-to-face, whether conducted in-person or electronically/virtually. Should Respondent’s license be reinstated, the supervisor of MS. HERMOSURA shall provide a written report to the Board on a quarterly basis, a minimum of 6 reports, detailing their supervision of MS. HERMOSURA and her progress in the practice.
4. Should MS. HERMOSURA seek reinstatement of her Louisiana license, or reapply for licensure by the LBAB, MS. HERMOSURA agrees to:
  - a. Complete thirty (30) hours of ethics continuing education units (CEUs) on the following subjects, which courses must be pre-approved by the Board or its designee: treatment planning, use of reinforcements, supervision, and boundaries.
  - b. Reimburse the Board the sum of \$5,000 in partial reimbursement for legal and administrative expenses incurred in this matter.
  - c. Appear before the Board to address her application for licensure when scheduled for 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 may be published and reported in, including but not limited to, the LBAB website, the BACB, and the National Practitioners Data Bank (NPDB) as D5 (Disruptive Conduct) and D7 (Conduct Evidencing Ethical or Moral Unfitness).

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 **KIMBERLY HERMOSURA**, could be charged under Complaint Number 2022-009C; 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

2/22/24  
Date

I, **KIMBERLY HERMOSURA**, make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2022-009C 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 by the LBAB, 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.

  
KIMBERLY HERMOSURA

01/26/24  
Date

THE ADMISSIONS AND FINDINGS CONTAINED HEREIN are intended solely for the purpose of resolving this Complaint or in connection with any subsequent matters before the LBAB involving Respondent.

ORDER

The Louisiana Behavior Analyst Board, having examined the Consent Agreement and Order, Case No. 2022-009C, adopts the Consent Agreement and Order in the matter on this 21st day of ~~December~~ <sup>February</sup> ~~2023~~ <sup>2024</sup>.

LOUISIANA BEHAVIOR ANALYST BOARD

absent  
Joseph Tuminello, III, Ph.D.  
Board Chair

[Signature]  
Daniela Riofrio, M.S.  
Board Vice Chair

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

[Signature]  
Courtney Wright, M.Ed., J.D.  
Board Member

[Signature]  
Rehee Cole, M.A.  
Board Member

[Signature]  
Rebecca Mandal-Blasio, Ph.D.  
Board Member

[Signature]  
Angela Murray, M.S.  
Board Member

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

DATED: 01/26/24

*Kimberly Hermosura*  
KIMBERLY HERMOSURA

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of December, 2023, at in East Baton Rouge Parish, Louisiana.

*Jarret Akins*  
Notary Public  
Print Name: Jarret Akins  
My Commission Expires: July 7, 2026

