

IN THE MATTER OF
SHERI PRESENT
License Number 04298

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BEFORE THE MARYLAND
BOARD OF OCCUPATIONAL
THERAPY PRACTICE

FINAL ORDER GRANTING PETITION FOR REINSTATEMENT OF
OCCUPATIONAL THERAPY LICENSE

I. PROCEDURAL HISTORY

On or about August 23, 2007, the Maryland Board of Occupational Therapy Practice (the “Board”) charged Sheri Present (the “Respondent”), License Number 04298, with certain violations of the Maryland Occupational Therapy Act (the “Act”), Md. Code Annotated, Health Occupations Article (“Health Occ.”), § 10-101 *et seq.* The Board and the Respondent agreed to a Consent Order, issued on November 16, 2007, for a one year suspension of the Respondent’s license with all but three months stayed, and two years of probation.

The conditions of the Respondent’s probation included the following five conditions: 1) that she cease and desist the use of non-FDA-approved medical devices; 2) 40 hours of *pro bono* community service; 3) successful completion of the Board’s jurisprudence examination; 4) board-approved continuing education courses in ethics and billing; and 5) monitoring of the Respondent’s occupational therapy practice by a board-approved clinical practice reviewer.

On January 16, 2009, the Board charged the Respondent with violating the terms of her probation as outlined in the Consent Order. Specifically, the Board alleged that the Respondent

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had failed to complete the continuing education requirements within the specified time frame, and had failed to comply with the *pro bono* service requirement and the requirement for clinical practice review.

On May 15, 2009, a hearing was held before a quorum of the Board. The Respondent was represented by Counsel at the hearing, and testified on her own behalf about the difficulties she had faced in meeting the requirements of the Consent Order. In an order dated December 18, 2009, the Board suspended the Respondent's license for nine months beginning January 1, 2010, and placed the Respondent's license on an additional year of probation to follow the nine-month suspension. This probationary period included two conditions: 1) 80 hours of *pro bono* service, and 2) additional monitoring of the Respondent's occupational therapy practice by a board-approved clinical practice reviewer, to include monthly in-person supervision and periodic, unannounced chart review.

The Board approved the Respondent's placement in a school setting for the required 80 *pro bono* hours, and approved an occupational therapist to review the Respondent's clinical practice as outlined in the December 18, 2009 order. In a letter dated October 24, 2010, the Respondent requested alternate means of bringing her license back into good standing, as she was no longer seeing patients due to a back injury. In a letter dated November 30, 2010, the Board acknowledged the Respondent's completion of the required 80 hours of *pro bono* service, but denied the request to forgo the clinical practice review. The Board instead offered the Respondent the opportunity to perform additional *pro bono* hours with clinical practice supervision. The Respondent responded that she was having difficulty finding employment and placements for *pro*

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bono work.

In a certified letter dated January 14, 2011, the Board informed the Respondent that she was in violation of the condition of her probation relating to clinical practice review. The Respondent did not respond to the January 14, 2011 letter.

In an order dated May 20, 2011, the Board revoked the Respondent's license.

II. PETITION FOR REINSTATEMENT

On or about January 4, 2020, the Respondent applied to the Board to reinstate her occupational therapy license. Health Occ. § 10-318 provides that, “[o]n the application of an individual whose license has been revoked, the Board, on the affirmative vote of a majority of its full authorized membership, may reinstate a revoked license.” On July 17, 2020 the Board conducted an interview with the Respondent, using video conferencing to accommodate social distancing due to the public health emergency. The Respondent appeared on the video conference, represented by Counsel.

The Board considered the Respondent's presentation as well as previously-submitted application materials including letters of recommendation from occupational therapy colleagues, the Respondent's letter of explanation for her non-compliance with probation, and verification of continuing education courses completed during the time her license was revoked. After a review of the Respondent's application and a discussion of the July 17, 2020 interview, the Board determined that reinstatement of the Respondent's license was appropriate.

III. ORDER

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Based upon the foregoing facts and circumstances, it is hereby:

ORDERED that the Respondent's license to practice occupational therapy in Maryland, license number 04298, is hereby **REINSTATED**.

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.*

08/03/2020
Date



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