

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of Revocation)
)
of the Educator Certificate of)
)
Gena Christel Randolph,)
)
Certificate 197263)
_____)

ORDER OF REVOCATION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 14, 2018. On March 28, 2018, and April 19, 2018, the South Carolina Department of Education (SCDE) sent notice to Gena Christel Randolph, via regular and certified mail, informing her that the State Board would meet to make a determination regarding the possible suspension or revocation of her educator certificate. The March 28, 2018, notice letter was signed for by a second party at the address provided to the SCDE via the Certification Portal System and the Charleston County Public Index records. The SCDE has verified Ms. Randolph's address and the letters sent via regular mail have not been returned. Ms. Randolph declined to sign for the notice letter. On May 17, 2018, the SCDE informed Ms. Randolph via regular and certified mail that the State Board would meet on August 14, 2018, to consider the circumstances surrounding the allegations. Once again, Ms. Randolph declined to sign for the certified mail and the letter sent regular mail has not been returned. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Randolph has been given fair notice of constitutional due process. Ms. Randolph has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented concerning Ms. Randolph's unprofessional conduct, the State Board voted to revoke Ms. Randolph's educator certificate 197263, effective August 14, 2018.

FINDINGS OF FACT

Ms. Randolph received her South Carolina educator certificate as a speech language therapist in 2000. Ms. Randolph has over five years of experience and was employed with Dorchester County School District Two (District) from 2000 to 2004 as a speech therapist. Ms. Randolph has not been employed by a South Carolina school district since 2004.

On September 28, 2017, the SCDE Office of Educator Services forwarded the Final Decision of the American Speech-Language-Hearing Association (ASHA) Board of Ethics Complaint, regarding Ms. Randolph to the SCDE Office of General Counsel. ASHA had determined that Ms. Randolph violated multiple Principles of Ethics in its Code of Ethics by:

charging for services not rendered; providing inaccurate information in communications; defrauding and/or engaging in a scheme to defraud in connection with obtaining payment; engaging in dishonesty, fraud, deceit and/or misrepresentation; and failing to uphold the dignity of the profession. ASHA revoked Ms. Randolph's membership and certification for a period of three (3) years, effective August 7, 2017. ASHA's procedures include notifying any state agency that had provided Ms. Randolph a membership, license or credential.

The SCDE Office of General Counsel opened an investigation which revealed public documents evidencing Ms. Randolph's history of Medicaid fraud. The Inspector General of the Department of Health and Human Services (I.G.) notified Ms. Randolph on January 31, 2013, that she had been excluded from "Medicare, Medicaid, and all federal health care programs for the minimum statutory period of five years under section 1128(a)(1) of the Act". The notice further stated that Petitioner's exclusion was based on her conviction in the Court of General Sessions, State of South Carolina, Charleston County, of "a criminal offense related to the delivery of an item or service under the Medicare or a State health care program, including the performance of management of administrative services relating to the delivery of items or services, under any such program." Ms. Randolph appealed the notice to an Administrative Law Judge (ALJ) for reconsideration. The ALJ sustained the exclusion of Ms. Randolph on May 24, 2013. Ms. Randolph appealed the decision of the ALJ to the Department of Health and Human Services' (HHS) Departmental Appeals Board (HHS Board). The HHS Board reviewed the decision and sustained the ruling of the Administrative Law Judge on July 30, 2013.

The South Carolina Department of Labor, Licensing, and Regulation (LLR) State Board of Speech-Language Pathology and Audiology also has a history of disciplinary actions concerning Ms. Randolph. The first order, dated September 25, 2013 referred to the case and criminal charge addressed in the HHS Board's order. One of the conditions placed on Ms. Randolph's Order was that her practice of speech pathology was required to be supervised by a licensed speech therapist approved by the Board, who would submit biennial reports of monitoring all aspects of service delivery. On February 28, 2014, Bonita Dowell, PhD, informed the LLR board that she was not supervising Ms. Randolph. LLR had no record of a request to approve any supervisor for Ms. Randolph's services, and determined that Ms. Randolph had violated the Order. Ms. Randolph's license was administratively suspended on March 20, 2014. On September 29, 2014, LLR temporarily suspended Ms. Randolph's speech pathology license, however, no details are given as to the circumstances for this suspension.

After considering the evidence presented, the State Board voted to revoke Ms. Randolph's educator certificate 197263, effective August 14, 2018.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct, crime against the law of this state, and dishonesty. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that the evidence presented demonstrates that Ms. Randolph committed a crime against the law of this State and dishonesty by her guilty plea to medical assistance provider fraud charges, her failure to uphold the dignity of the profession, and her violation of the LLR order by failing to remain under professional supervision while providing services during the first two years of her probation.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to revoke educator certificate 197263 issued in the name of Gena Christel Randolph. The revocation of Ms. Randolph's educator certificate 197263 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:  Sharon Wall, Ed.D., Chair

Columbia, South Carolina
August 14, 2018