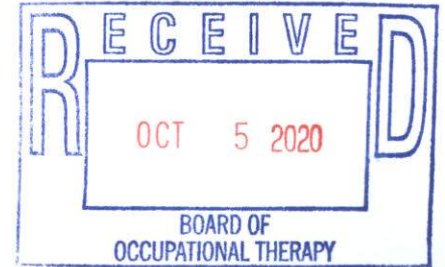


**VOLUNTARY SURRENDER
JENNA M. BAFFONE, O.T.A.**

Wanda R. Banks, M.A., OTR/L, Chair
Maryland State Board of Occupational Therapy Practice
Spring Grove Hospital Center
Tuerk Building, 2nd Floor
55 Wade Avenue
Baltimore, Maryland 21228



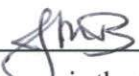
Re: **Jenna M. Baffone, O.T.A., A01636**
Voluntary Surrender of Occupational Therapy Assistant License

Dear Ms. Banks,

I agree to voluntarily surrender my license to practice as an occupational therapy assistant (“OTA”), License Number A01636, in the State of Maryland. By voluntarily surrendering my Maryland OTA license, I understand that I may not engage in the practice as an OTA, with or without compensation, as defined in the Maryland Occupational Therapy Practice Act (“the Act”), Md. Code Ann., Health Occ. §§ 10-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.) and the Board’s regulations, Code of Maryland Regulations (“COMAR”) 10.46.01 *et seq.*

My practice was brought to the attention of the Maryland Board of Occupational Therapy Practice (“the Board”) as follows:

On January 2, 2020, the Board received a complaint from a long-term care and rehabilitation center (“Center”) that I violated the Center’s drug and alcohol workplace policy. On November 15, 2019, while working at the Center, I was found unresponsive on the floor of a patient’s bathroom. I became responsive after I was ventilated with supplemental oxygen and was administered Narcan.¹ After refusing to be transported to the hospital, I was required by my employer to submit a urine sample for drug testing. The first urine sample I provided for the drug test was rejected because it was not warm enough and I admitted that the sample I had provided was from a bag of urine from my car. The second sample of urine that I provided for testing on November 15, 2019 was positive for Fentanyl.²


¹ Narcan is the trade name for naloxone, an opioid antagonist used to treat respiratory depression induced by opioids.

² Fentanyl is a narcotic analgesic opioid with an analgesic potency of about eighty times that of morphine. It is a Schedule II Controlled Substance.

Voluntary Surrender of Occupational Therapy Assistant License

In addition, the Board learned that on March 6, 2019 I entered into a Consent Agreement with the Delaware Board of Occupational Therapy Practice Board in which my Delaware OTA license was suspended for three years, the suspension stayed, and my license placed on three years of probation contingent upon my enrollment and compliance with the Delaware Professionals' Health Monitoring Program. I admitted in the Delaware Consent Agreement that I had entered a plea in a Delaware Criminal Court for possession of drug paraphernalia and entered a probation before judgement agreement which required me to serve six months of probation and comply with the criminal court's drug treatment program.

On April 24, 2020, the Maryland Board issued an Order for Summary Suspension summarily suspending my OTA license pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. & 2019 Supp.).

On June 19, 2020, the Board held a post-deprivation show cause hearing before a quorum of the Board, to give me an opportunity to present argument as to why the Board should not continue the summary suspension of my OTA license. I, and the Administrative Prosecutor, were present at the show cause hearing. On June 22, 2020, the Board notified me that the Order of Summary Suspension was upheld and continued.

On July 24, 2020, the Board issued a Notice of Charges and CRC (the "Charges"), charging my OTA license with violations under Health Occ. § 10-315 (3) "Commits any act of gross negligence, incompetence, or misconduct in the practice of occupational therapy;" (4) "Knowingly violates any provision of this title;" (5) "Violates any rule or regulation of the Board, including any code of ethics adopted by the Board;" (8) "Provides professional services while... (ii) Using any narcotic or controlled dangerous substance, as defined in §5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts with or without valid medical indication;" (9) "Is disciplined by a licensing or disciplinary authority of any state or country...for an act that would be grounds for disciplinary action under this section;" and, COMAR 10.46.02.01 (A) "The licensee shall... (2) "Provide the highest quality services to a client;" (11) "Function with discretion and integrity in relations with other health officials;" and, (15) "Comply with all applicable laws dealing with occupational therapy[.]"

