

IN THE MATTER OF
KIMBERLY A. WYATT, OTA/L
Respondent
License Number: A00473

* BEFORE THE MARYLAND
* BOARD OF OCCUPATIONAL
* THERAPY PRACTICE
* Case Number: 2010-005

* * * * *

FINAL ORDER

On January 11, 2012, the Maryland Board of Occupational Therapy Practice (the "Board") issued a Notice of Intent to Revoke ("the Notice") the occupational therapy license of **KIMBERLY A. WYATT, OTA/L** ("Respondent") (DOB: 8/11/1959), License Number **A00473**, based on her violation of the Maryland Occupational Therapy Practice Act (the "Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 10-101 *et seq.* (2009 Repl. Vol. and 2010 Supp.).

The pertinent provisions of the Act and those under which the charges are brought are as follows:

Health Occ. § 10-315. Denials, 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 the license or temporary license if the applicant, licensee, or holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or temporary license for the applicant, licensee, or holder for another [and]
- (6) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]

The Board notified the Respondent in that Notice that this Final Order would be executed thirty (30) days from the Respondent's receipt of the Notice unless she requested a hearing. The Respondent did not request a hearing within 30 days.

FINDINGS OF FACT

1. The Respondent initially received her license to practice as an occupational therapy assistant in the State of Maryland on March 15, 1996. The Respondent's license is non-renewed, having expired on June 30, 2011.

2. At all times relevant to the statements herein, the Respondent was employed as an occupational therapy assistant at Facility A in Randallstown, Maryland.¹

3. On or about August 17, 2010, the Board received information from the Respondent's estranged husband that the Respondent had a substance abuse problem and a criminal record.

4. Thereafter, the Board initiated an investigation.

5. The Board's investigation revealed that on or about January 25, 2010, the Respondent was arrested and charged with Violate Exparte/Protective Order and Failure to Obey Reasonable/Lawful Order. On March 17, 2010, in the District Court of Maryland for Baltimore County, the Respondent was found guilty of Failure to Obey Reasonable/Lawful Order. The Respondent was granted probation before judgment and assessed a fine in the amount of \$100.

6. The Board's investigation further revealed that on or about May 28, 2010, the Respondent was arrested and charged with CDS Possession – Not Marijuana (Heroin). On July 6, 2010, in the District Court of Maryland for Baltimore City, the

¹ In order to maintain confidentiality, patient, witness and facility names will not be used in this document, but will be provided to the Respondent upon request.

Respondent was found guilty and sentenced to two years of incarceration, suspended, and two years of supervised probation.²

7. In furtherance of the Board's investigation, the Board's investigator reviewed the Respondent's 2010 renewal application.

8. On her 2010 renewal application, the Respondent answered, "no" to the following question, "During the last two years, have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment for any criminal act?"

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds by a preponderance of evidence and concludes that the Respondent violated H.O. §§ 10-315(1) Fraudulently or deceptively obtains or attempts to obtain a license or temporary license for the applicant, licensee, or holder for another; and (6) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

ORDER

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

ORDERED that the Respondent's license to practice occupational therapy is hereby **REVOKED**;

ORDERED that this Order is a PUBLIC DOCUMENT, pursuant to Md. Code Ann., State Govt. § 10-611 et seq. (2009 Repl. Vol. and 2011 Supp.).

² The Respondent's arrest stemmed from an incident in which she was stopped by police due to a cracked windshield. It was then discovered that the Respondent was driving with a suspended driver's

Date

2/17/12

Joyce Ford, COTA/L/DA

Joyce Ford, COTAL

Board of Occupational Therapy Practice

NOTICE OF RIGHT TO APPEAL

Pursuant to H.O. §10-317, you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the S.G. §§ 10-201 *et seq.* (2009 Repl. Vol. and 2011 Supp.), and Title 7, Chapter 200 of the Maryland Rules.

license. While preparing to tow the car, the police found a substance believed to be heroin in her vehicle.