

IN THE MATTER OF

* BEFORE THE STATE

ALICE ABRASH, O.T.

* BOARD OF OCCUPATONAL

APPLICANT

* THERAPY PRACTICE

* CASE NO.: 2003-010

* * * * *

CONSENT ORDER

The State Board of Occupational Therapy Practice (the "Board"), on January 17, 2003, voted to initially deny Alice Abrash, O.T. (the "Applicant") (D.O.B. 12/03/38), her application for licensure under the Maryland Occupational Therapy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 10-101 et. seq. (2000 Repl. Vol. and 2002 Supp.). The pertinent provisions of the Act, requires:

H.O. § 10-302

(b) Moral character – The applicant shall be of good moral character.

H.O. § 10-315. Denial, reprimands, suspensions and revocations - Grounds

Subject to the hearing provisions of § 10-316 of this subtitle, the Board may deny a license or temporary license to any applicant, reprimand any licensee or holder of a temporary license, place any licensee or holder of a temporary license on probation, or suspend or revoke a license or temporary license if the applicant, licensee, or holder:

(3) Knowingly violates any provisions of this title.

H.O. 10-401. Practicing without a license.

(a) *Practicing occupational therapy.* – Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice occupational therapy in this State unless licensed to practice occupational therapy by the Board.

(a) *In general.* - Unless authorized to practice occupational therapy under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice occupational therapy in this State.

H.O. 10-404. Providing occupational therapy.

A person may not provide, attempt to provide, offer to provide, or represent that the person provides occupational therapy unless the occupational therapy is provided by an individual who is authorized to practice occupational therapy or limited occupational therapy under this title.

FINDINGS OF FACT

The Board finds that:

1. On December 3, 2002, the Applicant submitted an application for licensure to practice occupational therapy in the State of Maryland.

2. On her application for licensure, the Applicant indicated that she was issued a license to practice occupational therapy in the State of Virginia, which expires on December 31, 2004.¹

3. Upon review of the Applicant's application, the Board discovered from the information provided with her application that the Applicant was currently practicing occupational therapy in the State of Maryland. Further investigation by the Board also revealed the following:

4. On or about August 29, 1990, the Applicant began practicing as a pediatric occupational therapist at the Ivy Mount School² ("Ivy Mount") located at 11614

¹ The Applicant was originally issued her Virginia license on August 15, 1991.

² Ivy Mount School is a private special education facility.

Seven Locks Road, Rockville, Maryland 20854. At the time that the Applicant was hired at Ivy Mount, the school did not require or request that that the Applicant be licensed in Maryland to practice occupational therapy.

5. In November 2002, Ivy Mount underwent an accreditation review audit conducted by the Maryland State Board of Education ("MSBE"). The MSBE audit committee found during their audit of Ivy Mount's occupational therapy program that the Applicant was not licensed to practice occupational therapy in the State of Maryland. MSBE informed Ivy Mount officials that the Applicant needed a Maryland license to practice physical therapy at the school. MSBE required that the Applicant submit her application by December 3, 2003.

6. On December 3, 2002, the Applicant submitted her application for a license to practice occupational therapy in Maryland.

7. On or about December 31, 2002, the Applicant was informed by Board personnel that she could not practice occupational therapy in the State of Maryland without a license.

8. By letter dated January 3, 2003, the Applicant admitted that she had practice occupational therapy while working at the Ivy Mount. The Applicant also attempted to explain why she never obtained a Maryland license.

9. By letter dated January 6, 2003, the Board requested that the Applicant sign a Cease and Desist Agreement ("Agreement") and return it to the Board on or before January 15, 2003.

10. On or about January 15, 2003, the Board received an amended Agreement signed by the Applicant.³ The Board rejected the amended Agreement.

11. On or about February 25, 2003, the Board requested that the Applicant sign and return a new Agreement to the Board before March 3, 2003.

