

STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH :  
HEALTH SERVICES REGULATION :  
BOARD OF EXMAINERS IN SPEECH :  
PATHOLOGY AND AUDIOLOGY :

vs. :

AMY R. FISTEL, M.A. :

**CONSENT ORDER**

Pursuant to Rhode Island General Laws (2001 Reenactment) Section 5-48-11 et seq. and the Rules and Regulations promulgated thereunder, the Department of Health Board of Examiners in Speech Pathology and Audiology (hereinafter "Department") has investigated a complaint charging Amy R. Fistel, M.A. (hereinafter "Respondent"), with a violation of Chapter 5-48-11(7)(14) and the Rules and Regulations.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

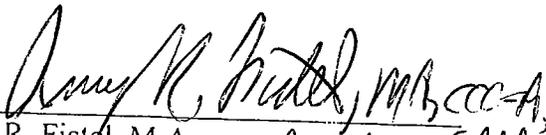
1. Respondent is an ~~audiologist~~ <sup>audiologist ARF</sup> licensed to practice Audiology in the State of Rhode Island.
2. That on diverse dates from August 2004 to November 2005 the Respondent is alleged to have improperly performed a so-called cerumen management procedure on 4 patients.
3. The respondent admits that if uncontested the allegations set forth in paragraph 2 amount to unprofessional conduct as defined by R.I. General Laws 5-48-11(7)(14).

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4. The respondent does not admit the allegations in paragraph 2, but does not seek to contest the allegations for the purposes of this proceeding, being desirous of resolving this matter without a hearing.

The parties agree as follows:

1. Respondent is an audiologist licensed to practice Audiology in the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent hereby acknowledges and waives:
  - a) The right to appear personally or by counsel or both before the Department;
  - b) The right to produce witnesses and present evidence in her behalf at a hearing;
  - c) The right to cross-examine witnesses;
  - d) The right to have subpoenas issued by the Department;
  - e) The right to further procedural steps except for those specifically contained herein;
  - f) Any and all rights of appeal of this Consent Order.
4. This Consent Order shall become part of the public record of this proceeding once it is accepted by all the parties.
5. The Respondent's license shall be suspended for one (1) year upon execution of this Consent Order by both parties, however, said suspension shall be stayed and the Respondent placed on one (1) year probation.

6. That during the period of probation Respondent shall submit quarterly reports from her employer as to her job performance.
7. The Respondent is precluded from performing so-called cerumen management procedures until further written order of this Board.
8. That should Respondent comply with the laws and regulations governing the practice of Audiology during the period of probation and comply with the requirements of this Consent Order, she may apply to the Department for an unrestricted license to practice as a audiologist.
9. That this Consent Order shall remain in full force and effect pending order of the Board.

  
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Amy R. Fistel, M.A., CCC-A, FAAA FAAA

  
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Charles Alexandre, MSN, RN  
Chief, Office of Health  
Professions Regulation

Dated: 7/12/06