

IN THE MATTER OF	*	BEFORE THE MARYLAND
	*	
CHARLES CAO	*	STATE BOARD OF
	*	
License Number 02966	*	OCCUPATIONAL THERAPY
	*	
Case Number: 2019-033	*	PRACTICE

CONSENT ORDER OF PROBATION

On or about May 4, 2018, the Maryland State Board of Occupational Therapy Practice (the “Board”) received the license renewal application of Charles Cao, O.T. (the “Respondent”), License Number 02966. The Respondent’s license renewal application attested that his NBCOT certification was not current, and that he had completed 24 contact hours.¹ Pursuant to its authority under the Code of Maryland Regulations (“COMAR”) 10.46.04.07, the Board conducted an audit of the continuing competency contact hours as reported in the Respondent’s license renewal application. The audit findings revealed that the Respondent failed to complete the twenty-four (24) continuing competency contact hours required for license renewal.

On or about October 23, 2018, the Board notified the Respondent of the results of the audit and requested that the Respondent submit documentation of the completion of the required twenty-four (24) continuing competency contact hours earned between July 1, 2016 and the May 4, 2018 renewal of his license. The Board required that the Respondent reply by November 26, 2018. The Respondent subsequently submitted documentation of twenty-four (24) continuing competency contact hours completed on November 25, 2018.

Because the Respondent failed to submit documentation of continuing competency contact

¹ National Board for Certification in Occupational Therapy.

hours completed during the July 1, 2016 through May 4, 2018 renewal period, on December 21, 2018, the Board sent a notification, pursuant to COMAR 10.46.04.03.A, requiring that the Respondent submit proof of completion of the required continuing competency contact hours earned for the prior four years, from 2014 through 2018. The documentation was required to be submitted to the Board no later than January 14, 2019. The Respondent failed to respond to the December 21, 2018 audit notice

Based upon the Respondent's failure to respond to the Board's December 21, 2018 audit request, on February 6, 2019, the Board's representative met with the Respondent in an attempt to settle the matter prior to the issuance of formal charges. The Board representative granted the Respondent until February 14, 2019, to submit documentation of the required continuing competency contact hours for 2014-2018. As a result of that meeting, and the Respondent's failure to submit the required documentation by the February 14, 2019 deadline, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant, the Respondent was licensed to practice occupational therapy in the State of Maryland, license number 02966.
2. On or about May 4, 2018, the Maryland State Board of Occupational Therapy Practice received the Respondent's license renewal application. In his application, the Respondent attested that "[m]y NBCOT certification is not current, and I have completed 24 contact hours," during the 2016 through 2018 renewal period.
3. Upon receipt of the Respondent's renewal application, the Board conducted an

audit of completed continuing competency contact hours and NBCOT certification status as was reported and attested to by the Respondent. The audit findings indicated that the Respondent had failed to complete the twenty-four (24) contact hours required for license renewal.

4. On or about October 23, 2018, the Board sent the Respondent a Notification of Audit, by certified mail to the legal address on file with the Board, requesting documentation of his twenty-four (24) completed contact hours. The Board received a signed return receipt from the U.S. Postal Service on or about November 20, 2018, indicating that the Notice was delivered. The Respondent submitted documentation to the Board that on November 25, 2018, he had completed twenty-four (24) continuing competency contact hours.

5. On or about December 21, 2018, the Respondent was notified that due to his failure to provide documentation of the timely completion of the contact hours for his May 4, 2018 renewal, the Board voted to conduct an audit of his contact hours from 2014 through 2018, pursuant to COMAR 10.46.04.03.A. The Respondent failed to submit the requested documentation to the Board.

6. The Respondent failed to obtain the required twenty-four (24) contact hours for his 2016 through 2018 renewal, despite affirming completion on his May 4, 2018 license renewal application. In response to the Board's four-year-audit, the Respondent also failed to provide documentation of completion of the required forty-eight (48) contact hours in the period of 2014 through 2018.

7. On or about February 6, 2019, a Board representative held a settlement meeting with the Respondent. The Respondent testified that he was aware of the requirement to complete twenty-four (24) continuing competency hours for the renewal of his license, but due to a post

office “mix up,” delivery of the Board’s October 23, 2018 audit notice was delayed. The Respondent testified that he never received the December 21, 2018 audit notice at all.

8. The Board representative requested that the Respondent submit documentation of the required continuing competency contact hours for 2014 through 2018, by February 14, 2019. On or about February 13, 2019, the Respondent contacted the Board office and acknowledged that he could not provide the requested documentation.

