

IN THE MATTER OF
*
NICHOLE ELHAJJ, COTA/L
*
License Number: A00502
*
Case Number: 2019-006
*

BEFORE THE MARYLAND
*
STATE BOARD OF
OCCUPATIONAL THERAPY
PRACTICE
*

CONSENT ORDER OF PROBATION

On or about May 3, 2018, Nichole Elhajj (the "Respondent") submitted a renewal application to the Maryland Board of Occupational Therapy Practice (the "Board") requesting that the Board renew her license to practice as a certified occupational therapy assistant in the State of Maryland. On or about May 4, 2018, the Respondent's license was renewed. On August 12, 2018, the Respondent contacted the Board to disclose that she had received a conviction of driving under the influence. On August 12, 2018, the Respondent submitted to the Board a letter explaining her criminal history and provided supporting documentation in the form of a one-page criminal docket sheet from the Court of Common Pleas of Franklin County, Pennsylvania indicating the disposition and sentencing of her case. The Board initiated an investigation. On October 11, 2018, the Board's representative met with the Respondent in an informal conference.

Based upon a review of the documents provided to the Board, the Board's investigation and the case resolution conference with the Respondent, the Board offers the following Consent Order as set forth below.

FINDINGS OF FACT

The Board finds that:

1. On April 19, 1996, the Respondent was issued license number A00502 by the Board to practice as an occupational therapy assistant in the State of Maryland. The current expiration date of the Respondent's license number A00502 is June 30, 2020.
2. By application dated May 3, 2018, the Respondent applied to the Board for renewal of license no. A00502 practice as an occupational therapy assistant in the State of Maryland. On the renewal application, the Respondent attested to the following statement:

During the period in which my application is being processed, I shall inform the Board within 30 days of any change to any answer I originally gave in this application, **my arrest or conviction**, any change of address or any action that occurs based on the accusations that would be disciplinary action under the Code of Maryland

Regulations (COMAR) 10.46.02.01.

3. The Respondent's license to practice as an occupational therapy assistant was renewed on May 4, 2018.
4. On or about August 10, 2018, the Respondent contacted the Board to report that she had been arrested for driving under the influence (DUD on April 29, 2018. In a letter submitted to the Board on August 12, 2018, the Respondent disclosed that on July 18, 2018, she pled guilty to and convicted of DUL The Respondent submitted to the Board documentation indicating that on July 18, 2018, in the Court of Common Pleas of Franklin County, Pennsylvania, she pled guilty to and was convicted of DUI: General Impairment/Incapable of Driving Safely-First Offense.

The Respondent was sentenced to one-year probation and placed in the Pennsylvania Accelerated Rehabilitative Disposition Program. As a condition of her probation, the Respondent is required to complete 75 hours of community service, attend drug and alcohol counseling, attend the Alcohol Highway Safety Program and attend a MADD Victim Impact Panel meeting.

5. On or about October 11, 2018, a representative of the Board conducted a pre-charge case resolution conference. The Respondent appeared without counsel. The Respondent explained that she failed to timely disclose her arrest because she believed that the attestation only referred to convictions, not arrests, therefore, she made the disclosure only after she received a conviction.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health 0cc. Art., § 10-315 of the Act by failing to disclose her arrest for driving under the influence within 30 days of the date of her renewal application.

Specifically:

§ 10-315. Subject to the hearing provisions of §10-316 of this subtitle, the Board may deny a license or temporary license to any Respondent, 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 Respondent, licensee or holder:

... (1) Fraudulently or deceptively obtains or attempts to obtain a license or temporary license for the applicant, licensee, or holder or for another. . .

ORDER

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

ORDERED that the license of the Respondent to practice as an occupational therapist in

the State of Maryland is hereby **REPRIMANDED**; and be it further

ORDERED that the license of the Respondent to practice as an occupational therapy assistant in the State of Maryland, is hereby placed on **PROBATION** for a minimum of **ONE (1) YEAR** subject to the following terms and conditions:

I. The Respondent's status as an occupational therapy assistant shall be listed in the Board's computer records and website as being on "**Probation**;"

2. The Respondent shall immediately notify all occupational therapy assistant employer(s) of the probationary status of her occupational therapy assistant certification and shall be responsible for arranging for her employer(s) to submit to the Board written confirmation that they have reviewed this Consent Order within twenty (20) days of employment with each employer;

3. The Respondent shall provide to the Board written evidence of her successful completion of the Pennsylvania Accelerated Rehabilitative Disposition Program. Failure to provide written evidence of successful completion of the Pennsylvania Accelerated Rehabilitative Disposition Program shall constitute a violation of probation and a violation of this Consent Order

4. The Respondent is responsible for any costs associated with the compliance of the terms and conditions set forth in this order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this probation or 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 fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary

ORDERED that no earlier than **SIX (6) MONTHS** from the effective date of this Consent Order, the Board may consider a petition for termination of the Respondent's probationary status, provided that she has been satisfactorily compliant with the probationary terms of this Consent Order; and it is further

ORDERED that the Respondent shall comply with the Maryland Occupational Therapy Practice Act, Md. Code Ann., Health 0cc. §§ 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 document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-101, *et seq.*

11/8/18
Date

Wanda R. Banks, MA, OTR

Wanda R. Banks, M.A., OTR/L, Chair
Maryland State 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.

11/5/2018

Date

Nichole Elhajj

**Nichole Elhajj,
Respondent**

**License Number
A00502**

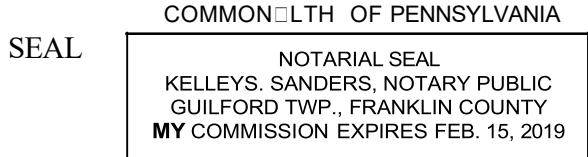
NOTARIZATION

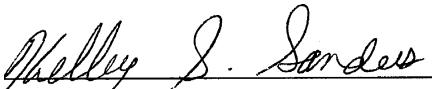
STATE: PENNSYLVANIA

CITY/COUNTY: Chambersburg / Franklin

I HEREBY CERTIFY that on this 5TH day of November, 2018, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Nichole Elhajj** and made oath in due form of law that signing the foregoing Consent Order of Probation was the voluntary act and deed of **Nichole Elhajj**.

AS WITNESSETH my hand and Notarial Seal.




Notary Public

My Commission Expires: February 15, 2019