

**IN THE MATTER OF
KELLY REPKO, OTR/L**

Respondent

License Number: 08273

*** BEFORE THE MARYLAND
* BOARD OF OCCUPATIONAL
* THERAPY PRACTICE
* Case Number: 2018-014**

* * * * *

FINAL ORDER

On the 17th day of July, 2018, the Maryland State Board of Occupational Therapy Practice (the “Board”) notified **KELLY REPKO, OTR/L** (the “Respondent”), License Number 08273, of its intent to revoke her license to practice occupational therapy in the State of Maryland based on her violation of Maryland Occupational Therapy Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 10-101 *et seq.* (2014 Repl. Vol.).

The Board based its action on the Respondent’s violation of the following provisions of the Act under Health Occ. § 10-315 and COMAR:

Health Occ. § 10-315 Denials, reprimands, 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 temporary license if the applicant, licensee, or holder:

- (3) Commits any act of gross negligence, incompetence, or misconduct in the practice of occupational therapy or limited occupational therapy; [and]
- (5) Violates any rule or regulation of the Board, including any code of ethics adopted by the Board[.]

COMAR 10.46.02.01 General Conduct

A. A licensee shall:

(11) Function with discretion and integrity in relations with other health professionals; [and]

(15) Comply with all applicable laws dealing with occupational therapy practice[.]

In its Notice, the Board informed the Respondent that she had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Respondent, and the Respondent has not requested a hearing.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant, the Respondent was and is licensed to practice occupational therapy in the State of Maryland. The Respondent was originally licensed to practice occupational therapy in Maryland on August 29, 2017, under License Number 08273. The Respondent's license is current through June 30, 2019.

2. At all times relevant, the Respondent was also licensed to practice occupational therapy in the State of New York under License Number 017359. The Respondent was initially licensed to practice occupational therapy in New York on April 17, 2012. The Respondent's New York license is current until June 30, 2020.

3. At all times relevant, the Respondent also possessed expired occupational therapy licenses in Connecticut and Texas.

4. In late 2017/early 2018, the Board became concerned about the Respondent's mental status while investigating a complaint the Respondent filed on or about October 24, 2017, against unknown or undisclosed individuals, who were allegedly stalking her.

5. On or about February 28, 2018, the Board issued a *Subpoena Ad Testificandum* directing the Respondent to contact the Board's investigator within five days to set up a telephone interview to provide testimony. The Board sent the subpoena to the Respondent's address of record by certified mail, which the Respondent signed for and claimed.

6. The Respondent, however, failed to comply with the Board subpoena in that she failed to contact the Board's investigator to set up a telephone interview within five days of receipt of the subpoena. As of the date of these charges, the Respondent still has not made any contact with the Board regarding the subpoena.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's failure to comply with the Board subpoena issued on February 28, 2018, constitutes: committing any act misconduct in the practice of occupational therapy, in violation of Health Occ. § 10-315(3); and violating any rule or regulation of the Board, including any code of ethics adopted by the Board, *i.e.* COMAR 10.46.02.01A(11) and (15), in violation of Health Occ. § 10-315(5).

ORDER

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

ORDERED that the Respondent Kelly Repko's license to practice occupational therapy in the State of Maryland under License Number 08273 be and hereby is **REVOKED**; and it is further

ORDERED that the Respondent is prohibited from practicing occupational therapy in the State of Maryland; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

09/16/2018
Date

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

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 10-317(b) (2014 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.) and Title 7, Chapter 200 of the Maryland Rules.