

LOUISIANA BEHAVIOR ANALYST BOARD

IN THE MATTER OF

COMPLAINT NUMBER: 2019-002B

KIMBERLY PETERS

LICENSE NO: L-056

CONSENT AGREEMENT AND ORDER

WHEREAS, KIMBERLY PETERS (“MS. PETERS”) 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. PETERS may have allowed individuals who were not registered with the LBAB and who had not had background checks to engage in providing applied behavior analysis services to clients;

WHEREAS, the information received regarding such individuals included allegations as to the adequacy of their supervision, and all such individuals are now either registered with the LBAB or are no longer employed by MS. PETERS;

WHEREAS, by correspondence dated September 19, 2019, the LBAB notified MS. PETERS of the Board-initiated complaint filed against her, provided MS. PETERS with a summary of the nature of the complaint, and requested that MS. PETERS, within thirty (30) days, provide a statement giving her review of the circumstances that are the subject of the complaint;

WHEREAS, by letter dated October 7, 2019, MS. PETERS provided a response to the complaint, giving her review of the allegations set forth therein;

WHEREAS, the parties herein met for an informal meeting (Bertucci hearing) on July 9, 2020, in order to address the allegations raised against MS. PETERS;

WHEREAS, the respondent, KIMBERLY PETERS, 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, KIMBERLY PETERS, has admitted the following:

1. Respondent, KIMBERLY PETERS, 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-056.
2. At all times pertinent to the facts of this case, MS. PETERS was actively engaged in the practice of Applied Behavior Analysis in West Monroe, Louisiana, at Positive Outcomes.
3. The Respondent, KIMBERLY PETERS, acknowledges that the LBAB may have sufficient information to file an Administrative Complaint based upon the allegations against her as addressed in the September 19, 2019, 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, KIMBERLY PETERS, admits that her conduct violated the following rules and regulations of the LBAB: La. R.S. 37:3716, BACB Rules 1.04(b)(d), 2.05(e), 2.13, 5.03(a)(b), 5.04, 7.0, LAC 46:VIII §304 and §1001.

WHEREAS, the Respondent, KIMBERLY PETERS, 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. KIMBERLY PETERS 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. PETERS

shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MS. PETERS 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 MS. PETERS.

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

1. The LBAB license of MS. PETERS to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-056, shall be, and is hereby REPRIMANDED, based upon the allegations of the complaint and investigation. MS. PETERS accepts and shall maintain strict compliance with the following terms and conditions.

2. MS. PETERS shall pay legal costs associated with the Complaint in the amount of \$1,500 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. PETERS 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 FIVE HUNDRED DOLLARS (\$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. PETERS 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.
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. PETERS shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of MS. PETERS 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. 2019-002B, adopts the Consent Agreement and Order in the matter on this 17th day of February, 2021.

LOUISIANA BEHAVIOR ANALYST BOARD

Due to COVID, board members will sign at the next in-person board meeting.

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

Calvin Cryer, M.A.
Board Vice Chair

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

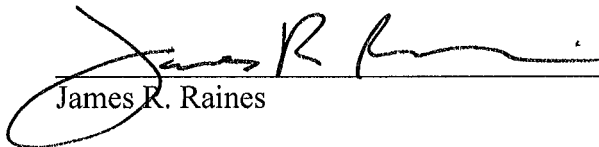
Lloyd Boudloche, Jr., Ed.D.
Board Chair

Angela Murray, M.S.
Board Member

Renee Cole, M.A.
Board Member

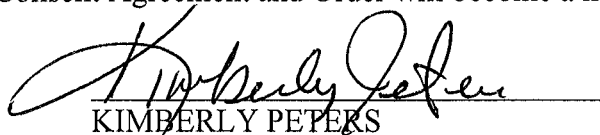
Joseph Tuminello, III, Ph.D.
Board Member

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 KIMBERLY PETERS, could be charged under Complaint Number 2019-002B; 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

2/12/21
Date

I, **KIMBERLY PETERS**, make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2019-002B 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 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 PETERS

1/15/2021
Date

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

DATED: 1-15-2021 *Kimberly Peters*
KIMBERLY PETERS

SUBSCRIBED AND SWORN TO before me this 15th day of January,
2021, at Monroe, Louisiana.

Allison Flowers
Notary Public
Print Name: Allison Flowers #8607
My Commission Expires: upon death