12. On or about February 18, 2002, the Board received a signed Agreement from the Applicant.

CONCLUSIONS OF LAW

The Board finds that the Applicant violated Md. Health Occ. Code Ann. §§ 10-302(b), 10-315(3), 10-401(a), 10-402(a) and H.O. § 10-404.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of April, 2003, by a majority of the full-authorized membership of the Board considering this case:

ORDERED that the Applicant be and is hereby **GRANTED** a license to practice occupational therapy; and be it further

ORDERED that the Applicant be and is hereby **REPRIMANED**; and be it further

ORDERED that the Applicant be placed on **PROBATION** for a period of **EIGHTEEN (18) MONTHS** subject to the following conditions:

1. The Applicant must take and pass a Board approved ethics course with a grade of 75% within sixty (60) days of the date of this order. The Applicant must provide the Board with documentation that she had complied with this condition.
2. The Applicant must take and pass a Board approved law examination within sixty (60) days of the date of this.

³ The Applicant had amended the cease and desist order that was originally sent to her by the Board.

3. The Applicant must complete 120 hours of continuing education credits, which shall not be used to satisfy any other continuing education credit requirements that the Applicant may be required to meet.
4. The Applicant shall perform 200 hours of Board-approved community service. The applicant shall perform her community service in the State of Maryland; and
5. The Applicant shall pay all the applicable licensure fees for the last two licensure cycles, as follows: \$225.00 Renewal Fee per year and \$34.00 MHCC fee per year, totaling a yearly amount of \$259.00. The Applicant must pay the total amount due of \$518.00 in the form of certified check or money order prior to being issued a license to practice occupational therapy in Maryland.

ORDERED that if the Applicant violates any of the terms or conditions of this Consent Order, including probationary terms or conditions as set forth herein, then the Board, after a determination of violation and notice, and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further

ORDERED that the Applicant shall practice occupational therapy in accordance with the Maryland Occupational Therapy Act, and in a competent manner; and be it further

ORDERED that in the event the Board finds for any reason in good faith that the Applicant has violated any provision of Title 10 of the Health Occupations Article, Annotated Code of Maryland or the regulations thereunder, the Board, after notification to the Applicant, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited

to revocation or suspension of the Applicant's license to practice occupational therapy;
and be it further

ORDERED that the Applicant shall be responsible for all costs incurred under
this Consent Order; and be it further

ORDERED that for purposes of public disclosure, as permitted by Md. State
Gov't. Code Ann. § 10-617(h) (1999 Repl. Vol. and 2002 Supp.), this document consists
of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and
that the Board may also disclose to any national reporting bank to whom the Board is
mandated to report; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby,
effective as of the date of this Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document
pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999 Repl. Vol. and 2002
Supp.).

IT IS SO ORDERED THIS 25 DAY OF April, 2003.

4-25-03
Date

Joyce Carla Farrington, M.Ed., OTR
Joyce Carla Farrington, M.Ed., OTR/L,
Co-Chairperson
State Board of Occupational Therapy

CONSENT OF ALICE ABRASH

I, Alice Abrash, by affixing my signature hereto, acknowledge that:

1. I am represented by Robert W. MacMeekin, Esquire, and I have had the opportunity to consult with counsel before signing this document.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to § 10-316 of the Act, Md. State Gov't. Code Ann. §§10-201 et seq.

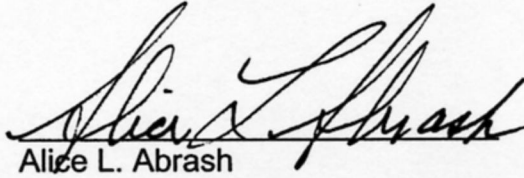
3. I acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law.

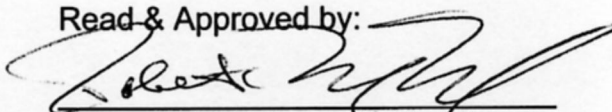
4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a fully evidentiary hearing, as set forth above, and any right to appeal this Consent Order or as set forth in § 10-316 of the Act and Md. State Gov't. Code Ann. §§10-201 et seq. (1999 Repl. Vol. and 2002 Supp.).

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, which may include revocation of my license to practice occupational therapy in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

4-25-03
Date


Alice L. Abrash

Read & Approved by:

Robert W. MacMeekin, Esquire
Attorney for Alice Abrash

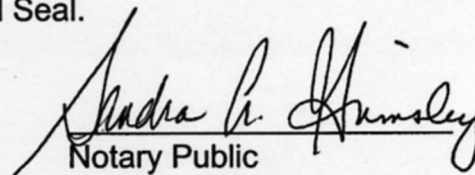
NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 25 day of April, 2003, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared **Alice Abrash**, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 10/8/03


Notary Public