

IN THE MATTER OF	*	BEFORE THE MARYLAND
JENNA M. BAFFONE, COTA/L	*	BOARD OF OCCUPATIONAL
Respondent	*	THERAPY PRACTICE
License Number: A01636	*	Case Number: 2020-026
* * * * *	*	* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Occupational Therapy Practice (the "Board") hereby **SUMMARILY SUSPENDS** the license of **JENNA M. BAFFONE, COTA** (Certified Occupational Therapy Assistant) (the "Respondent"), License Number AO1636, to practice as an occupational therapy assistant in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c) (2014 Repl. Vol. and 2019 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

The Board has reason to believe that the following facts are true:¹

I. BACKGROUND

1. The Respondent was originally licensed to practice as a certified occupational therapy assistant ("COTA") in Maryland on August 17, 2007, under License Number A01636. The Respondent's license is current through June 30, 2021.

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

2. On or about January 2, 2020, the Board received a complaint ("Complaint") from a long-term care and rehabilitation center (the "Center") in Cecil County, Maryland regarding the Respondent's practice as a COTA.

3. According to the Complaint, on November 15, 2019, while working as a COTA at the Center, the Respondent violated the Center's drug and alcohol workplace policy.

II. BOARD INVESTIGATION

4. The Board conducted an investigation and obtained emergency medical response reports, police reports, lab reports, records from the Center, and orders from the Delaware Board of Occupational Therapy Practice.

5. According to the Respondent's Supervisor, on November 15, 2019, at approximately 10:20 a.m., she was notified that the Respondent was on the floor in a patient's room and needed medical care. The Supervisor documented² the following,

... When I walked in the room, Jenna was on the floor, in a patient's bathroom, with pt. still on toilet. Jenna was unresponsive, til EMS provided Narcan. Jenna woke up, refused to go to the hospital and talked to police. Once EMS and police [*sic*], Jenna was escorted to the DON office.

6. Emergency medical services (EMS) were dispatched to the Center in response to a 911 call reporting an individual in cardiac and respiratory arrest. The Paramedic documented that when they arrived the Respondent had pinpointed pupils,

² The Supervisor documented her observations in the Reasonable Suspicious Testing Checklist dated November 15, 2019.

agonal respirations, and was being ventilated by staff members with a bag-valve-mask and supplemental oxygen. The Respondent was administered 2.0 mg of Narcan, after which she woke up and sat upright. The Respondent denied taking any drugs and told the Paramedic that she must have "touched a resident's Narcotics" and that was how she overdosed. The Respondent refused to be transported to a hospital.

7. The police ("Officer") also responded to the 911 call from the Center and arrived at the same time as EMS. The Officer documented in the police Incident Report form that he observed the Respondent laying in the bathroom unresponsive and that after she was given Narcan, the Respondent became responsive.

8. The Officer interviewed the MDS Coordinator³ who told him that she found the Respondent unresponsive in the patient's ("Patient's") bathroom with the Patient beside her. The Patient had pulled the emergency line located in the bathroom. The Respondent had agonal breathing and 911 was called.

9. The Officer interviewed the Respondent who stated that she had passed out, but denied taking opiates. The Respondent continued to deny using opiates after the Officer told her that Narcan only reversed the effect of opiates.

10. After the Respondent refused to be transported by EMS, she was taken to the Director of Nursing's ("DON's") office where she met with the DON and her Supervisor. The Supervisor interviewed and assessed the Respondent. The Supervisor

³ An MOS coordinator (Minimal Data Set) is responsible for gathering information on a healthcare facility's current and future patients for future assessment, including physical and mental states.

documented on the Reasonable Suspicion Testing Checklist that the Respondent's speech was slow, silent, and whispering; her demeanor was confused, exhausted, and sarcastic; her eyes were glassy; her face was flushed and she had a "blank stare/expression"; and, her movements were nervous and slow. The Respondent was then asked to submit to a drug screen and was escorted to the drug screen site.

11. According to documents received from the Center, on November 15, 2019, at the drug screen site, the Respondent was required to submit two urine samples because her first sample was not "warm enough". She later admitted to the Center's Human Resources Manager that she falsified her first drug screen by submitting urine that was from a bag in her car. The respondent's second urinalysis drug screen showed that she tested positive for Fentanyl.