I submitted a timely request for an evidentiary hearing.

In lieu of proceeding to an evidentiary hearing on the Summary Suspension and the Charges, I agree to voluntarily surrender my OTA license in order to work on my sobriety. I agree that the Board has enough evidence to prove by a preponderance of the evidence the above violations cited in the Charges issued on July 24, 2020, and may sanction my OTA license accordingly, pursuant to Health Occ. § 10-315 and COMAR 10.46.07. I

JMB

BAFFONE, Jenna M., A01636

Voluntary Surrender of Occupational Therapy Assistant License

understand that, by executing this Voluntary Surrender, I am waiving the right, now and in the future, to any evidentiary hearing at which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to contest the facts summarized in this Voluntary Surrender, and at which I would have the right to all other substantive and procedural protections provided by law, including the right to appeal.

I agree not to apply for reinstatement before **FIVE YEARS** following the date the Board accepts this Voluntary Surrender and that if I decide to apply for reinstatement as an OTA in Maryland, I will approach the Board in the same posture as one whose OTA has been revoked. In considering my application for reinstatement of my OTA license, the Board may review my entire Board file, including any information the Board receives after the execution of this Voluntary Surrender. I also understand that in considering any future application for reinstatement of my OTA license, the Board may require me to undergo medical, psychological, and/or psychiatric evaluations, and drug and alcohol testing to determine my fitness to have my OTA license reinstated. It will be my burden, as an applicant for reinstatement, to demonstrate that I meet the Board's requirement for licensure. I understand that if the Board reinstates my OTA license, it will be reinstated through the Board's disciplinary process and that my license will only be reinstated by the Board's issuance of a public order of reinstatement and that the Board may, in its discretion, place my reinstated license on probation subject to terms and conditions.

I understand that this Voluntary Surrender shall become a **PUBLIC RECORD** and shall become effective on the date of the Board's acceptance of the Voluntary Surrender. I agree that this Voluntary Surrender may be released or published by the Board as a final decision and order, under the Public Information Act, Md. Code Ann., Gen. Prov. §§ 4-333 *et seq.* (2014). I expressly consent to the publication of this Voluntary Surrender, including any and all information that is protected from disclosure under federal and state law.

I acknowledge that I may not rescind this Voluntary Surrender in part or in its entirety for any reason whatsoever. I have been given an opportunity to consult with an attorney before signing this Voluntary Surrender of my OTA license in Maryland. I fully understand the nature of the violations against my OTA license and fully understand the terms of this Voluntary Surrender. I have voluntarily, knowingly and freely chosen to submit this Voluntary Surrender.

Sincerely,



Jenna M. Baffone

9/30/20

Date



NOTARIZATION

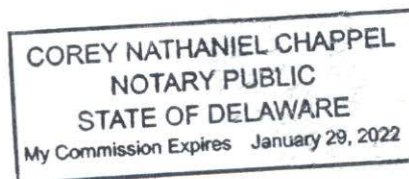
STATE OF Delaware

COUNTY/CITY OF New Castle

I HEREBY CERTIFY that on this 30th day of September, 2020, before me, a Notary Public of the State of Delaware of the County/City afore-said, personally appeared **JENNA M. BAFFONE** and declared and affirmed under penalties of perjury that signing the foregoing Voluntary Surrender was her voluntary act and deed.


Notary Public

My commission expires: 01/29/2022.



ACCEPTANCE

ON BEHALF OF THE MARYLAND BOARD OF OCCUPATIONAL THERAPY PRACTICE, on this 8th day of October, 2020, **JENNA M. BAFFONE'S VOLUNTARY SURRENDER** of her Occupational Therapy Assistant License, License Number A01636, in the State of Maryland is hereby accepted.



Wanda R. Banks, M.A., OTR/L
Chair
Maryland State Board of Occupational Therapy Practice