

**IN THE MATTER OF**  
**JAY R. LUCKER, AUD/SLP**  
**License Number 00962**  
**License Number 04746**  
**Case Number AHS-83-2018**

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**BEFORE THE MARYLAND**  
**BOARD OF EXAMINERS FOR**  
**AUDIOLOGISTS, HEARING**  
**AID DISPENSERS & SPEECH**  
**LANGUAGE PATHOLOGISTS**

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**CONSENT ORDER**

During the course of a preliminary investigation into another matter, the Maryland State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (the "Board") received information that Jay R. Lucker (the "Respondent"), audiology license number 00962, and speech-language pathology license number 04746, was issued a Consent Order entered November 26, 2012 by the State of Virginia Board of Audiology and Speech-Language Pathology (the "Virginia Board") against his licenses to practice as an audiologist and speech-language pathologist in the State of Virginia ("Virginia licenses"). Based on this information, the Board initiated an investigation that included an interview of the Respondent conducted by the Board's investigator on or about July 20, 2018.

Based upon the Board's investigation and the Respondent's interview, on or about October 18, 2018, the Board conducted a case resolution conference ("CRC") in an attempt to settle the matter prior to issuing Charges for violations of the Maryland Audiology, Hearing Aid Dispensing, and Speech-Language Pathology Act (the "Act"), Md. Code Annotated, Health Occupations Article ("H.O.") § 2-101 *et seq.* The Respondent appeared at the CRC. As a result, the Respondent and the Board agreed to the following Consent Order.

### FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant, the Respondent was licensed to practice audiology and speech-language pathology in the State of Maryland. The Respondent was originally licensed to practice audiology in Maryland on January 18, 2001, license number 00962 and speech-language pathology in Maryland on October 16, 2003, license number 04746. The Respondent's licenses to practice audiology and speech-language pathology in Maryland are currently active and expire on May 31, 2020.
2. At all times relevant, the Respondent also held licenses to practice audiology and speech-language pathology in Virginia and New York. The Respondent was originally licensed in Virginia as an audiologist, license number 2201-001134 and speech-language pathologist, license number 2202-003804 on May 21, 2001. Both Virginia licenses are active through June 30, 2020. The Respondent was originally licensed in New York as an audiologist, license number 00384 on January 12, 1979, and as a speech-language pathologist, license number 00342 on March 25, 1977. Both New York licenses are active through October 2021.
3. The Board initiated an investigation of the Respondent after receiving information during the preliminary investigation of another matter, that on or about November 26, 2012, a Consent Order was entered against the Respondent's Virginia licenses by the Virginia Board.
4. On or about July 13, 2018, the Board requested records from the Virginia Board relating to the Respondent's November 26, 2012 Consent Order ("2012 Consent Order").
5. On or about July 18, 2018, the Board received a copy of the Virginia Board's investigative file regarding the Respondent, which included a copy of the 2012 Consent Order. In the 2012 Consent Order, the Respondent was assessed a monetary penalty in the amount of

One Thousand Five Hundred Dollars (\$1,500.00) for violating “§ 54.1-2603(A) of the Code of Virginia (1950), as amended...and 18 VAC 30-20-45 and 18 VAC 30-20-280(10) and (11) of the Regulations Governing the Practice of Audiology and Speech-Language Pathology in that from January to July, 2010 and from January 2011 to February 2012, [the Respondent] practiced as an audiologist and as a speech-language pathologist after his licenses had expired.” As a condition of having his licenses reinstated by the Virginia Board, the Respondent agreed to pay the ordered monetary penalty.

6. As part of its investigation, the Board also reviewed the Respondent’s Maryland Audiologist License Renewal Application and Maryland Speech-Language Pathologist License Renewal Application (the “2014 Renewal Applications”), both dated May 5, 2014.

7. The Respondent answered “NO” to question 2A of the 2014 Renewal Applications which asked whether any disciplinary action had ever been taken against the Respondent's license in any other jurisdictions.

8. The Respondent also answered “NO” to question 2B, which asked whether the Respondent had surrendered or failed to renew a license in any state.

