

IN THE MATTER OF * BEFORE THE MARYLAND
ALISON L. EMEIGH, O.T. A. * STATE BOARD OF OCCUPATIONAL
Respondent * THERAPY PRACTICE
License Number: A00803 * Case Number: 2015-011

* * * * *

CONSENT ORDER

On October 1, 2015, the Maryland State Board of Occupational Therapy Practice (the "Board") charged Alison L. Emeigh, O.T.A. (the "Respondent"), License Number A00803, under the Maryland Occupational Therapy Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 10-315 *et seq.* (2014 Repl. Vol.).

The pertinent provisions of the Act under H.O. § 14-404(a) provide as follows:

§ 10-315. Denials, reprimands, probations, suspensions, and revocations - Grounds.

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 a temporary license if the applicant, licensee or holder:

(1) Fraudulently or deceptively obtains or attempts to obtain a license...for the licensee...

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

On December 18, 2015, a conference with regard to this matter was held before the Board's Case Resolution Conference ("CRC") Panel. As a result of the CRC, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Respondent was initially licensed as an Occupational Therapy Assistant on May 19, 2000. Her license is scheduled to expire on June 30, 2016.
2. On March 11, 2014, the Board issued to the Respondent a Letter of Admonishment because she had failed to disclose on her 2013 application for licensure renewal that she had been convicted in May 2013 of driving under the influence of alcohol.
3. The Letter of Admonishment specifically informed the Respondent that her "conduct was inappropriate and violated Maryland law and regulations by fraudulently completing your license renewal application."
4. On or about April 29, 2014, the Board received the Respondent's signed and notarized Acceptance of Letter of Admonishment ("Acceptance"). In the Acceptance, the Respondent acknowledged that she had read the Letter of Admonishment and acknowledged and understood all of the provisions contained therein.
5. On July 9, 2014 at approximately 9:19 p.m., Queen Anne's County police officers were dispatched to the Respondent's residence in response to a complaint of domestic assault in progress made by the Respondent's boyfriend. According to the Statement of Probable Cause, the Respondent and her boyfriend had argued after drinking some alcoholic beverages. The Respondent allegedly threw a flower pot at her boyfriend, lacerating his neck. Police officers found the Respondent hiding in a ditch. The Respondent became upset and enraged when

she was informed that she was being placed under arrest and became combative.

6. On July 9, 2014, the Respondent was charged in the Circuit Court for Queen Anne's County with three counts of assault in the second degree,¹ one count of willful failure to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace,² and one count of resisting or interference with a lawful arrest.³
7. On November 14, 2014, in the Circuit Court for Queen Anne's County, the Respondent pleaded guilty to one count of resisting or interference with a lawful arrest. The State *not* *prossed* the remaining counts.
8. The Court accepted the Respondent's plea and sentenced her to 90 days of detention, all days suspended. The Respondent was placed on supervised probation for one year under special conditions including: entering a relapse program; completing any treatment recommendations and completing an anger management course.
9. On June 25, 2015, the Respondent electronically transmitted to the Board her 2015 renewal application. The application contained a series of Character and Fitness questions, the reporting period for which was specifically stated to be "since your last renewal."⁴
10. The Respondent answered "YES" to only one Character and Fitness Question on her 2015 renewal application. That question (Question 7) asked whether the

¹ In violation of Md. Code Ann., Crim. Law§ 3.203.

² In violation of Md. Code Ann., Crim Law§ 10.201(c)(3).

³ In violation of Md. Code Ann., Crimi Law§ 9.408(b).

⁴ The Board processed the Respondent's 2014 renewal application on June 13, 2014.

applicant had a "physical or mental illness that currently impairs your ability to practice your profession." The Respondent provided a lengthy explanation, detailing two automobile accidents she had had and the injuries and surgery that had resulted from the accidents.

11. The Respondent answered "NO" to the following Character and Fitness Question:

8. During the past year, have you pled guilty, nolo contendre, or been convicted of, or received probation before judgment for any criminal act?

12. The Respondent failed to respond truthfully and accurately to Question 8 on her 2015 renewal application. She failed to disclose that she had pleaded guilty to and was convicted of a criminal act in November 2014.
13. The Respondent electronically signed the Attestation on the 2015 renewal application that reads in pertinent part:

I affirm that the contents of this submission are true and correct to the best of my knowledge and belief. Failure to provide truthful answers may result in disciplinary action.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Act: Health Occ. § 10-315(1) - fraudulently or deceptive obtaining or attempting to obtain a license; and Health Occ. § 10-315(10) - willfully making or filing a false report in the practice of occupational therapy, in violation of Health Occ. § 10-315(10).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a quorum of the Board considering this case hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent will be placed on **PROBATION FOR A MINIMUM OF TWO YEARS** from the date she resumes the practice of occupational therapy and until she complies with the terms and conditions set forth herein; and it is further

ORDERED that the Respondent shall provide to the Board written notification **PRIOR** to her resumption of occupational therapy; and it is further

ORDERED that for the duration of the probationary period, the Respondent shall provide any and all occupational therapy employers with a copy of the Consent Order; and it is further

ORDERED that the Respondent shall ensure that her employers transmit to the Board written confirmation of receipt of the Consent Order; and it is further

ORDERED that within the first six months of the probationary period, the Respondent shall take and pass the Board's jurisprudence examination; and it is further

ORDERED that within the first six months of the probationary period, the Respondent shall successfully complete a Board-approved professional ethics course, which course shall not count towards the contact hours of competency activities required for continued licensure;

ORDERED that if the Respondent violates any of the terms and conditions of probation, the Board will offer the Respondent an opportunity for a show cause hearing

before the Board and may impose any sanctions which it may have imposed in this case, including any probationary terms and conditions, reprimand, suspension, revocation and/or monetary penalty; and it is further

ORDERED that the Respondent may petition for termination of probation after she has satisfactorily complied with all conditions of probation and has no outstanding complaints against her. Her probation will be terminated through an order of the Board; and it is further

ORDERED that the Respondent shall not petition the Board for early termination of the terms and conditions of this Consent Order; and it is further

ORDERED that the Respondent shall comply with the Occupational Therapy Practice Act and all laws, statutes and regulations pertaining to the practice of occupational therapy; and it is further

ORDERED that the Respondent is responsible for all costs associated with the Consent Order; and it is further

ORDERED that the Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions, §§ 4-101 *et seq.* (2014).

1/15/16

Date

Jyna Adams, OTR/L

Jyna Adams, OTR/L

Chair

Maryland State Board of Occupational Therapy Practice

CONSENT

I, Alison L. Emeigh, O.T.A., acknowledge that I had the opportunity to be represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

1/4/16
Date


Alison L. Emeigh
O.T.A.

Alison L. Emeigh, OTA
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 4th day of January, 2016; before me, a Notary Public of the foregoing State and City/County, personally appeared Alison L. Emeigh, O.T.A., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.


Notary Public

My commission expires: 10/3/2017

RYAN FRIEMAN
Notary Public
Harford County
Maryland
My Commission Expires Oct 3, 2017