9. At the Board’s discretion, the Board shall audit the continuing competency documentation of a number of randomly selected licenses. COMAR 10.46.04.07.A. A licensee who is audited regarding continuing competency requirements as specified in COMAR 10.46.04 shall successfully complete the requirement of the audit by the specified deadline. COMAR 10.46.04.07.D. A licensee shall retain supporting documents relative to continuing competency requirements for a period of 4 years after the date of renewal for inspection by the Board. COMAR 10.46.04.03.A. A licensee’s submission of any false statement regarding continuing competency requirements or failure to substantiate contact hours upon request of the Board shall result in formal disciplinary action by the Board. COMAR 10.46.04.03.D and E.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that, by failing to meet the minimum requirements for completion of his continuing competency hours for the years 2014 through 2018, the Respondent violated the Act. Specifically:

§ 10-315(5) Violates any rule or regulation by the Board, including any code of ethics adopted by the Board.

The Board further concludes that by failing to meet, document, and retain documentation

of the minimum requirements for completion of his continuing competency hours for the years 2014 through 2018, the Respondent violated the following provisions of the Act and COMAR:

Md. Code Ann., Health Occ. Art.:

§ 10-311(c) Except as otherwise provided in this title, before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

(3) Submits to the Board:

(ii) Satisfactory evidence of compliance with any continuing competency requirements and other qualifications and requirements as a condition to the renewal of licenses under this section.

COMAR:

10.46.02.01 General Conduct.

A. The licensee shall:

(16) Accurately record and report all information related to continuing competency requirements specified in COMAR 10.46.04.

10.46.02.03 Professional Competence.

An occupational therapist...shall:

E. Maintain competence by meeting the requirements of continuing education in accordance with COMAR 10.46.04.

10.46.04.03 Maintaining Records of Contact Hours.

A. A licensee shall retain supporting documents relative to continuing competency requirements for a period of 4 years after the date of renewal for inspection by the Board.

D. A licensee's submission of any false statement regarding continuing competency requirements shall result in formal disciplinary action by the Board.

E. A licensee's failure to substantiate contact hours upon request of the Board shall result in formal disciplinary action by the Board.

10.46.04.07 Audit of Continuing Competency.

D. An audited licensee shall successfully complete the requirement of the audit by the specified deadline.

ORDER

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

ORDERED that the license of the Respondent to practice occupational therapy in the State of Maryland, number 02966, is hereby placed on **PROBATION** for a minimum of **TWO (2) YEARS** subject to the following terms and conditions:

1. The Respondent's status as an occupational therapist shall be listed in the Board's computer records and website as being on "**Probation**";
2. The Respondent shall successfully complete **FORTY-EIGHT (48)** continuing competency contact hours within **TWO (2) YEARS** of the effective date of this Order. The **FORTY-EIGHT (48)** continuing competency contact hours required under this Order shall not be credited by the Board to fulfill the Respondent's continuing education hours required for license renewal;
3. For the term of the Respondent's probation, the Board shall conduct an audit of the Respondent's continuing competency contact hours for **TWO (2)** successive renewal cycles;
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 and/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 sanction which the Board may have imposed in this case under Md. Code Ann., Health Occ. § 10-315 including a reprimand, additional probation, suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that no earlier than **TWO (2) YEARS** after the effective date of this Consent Order, the Board may consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been satisfactorily compliant with the probationary terms of this Consent Order; and it is further

ORDERED that there shall be no early termination of the **TWO (2) YEAR** probationary period. As such, the Board will not consider any requests from the Respondent to terminate probation any earlier than **TWO (2) YEARS** from the effective date of this Order; and it is further

ORDERED that the Respondent shall comply with the Maryland Occupational Therapy Practice Act, Md. Code Ann., 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 document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-333(b).

5/9/2019
Date

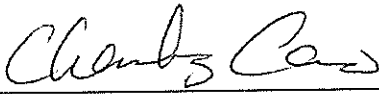
Wanda R. Banks, MA, OTR/L
Wanda R. Banks, M.A., OTR/L, Chair
Maryland State Board of Occupational Therapy Practice

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.

5/1/19
Date



Charles Cao, License Number 02966

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Baltimore

I HEREBY CERTIFY that on this 1 day of May, 2019, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Charles Cao** and made oath in due form of law that signing the foregoing Consent Order of Probation was the voluntary act and deed of **Charles Cao**.

AS WITNESSETH my hand and Notarial Seal.

SEAL

Nancy Fox
Notary Public

My Commission Expires: 9/18/21