

IN THE MATTER OF	*	BEFORE THE MARYLAND
	*	
DELISE E. HOLLOWAN	*	STATE BOARD OF
	*	
License Number 03321	*	OCCUPATIONAL THERAPY
	*	
Case Number: 2018-010	*	PRACTICE

CONSENT ORDER OF PROBATION

On or about September 8, 2017, pursuant to its authority under the Code of Maryland Regulations (“COMAR”) 10.46.04.07, the Maryland State Board of Occupational Therapy Practice (the “Board”) conducted a random audit of the certification status for the National Board for Certification in Occupational Therapy (“NBCOT”) and the continuing competency contact hours of Delise E. Holloman, O.T. (the “Respondent”), License Number 03321. The audit findings revealed that the Respondent’s NBCOT certification status was inactive.

On or about September 20, 2017, the Board notified the Respondent of the results of the audit and requested that the Respondent submit documentation of the completion of the required twelve (12) continuing competency contact hours earned between July 1, 2016 and the 2017 renewal of her license. The Board required that the Respondent reply by October 16, 2017. The Respondent failed to respond to the September 20, 2017 audit notice at all.

Because the Respondent failed to respond to the September 20, 2017 audit notice, on or about October 23, 2017, the Board sent a notification, pursuant to COMAR 10.46.04.03.A, requiring the Respondent to submit proof of completion of the required twelve (12) continuing competency contact hours earned for the prior four years, from 2012 through 2016. The documentation was required to be submitted to the Board by November 13, 2017. The Respondent also failed to respond

to the October 23, 2017 audit notice at all.

Based upon the Respondent's failure to respond to the Board's two audit requests, on February 16, 2018, the Board's representative met with the Respondent in an attempt to settle the matter prior to the issuance of formal charges. As a result of that meeting, 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 03321.
2. On or about September 8, 2017, the Board conducted a random audit of the Respondent's completed continuing competency contact hours and NBCOT certification status. The random audit findings indicated that the Respondent's NBCOT certification status was inactive.
3. On or about September 20, 2017, the Board sent the Respondent a Notification of Audit, by certified mail to the Respondent's legal address of record on file with the Board, requesting that she submit documentation of her completed contact hours by October 16, 2017. The Board received a return receipt indicating that the Notice was delivered and signed for by the Respondent on October 11, 2017. The Respondent failed to respond to the September 20, 2017 audit notice.
4. On October 23, 2017, the Respondent was notified, via certified mail to the Respondent's legal address of record on file with the Board, that because she failed to provide documentation of her continuing competency contact hours for 2017, the Board was auditing her

contact hours from 2012 through 2016, pursuant to COMAR 10.46.04.03.A. The Board required that the Respondent submit the documentation of her contact hours by November 13, 2017. The return receipt indicated that the Notice was delivered and signed for by the Respondent on October 28, 2017. The Respondent failed to respond to the October 23, 2017 audit notice.

5. A settlement meeting was held on February 16, 2018. The Respondent testified that she was aware of the requirement to complete twelve (12) continuing competency contact hours for the renewal of her license, but that she has experienced significant difficulties in her personal life in the last few years which caused her to “lose track of time.” The Respondent acknowledged that she could provide no documentation of continuing competency hours for the four years prior to the renewal of her license.

6. The Respondent submitted to the Board documentation of fifteen (15) continuing competency contact hours which were completed in January 2018.

7. At the Board’s discretion, the Board shall audit the continuing competency documentation of a number of randomly selected licensees. 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 failure to substantiate contact hours upon request of the Board shall result in formal disciplinary action by the Board. COMAR 10.46.04.03.E.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that by failing to meet minimum requirements for completion of her continuing competency hours for the years 2012 through 2017, the Respondent violated the Act. Specifically:

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

§ 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 her continuing competency hours for the years 2012 through 2017, the Respondent violated the following COMAR provisions:

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.

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, License Number 03321, is hereby placed on **PROBATION** for a minimum of **ONE (1) YEAR** 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 **THIRTY-THREE (33)** continuing competency contact hours within **SIX (6) MONTHS** of the effective date of this Order. The **THIRTY-THREE (33)** 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. 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 **ONE (1) YEAR** 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 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 § 4-101, *et seq.*

03/16/2018
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.

14 March 18
Date



Delise E. Holloman, License Number 03321

NOTARIZATION

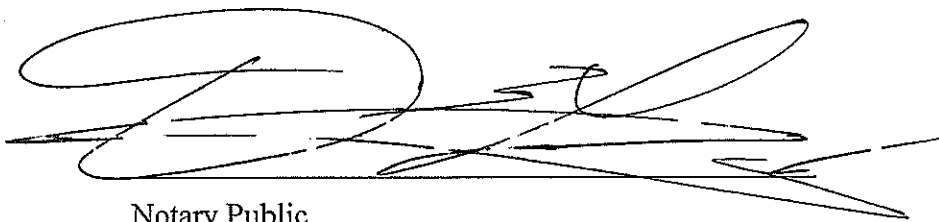
STATE: Maryland

CITY/COUNTY: Charles

I HEREBY CERTIFY that on this 14 day of March, 2018, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Delise E. Holloman** and made oath in due form of law that signing the foregoing Consent Order of Probation was the voluntary act and deed of **Delise E. Holloman**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Notary Public

DAVID LIPSHAW JR.
NOTARY PUBLIC
CHARLES COUNTY
MARYLAND
MY COMMISSION EXP. JULY 27, 2019

My Commission Expires: _____