

IN THE MATTER OF

BREANNA MARSH

License No. 08874

*

*

*

*

*

*

*

*

*

BEFORE THE MARYLAND

BOARD OF OCCUPATIONAL

THERAPY PRACTICE

Case No. 2022-020

CONSENT ORDER OF PROBATION

On or about September 15, 2021, the Maryland Board of Occupational Therapy Practice (the "Board"), received an application for reinstatement of the Occupational Therapy license of Breanna Marsh (the "Respondent"), License Number 08874. The Respondent's license had expired on June 30, 2021. The Respondent practiced Occupational Therapy with an expired license between the dates of June 30, 2021 and September 10, 2021.

On September 17, 2021, the Board voted to offer a Pre-Charge Consent Order to the Respondent, in lieu of issuing charges for violations of the Maryland Occupational Therapy Act (the "Act"), Md. Code Annotated, Health Occupations Article ("Health Occ."), § 10-101 *et seq.*

As a result of that offer, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. The Respondent was originally licensed as an Occupational Therapist in Maryland on October 28, 2019, under license number 08874.
2. An Occupational Therapist license issued in an odd-numbered year ordinarily expires on May 31st of the next odd-numbered year. May 31st is therefore the annual deadline for a timely renewal for licensees to renew an Occupational Therapist license.

3. Due to the COVID-19 state of emergency and public health emergency, the Governor of Maryland ordered the expiration date of all state-issued licenses that would otherwise expire prior to June 30, 2021, and would be renewable during that period, extended to June 30, 2021. See Order of the Governor of the State of Maryland No. 21-03-09-03.
4. The Board notified the Respondent at her email address of record on April 2, 2021, on April 26, 2021, and again on June 26, 2021 of the pending expiration of her license on June 30, 2021.
5. The Board again contacted the Respondent by electronic mail on July 16, 2021 to remind her that her license had expired on June 30, 2021.
6. The Respondent practiced Occupational Therapy on forty-seven (47) separate dates between the expiration of her license on June 30, 2021 and September 10, 2021.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated

Health Occ., § 10-315(4):

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:

...

(4) Knowingly violates any provision of this title;

...

Health Occ. § 10-301(a) states:

Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice occupational therapy or limited occupational therapy in this State.

Health Occ. § 10-311(a) states:

A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section

Ordinarily, a license issued in an odd-numbered year, as the Respondent's was, must be renewed on or before May 31st of the next odd-numbered year, which is the date set by the Board and disseminated to licensees via email prior to the expiration of their licenses. The 2020-2021 state of emergency and public health emergency changed the expiration date, although licensees were still advised to renew in a timely fashion in May or at the latest on June 30th. In an order dated March 9, 2021, the Governor of Maryland ordered the expiration date of all state-issued licenses that would otherwise expire prior to June 30, 2021, and would be renewable during that period, extended to June 30, 2021. See Order of the Governor of the State of Maryland No. 21-03-09-03.

In light of all facts and circumstances, the Board and the Respondent agree to the following terms and conditions:

ORDER

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

ORDERED that the Respondent is hereby placed on **PROBATION** for a period of no less than **TWO (2) YEARS** subject to the following conditions:

1. The status of the Respondent's occupational therapy license shall be listed in the Board's records and website as being "on probation."
2. The Respondent shall complete within six (6) months of the effective date of this Consent Order, an ethics course of at least six (6) hours in length, with prior approval of the course to be obtained from the Board.
3. The contact hours for this ethics course will not be applied to the Respondent's continuing education requirements for the next renewal cycle.
4. The Respondent is responsible for any costs associated with compliance with the terms of probation and terms of this order.

It is further

ORDERED that the six contact hours and additional ethics course shall not be applicable to the 2020-2022 renewal cycle; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material facts, or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Health Occ., § 10-315 including reprimand, probation, suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that no earlier than two (2) years after the effective date of this Consent Order, the Board may consider a petition for termination of the Respondent's probationary status,

provided that the Respondent has been compliant with the probationary terms of this Consent Order; and it is further

ORDERED that the Respondent shall comply with the Maryland Occupational Therapy Act, Health Occ., § 10-101 *et seq.*, and all federal and State laws and regulations governing the practice of occupational therapy in Maryland; and it is further

ORDERED that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Annotated, General Provisions Article § 4-101 *et seq.*

10/05/2021

Date

Wanda R. Banks, MA, OTR/L

Wanda Banks, OT, MA, OTR/L, Chair
Maryland Board of Occupational Therapy Practice

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent order. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.



I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

9/30/21
Date



Breanna Marsh, License Number 08874

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Baltimore city

I HEREBY CERTIFY that on this 30th day of September, 2021, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Breanna Marsh** and made oath in due form of law that the foregoing was the voluntary act and deed of **Breanna Marsh**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Notary Public

My Commission Expires: 09/20/2023

JOSEPH YOUNT
Notary Public-Maryland
Baltimore City
My Commission Expires
September 20, 2023