12. The Respondent was terminated from her employment at the Center.

13. Upon further investigation, the Board also learned that the Respondent's Delaware occupational therapy assistant license had been disciplined by the Delaware Board of Occupational Therapy Practice ("Delaware Board"). The Respondent failed to disclose the discipline of her Delaware license to the Board.

III. DELAWARE BOARD OF OCCUPATIONAL THERAPY PRACTICE

14. On October 23, 2009, the Delaware Board issued the Respondent license number U2-0001157 to practice as an occupational therapy assistant in Delaware.

15. On or about March 6, 2019, the Respondent entered into a Consent Agreement with the Delaware Board⁴ placing her Delaware OTA license on suspension for three years, staying the suspension immediately, and placing her license on probation for three years contingent upon her enrollment in the Delaware Professionals' Health Monitoring Program (DPHMP) within thirty days of the Consent Agreement.

16. In the Consent Agreement, the Respondent admitted that the following allegations were true and correct:

2. On or about November 30, 2018, Delaware State Police officers were dispatched to [a convenience store] in... Delaware for a welfare check on a female.

3. The officers made contact with the Respondent who appeared impaired. The officers observed a baggie of marijuana shake and a search of Respondent's person and purse revealed additional marijuana, drug paraphernalia, and 11 bags of an off-white powdery substance stamped with "Take Back" and consistent with heroin based on the officers' training and experience.

4. Respondent was arrested and charged with one misdemeanor count of Possession of Controlled Substance ...one misdemeanor count of Possession of Marijuana..., and one misdemeanor count of Possession of Drug Paraphernalia ...

5. On January 7, 2019, Respondent entered a plea on the misdemeanor count of drug paraphernalia and entered a probation before judgment agreement. Respondent is required to serve six months of probation and comply with the Court's drug treatment program. Should Respondent comply with the probationary conditions, her criminal charges will be dismissed.

⁴ See Consent Agreement, Before the Delaware Board of Occupational Therapy Practice, In Re: Jenna M. Baffone, License No.: U2-0001 157, Case No.: 32-03-18, dated March 6, 2019.

6. Respondent violated 24 *Del. C.* § 2015(a) (3) as she excessively used or abused drugs.

IV. SUMMARY

17. The Respondent was found at her place of employment, unresponsive with agonal respirations on the floor of a resident's bathroom while she was assisting the resident with toileting. While the Respondent denied any drug use, it was only after EMS providers administered Narcan, a drug that specifically reverses the effect of opioids, that the Respondent regained consciousness. The Respondent subsequently tested positive for Fentanyl indicating that she was under the influence of a controlled narcotic without a valid prescription while caring for patients. Based on the Respondent's positive drug test for Fentanyl, her loss of consciousness and cardiac and respiratory arrest while working as an occupational therapy assistant, and her denial to the police that she has ever used drugs demonstrated a willful and careless disregard for the health, welfare, and/or safety of the residents under her care.

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes as a matter of law that the public health, safety, or welfare imperatively requires emergency action pursuant to State Gov't § 10-226(c)(2).

ORDER

It is this 24th day of April, 2020 by a majority of the Board considering this case:

Jenna M. Baffone, COTA

License No.: A01636

Summary **ORDERED** that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't. § 10-226(c)(2), **JENNA M. BAFFONE'S** license to practice as a **CERTIFIED OCCUPATIONAL THERAPY ASSISTANT/A01636** in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that if the Respondent chooses to challenge this Order, the Respondent must request a post-deprivation show cause hearing in writing **no later than May 27, 2020**.

The written request must be made via email to Denise Goetz at: Denise.Goetz@maryland.gov **OR** to Lauren Murray at: Lauren Murray, Executive Director, Maryland State Board of Occupational Therapy Practice, Spring Grove Hospital Center, Tuerk Building, 2ND Floor, 55 Wade Avenue, Baltimore, Maryland 21228, and it is further

ORDERED that if the Respondent does not request a post-deprivation show cause hearing in writing by May 27, 2020, the Respondent's license will remain suspended; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

04/24/2020

Date



Wanda R. Banks, MA, OTR/L
Chairperson
Maryland State Board of
Occupational Therapy Practice