9. On or about October 18, 2018, the Respondent attended a case resolution conference with representatives of the Board. The Respondent acknowledged that he executed a Consent Order with the Virginia Board in 2012, but assumed it was a letter of education. The Respondent also acknowledged that he checked no on questions 2A and 2B of his 2014 Renewal Applications, but felt he did not have to report the 2012 Virginia Consent Order because “it was merely a late fee.” The Respondent also discussed his prior membership on the Board for one four-year term.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 2-314:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or limited license for the applicant, licensee, or holder or for another;
- (10) Commits any act of unprofessional conduct in the practice of audiology, hearing aid dispensing, or speech-language pathology, or the assistance of speech-language pathology; and
- (14) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section; *specifically* HO § 2-314(3) and (10).

The Board finds that these violations of the Act fall within categories A(1), A(10), and A(14) of the Board's sanctioning guidelines. See COMAR 10.41.13.04A(1), (10), and (14). The range of potential sanctions for a violation of A(1) is suspension for 90 days and a \$1,000.00 fine up to denial of a license application or revocation and a \$5,000.00 fine. *Id.* The range of potential sanctions for a violation of A(10) is reprimand up to suspension for one year and/or a maximum fine of \$1,000.00. *Id.* The range of potential sanctions for a violation of A(14) is reprimand up to a maximum fine of \$5,000.00. *Id.*

### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the license of the Respondent to practice audiology in the State of Maryland, license number 00962, and the license of the Respondent to practice speech-language pathology in the State of Maryland, license number 04746, are hereby **SUSPENDED** for **SIXTY (60) DAYS**. The suspension shall commence upon the effective date of this Order; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Audiology, Hearing Aid Dispensing and Speech-Language Pathology Act, H.O., § 2-101 et seq., and all federal and State laws and regulations governing the practice of speech-language pathology in Maryland; and it is further

**ORDERED** that the Respondent shall pay to the Board a monetary fine of **TWO THOUSAND DOLLARS (\$2,000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order shall constitute a violation of this Consent Order; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under H.O., § 2-314 including reprimand, probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

**ORDERED** that the Respondent shall be responsible for paying all costs required to comply with the terms and conditions of this Consent Order; and it is further

**ORDERED** that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Annotated, General Provisions Article § 4-101 *et seq.*

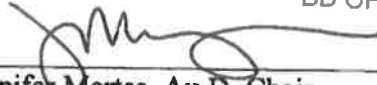
RECEIVED

JUL 10 2019

BD OF AUD/HAD/SLP

7/12/19

Date



Jennifer Mertes, Au.D, Chair  
Maryland Board of Examiners for Audiologists,  
Hearing Aid Dispensers, and Speech-Language

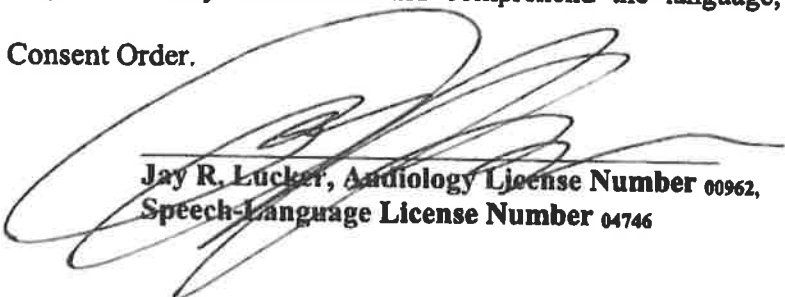
Pathologists

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent order. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

07/08/2019  
Date



Jay R. Lucker, Audiology License Number 00962,  
Speech-Language License Number 04746

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Montgomery

I HEREBY CERTIFY that on this 8th day of July ~~2018~~<sup>2019</sup>, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Jay R. Lucker** and made oath in due form of law that the foregoing was the voluntary act and deed of **Jay R. Lucker**.

AS WITNESSETH my hand and Notarial Seal.

SEAL

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Notary Public

My Commission Expires: 04/04/2023

