

**IN THE MATTER OF**

**\* BEFORE THE STATE BOARD OF**

**STARR METRICK, OTA**

**\* OCCUPATIONAL THERAPY**

**License No. A00481**

**\* PRACTICE**

**\* OAH NO. DHMH-BOT-111-200000001**

**\***

**\* \* \* \* \***

**FINAL ORDER**

**Procedural History**

This case arose from allegations that Starr Metrick, a licensed occupational therapy assistant, (the "Respondent"), License Number A00481, willfully submitted false reports and failed to communicate information regarding her patients' care to her supervising occupational therapist. Based on this information and pursuant to its authority under the Maryland Occupational Therapy Practice Act, *Md. Code Ann.*, Health Occ. ("H.O.") §10-101 *et seq.* (the "Practice Act"), the Board of Occupational Therapy Practice (the "Board") charged Ms.Metrick (the "Respondent") with violating H.O. §10-315 which provides in pertinent part that the board may revoke a license if the licensee:

(3) Commits any act of gross negligence, incompetence or misconduct in the practice of occupational therapy or limited 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; and

(10) Willfully makes or files a false report or record in the practice of occupational therapy or limited occupational therapy.

The Board also charged the Respondent with violating the following regulations:

COMAR 10.46.01.04B(5): A licensed occupational therapy assistant...shall communicate in writing and orally the information gathered to the licensed occupational therapist.

COMAR 10.46.02.03L: A practitioner may not use or participate in the use of any form of communication containing a false, fraudulent, misleading, deceptive, or unfair statement or claim.

A Case Resolution Conference ("CRC") and an evidentiary hearing were scheduled for June 5, 2000, and August 22, 2000, respectively. Notice of the CRC and the evidentiary hearing was issued to Respondent via certified mail. The Board received the return receipt indicating delivery of the notice to Hollie Metrick at Respondent's home address on May 30, 2000. Respondent failed to appear at the CRC, and thus no settlement was reached at that time. Respondent subsequently failed to appear at the hearing on the merits on August 22, 2000. John M. Zell, Administrative Law Judge (the "ALJ") presided over the hearing. The ALJ proceeded with an *ex parte* hearing pursuant to Md. Code Ann., H.O. §10-316(h).<sup>1</sup>

On December 12, 2000, the ALJ issued a Proposed Decision wherein he concluded by a preponderance of the evidence that Respondent violated H.O. §10-315(3), (4), (5), and (10) and COMAR 10.46.01.04B(5) and 10.46.02.03L, by failing to communicate information regarding patient care to Respondent's supervising occupational therapist as required by law, and subsequently forging her supervisor's signature on numerous patient treatment reports.<sup>2</sup> The ALJ's recommended sanction was revocation of Respondent's license.

By letter dated December 12, 2000, the ALJ informed the parties of the right to file exceptions to his Proposed Decision. Neither Respondent nor the Administrative Prosecutor filed exceptions to the Proposed Decision.

The Board convened on January 19, 2001, for a final decision in this case.

---

<sup>1</sup>H.O §10-316(h) states:

(h) *Ex parte* hearing.- If after due notices the individual against whom the action is contemplated fails to or refuses to appear, nevertheless the Board may hear and determine the matter.

<sup>2</sup>The ALJ's initial letter and Proposed Decision was dated November 20, 2000, but incorrectly advised that exceptions were to be filed with the Secretary of the Department of Health and Mental Hygiene. A corrected letter was subsequently sent to the parties on December 12, 2000, with the Proposed Decision once again enclosed.

## **STATEMENT OF THE CASE**

The Board adopts and incorporates by reference the proposed Statement of the Case set forth by the ALJ in the Proposed Decision issued on December 12, 2000, as the Board's final Statement of the Case. The entire Proposed Decision is attached hereto as Appendix A.<sup>3</sup>

## **ISSUE**

The Board adopts and incorporates by reference the proposed Issue set forth by the ALJ in his Proposed Decision issued on December 12, 2000.

## **SUMMARY OF THE EVIDENCE**

The Board adopts and incorporates by reference the proposed Summary of the Evidence made by the ALJ in the Proposed Decision issued on December 12, 2000, as the Board's final Summary of the Evidence.

## **FINDINGS OF FACT**

The Board adopts and incorporates by reference the proposed Findings of Fact made by the ALJ in the Proposed Decision issued on December 12, 2000, as the Board's final Findings of Fact.

## **DISCUSSION**

The Board adopts the ALJ's proposed Discussion as set forth in the Proposed Decision dated December 12, 2000, as the Board's final Discussion.

## **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, and after consideration of the hearing record, the Board adopts and incorporates by reference the proposed Conclusions of Law set forth by the ALJ in his Proposed Decision, dated December 12, 2000 as the Board's final Conclusions of Law.

---

<sup>3</sup>In order to protect confidentiality, the Proposed Decision has been redacted to remove identifying information.

## SANCTIONS

The Respondent is guilty of serious violations of the Practice Act and the Board's regulations. By the Respondent's own admission to the Board's investigators, the Respondent repeatedly forged the supervising occupational therapist's signature on patient treatment reports. Respondent's acts of forgery betrayed the public trust and deceptively indicated that the Respondent communicated patient treatment plans to her supervising occupational therapist when no such communication occurred. Due to the Respondent's complete disregard of her duty to represent honestly the treatment she provided to her patients, the Board believes that a severe sanction is necessary to deter such further misconduct by the Respondent and by other occupational therapy assistants who may be tempted to abdicate their responsibilities to practice limited occupational therapy in an honest and responsible manner.

It is for these reasons that the Board has determined to adopt the sanction proposed by the ALJ as the appropriate sanction for such conduct.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19<sup>th</sup> day of January, 2001, by a majority of the full authorized membership of the Board considering this case, that under the authority of Health Occupations Article §10-315, it is hereby

**ORDERED** that the occupational therapy assistant license held by the Respondent, **STARR METRICK**, is hereby **REVOKED**, effective 30 days from the date of this Order; and be it further,

**ORDERED** that this is a Final Order of the Board of Occupational Therapy Practice and as such is a PUBLIC DOCUMENT pursuant to *Md. Code Ann.*, State Gov't §§10-611 *et seq.*

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. §10-317, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days of your receipt of this Final Order and shall be made to provide for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §§10-201 et seq., and Title 7, Chapter 200 of the Maryland Rules.

1-19-01  
Date

*Joyce Carla Farrington M.Ed. OTR/L*  
Joyce Carla Farrington, MEd., OTR/L  
Board Chairperson  
Board of Occupational Therapy Practice