

IN THE MATTER OF	*	BEFORE THE MARYLAND
	*	
LAUREL A. FINLAYSON	*	STATE BOARD OF
	*	
RENEWAL APPLICANT	*	OCCUPATIONAL THERAPY
	*	
License Number: A01913	*	PRACTICE
	*	
Case Number: 2018-029	*	

CONSENT ORDER OF PROBATION

On or about May 2, 2018, Laurel A. Finlayson (the “Applicant”) 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 (“COTA”) in the State of Maryland. In accordance with the Board’s statutory requirement under Title 10, Subtitle 3 of the Health Occupations Article of the Annotated Code of Maryland, the Applicant disclosed on her renewal application that she had a criminal history. The Applicant submitted to the Board a narrative statement explaining her criminal history and provided supporting documentation regarding her arrest, charge, plea, and judgment.

Based upon a review of the documents provided to the Board, the Applicant and the Board entered into negotiations to settle this case. As a result, the Board and the Applicant agreed to enter into this Consent Order as set forth below, and to the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds that:

1. In July of 2012, the Applicant was issued license number A01913 by the Board to

practice as a COTA in the State of Maryland.

2. The current expiration date of the Applicant's license no. A01913 is June 30, 2018.

3. By application dated May 2, 2018, the Applicant applied to the Board for renewal of license no. A01913 practice as a COTA in the State of Maryland. On the renewal application, the Applicant answered "YES" to Question 7, which asks, "Have you ever pled guilty, nolo contendere, or received probation before judgment of driving while intoxicated or of a controlled dangerous substance offense?" Question 7 also requires any applicant who answers "YES" to submit a complete explanation and court documents for the Board's review. The Applicant submitted both an explanation and court documents.

4. Based on the documents provided by the Applicant, on March 13, 2018, in the District Court of Baltimore City, Case No. 2XM0E98, the Applicant pled guilty to Driving a Vehicle While Under the Influence of Alcohol and was sentenced to one-year supervised probation before judgment.

5. The Applicant also supplied information indicating that as a condition of her probation, she is required to attend a 26-week alcohol education program and has an interlock device installed on her vehicle.

6. For the purposes of licensure, the Applicant's conviction for Driving a Vehicle While Under the Influence of Alcohol constitutes a violation under Maryland Code Ann., Health Occ. Art. § 10-315(6) of the Maryland Occupational Therapy Practice Act (the "Act").

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Applicant violated Md. Code Ann., Health Occ. Art., § 10-315 of the Act. 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 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, licensee or holder:

...(6) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

ORDER

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

ORDERED that the Applicant's, renewal application for licensure to practice as a certified occupational therapy assistant be **GRANTED**; and be it further

ORDERED that the license of the Applicant 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:

1. The Applicant's status as an occupational therapy assistant shall be listed in the Board's computer records and website as being on "**Probation;**"
2. The Applicant 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 Applicant shall provide to the Board written evidence of her compliance with and successful termination of her supervised probation before judgment. Failure to provide

written evidence of compliance with and successful termination of her supervised probation before judgment shall constitute a violation of probation and a violation of this Consent Order

4. The Applicant 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 Applicant 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 sanction which the Board is statutorily authorized to impose in this case under § 10-315 of the Occupational Therapy Practice Act, including a reprimand, additional probation, suspension, or revocation, said violation being proven by a preponderance of the evidence; and be it further

ORDERED that no earlier than **ONE (1) YEAR** from the effective date of this Consent Order, the Board may consider a petition for termination of the Applicant's probationary status, provided that the she has been satisfactorily compliant with the probationary terms of this Consent Order; and it is further

ORDERED that the Applicant 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 § 4-101, *et seq*.

6/27/18

Date

Wanda R. Banks, MA, OTR/L

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

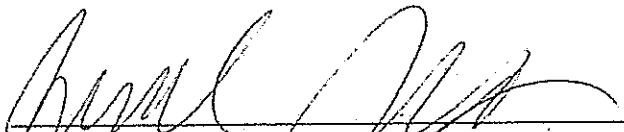
CONSENT

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.

6/28/18

Date



Laurel A. Finlayson, Applicant
License Number A01913

NOTARIZATION

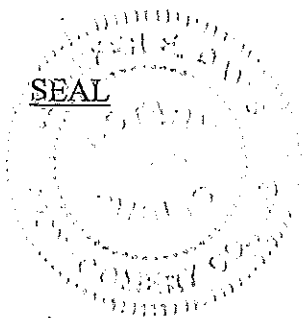
STATE: Maryland

CITY/COUNTY: Montgomery

I HEREBY CERTIFY that on this 25 day of June, 2018, before me, a Notary

Public of the State and City/County aforesaid, personally appeared **Laurel A. Finlayson** and made oath in due form of law that signing the foregoing Consent Order of Probation was the voluntary act and deed of **Laurel A. Finlayson**.

AS WITNESSETH my hand and Notarial Seal.



Notary Public

Jennifer Davis

My Commission Expires:

JENNIFER DAVIS Notary Public-Maryland Montgomery County My Commission Expires August 03, 2019
