

Some of the text on the following pages has been redacted.

IN THE MATTER OF \* BEFORE THE STATE BOARD  
ELIZABETH A. FLANIGAN, O.T. • OF OCCUPATIONAL  
LICENSE NUMBER: 05554 \* THERAPY PRACTICE  
  
Respondent \* CASE NUMBER: 07-01

\* \* \* \* • • • \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. § 10-226 (c) (2) (2004 Repl. Vol. and 2006 Supp.), the State Board of Occupational Therapy Practice (the "Board") hereby suspends the license to practice Occupational Therapy in Maryland issued to Elizabeth A. Flanigan, O.T., (the "Respondent"). under the Maryland Occupational Therapy Practice Act (the "Act"), Md. Health Occ. Code Ann. § 10-101, et seq., (2005 Repl. Vol. and 2005 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

**BACKGROUND**

1. At all times relevant hereto, the Respondent was licensed to practice occupational therapy in Maryland. The Respondent was first licensed on May 20, 2005. The Respondent's license expires on May 30, 2008.

2. By complaint dated September 29, 2006, the Respondent's supervisor ("the Complainant") at the **Medical Facility 1** in Glen Burnie, Anne Arundel County, Maryland stated that the Respondent was the subject of "frequent complaints and observations of falling asleep on the job...poor work performance in respect to productivity." The Complainant further stated that on September 26, 2006, the Respondent

"sprawled on table during meeting and fell asleep...evaluated by Occupational Health on September 27, 2006; positive drug screen results September 29, 2006..removed from work."

3. The Respondent was assessed by **Treatment Center 1** on October 4, 2006, and admitted into treatment for chemical dependency, where she was referred for a cocaine-positive urine screen due to work performance issues. The Respondent started **Treatment Center 1** on October 9, 2006, which consisted of group therapy three hours per day, three days per week and usually takes eight weeks, after 24 sessions for completion. Urine toxicology screens are random and usually done on a weekly basis. During this phase, the Respondent had one relapse, as per a positive urine sample for cocaine on November 1, 2006. She also attended AA/NA meetings at least twice a week during this time. On December 21, 2006, the Respondent was transferred to **Treatment Center 1** Professionals' Rehabilitation Outpatient Program, which she attended for nine weeks.

4. The Respondent returned to work on December 6, 2006 where the Complainant reported that she appeared to be "more alert....no falling asleep during meetings....on time for work..." and, "with clear eyes." However, "productivity was still an issue." On March 15, 2007, the Complainant reported that there was a definite change in behavior, where the Respondent failed to appear for a mandatory staff meeting and failed to answer multiple pages. She only treated four of nine scheduled patients. On March 16, 2007, the Respondent failed to arrive at her stated time and worked on an order form until 9:30 a.m., when she told the Complainant that she was resigning, despite the fact that four

weeks notice was required in order to leave in good standing. By leaving in that abrupt manner, the Respondent abandoned her patients.

5. The Respondent's urine tested positive for cocaine on March 6, 2007.

### **FINDINGS OF FACT**

1. As set forth above, by testing positive for cocaine, an illicit drug, while tending to patients, by working while impaired and by failing to stay sober while on a treatment program, the Respondent is a threat to the public health, safety or welfare.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provisions of § 10-315:

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 or licensee, or holder:

- (3) Commits any act of gross negligence, incompetence, or misconduct in the practice of occupational therapy or limited occupational therapy;
- (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 Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication [;].

The above actions are also violations of the following Code of Ethics, Code Md.

Regs. tit. 10, § 46.02 (August 7, 2000):

#### **.01 General Conduct.**

A. The licensee shall:

- (2) Provide the highest quality services to the client;
- (11) Function with discretion and integrity in relations with other health professionals[;].

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. § 10-226(c) (2) (2004 Repl. Vol. and 2006 Supp.).

ORDER

Based on the foregoing, it is therefore this 8<sup>th</sup> day of May, 2007, by a majority vote of a quorum of the State Board of Occupational Therapy Practice, by authority granted by the Board by Md. St. Gov't. Code Ann. § 10-226(c) (2) (2004 Repl. Vol. and 2006 Supp.), the license held by the Respondent to practice occupational therapy in Maryland, License No. 05554, is hereby **SUMMARILY SUSPENDED**; and be it further ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized license to practice occupational therapy issued by the Board; and be it further

**ORDERED** that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't. Code Ann. § 10-617(h) (2004 Repl. Vol.).

*Claudia McInerney, MOT, OTR/L*  
Claudia McInerney, MOT, OTR/L, Chair  
Board of Occupational Therapy Practice *dm*

**NOTICE OF HEARING**

A Show Cause hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at Spring Grove Hospital Center, Benjamin Rush Building, 55 Wade Avenue, Baltimore, Maryland 21228, within 30 days of a written request for same.