

IN THE MATTER OF

*

BEFORE THE

MONIKA SINHA, OTR/L

*

MARYLAND BOARD

License No. 04896

*

OF OCCUPATIONAL

*

THERAPY PRACTICE

**FINAL ORDER ON PETITION FOR REINSTATEMENT
OF OCCUPATIONAL THERAPY LICENSE**

I. PROCEDURAL HISTORY

In a Final Order dated April 18, 2014 (the “Order”), the Maryland State Board of Occupational Therapy Practice (“Board”) revoked the occupational therapy license of Monika Sinha, OTR/L (the “Petitioner”), for two (2) years and eight (8) months. The Board imposed this disciplinary action because of the December 14, 2012 revocation of the Petitioner’s license to practice occupational therapy in the District of Columbia (“D.C.”). D.C.’s revocation was based on her failure to report for work, her submission of time sheets that contained forged signatures, and misrepresentations and false reports she made regarding services she provided.

As a result of D.C.’s disciplinary action, the Board charged the Petitioner on July 26, 2013 under the Maryland Occupational Therapy Practice Act (the “Act”), Md. Code Ann., Health Occupations Article (“H.O.”) § 10-315(9), with being disciplined by another state board for an act that would be grounds for discipline under H.O. § 10-315. The Petitioner’s acts described above are grounds for action under H.O. § 10-315(2) (“fraudulently or deceptively uses a license”); H.O. § 10-315(3) (“commits any act of gross negligence, incompetence, or misconduct in the practice of occupational therapy”); H.O. § 10-315(4) (“knowingly violates any provision of this title”); H.O. § 10-315(5) (“violates any rule or regulation of the Board, including any code of ethics adopted by the Board”); H.O. § 10-315(10) (“willfully makes or

files a false report or record in the practice of occupational therapy or limited occupational therapy"); and H.O. § 10-315(12) ("submits a false statement to collect a fee").

The Board also found that the Petitioner's actions, as set forth above, violated the following provisions of the Maryland Code of Regulations 10.46.02.01: A(2) ("... provide the highest quality services to the client"); A(11) ("...function with discretion and integrity in relations with other health professionals"); A(15) ("... comply with all applicable laws dealing with occupational therapy practice"); C(2) ("... allow financial gain to be paramount to the delivery of service to the client"); and/or C(4) ("... use, or participate in the use of, a form of communication that contains or implies a... (b) false, fraudulent, misleading, deceptive, or unfair statement or claim").

The April 18, 2014 Order permitted the Petitioner to file a written petition for reinstatement after December 14, 2017.

II. PETITION FOR REINSTATEMENT

On or about December 15, 2017, the Petitioner filed a reinstatement petition with the Board. The Board's licensure division completed the administrative processing of the Petitioner's reinstatement application and verified that the Petitioner had obtained the continuing competency contact hours required for reinstatement. In assessing the Petitioner's fitness for reinstatement, the Board considered documentation showing the Petitioner completed fifteen (15) hours in documentation skills training and six (6) hours in ethics training. In addition, the Board considered the Petitioner's reinstatement of her certification from suspension status with the National Board for Certification in Occupational Therapy ("NBCOT").

In response to written questions from the Board regarding the circumstances that led to the revocation of her occupational therapy license and the Board's concerns with respect to her

acceptance of responsibility for her misconduct, the Petitioner acknowledged her negative actions and accepted full responsibility for the actions that resulted in the revocation of her occupational therapy licensure in both D.C. and Maryland. At an informal meeting with the Board, the Petitioner admitted to being "overwhelmed" with a heavy caseload during her practice, which led to her cutting corners for the sake of expediency, with regard to her documentation practices. She stated that in the future she planned to seek out part-time work or scale back on the volume of her practice in an effort to avoid the same situation that led to the revocation of her licensure.

The Petitioner's reinstatement petition and the Petitioner's statements at the informal meeting with the Board indicate that the Petitioner has taken responsibility for her actions and has good insight into the underlying vulnerabilities that precipitated her conduct. In addition, the Petitioner's successful completion of the continuing education courses in professional ethics and documentation practice justify a reinstatement of her occupational therapy license. Given the significant nature of the Petitioner's violations, however, the Board will reinstate the Petitioner's occupational therapy license subject to certain conditions that the Board believes are necessary to ensure that her progress continues that the public is protected.

III. ORDER

ORDERED that the Petitioner's occupational therapy license is **REINSTATED** in this State, subject to the following terms and conditions:

1. The Petitioner shall be placed on **PROBATION for one (1) year** to begin when the Petitioner has obtained employment as a licensed occupational therapist;
2. The Petitioner shall provide a copy of this Final Order on Petition for Reinstatement of Occupational Therapy License (the "Final Order") to any employer

with whom she is employed as a licensed occupational therapist during the probation period and shall provide written proof to the Board that the employer has received a copy of this Final Order;

3. The Petitioner's practice shall be supervised by an on-site supervisor (the "Supervisor") at her place of employment, subject to the following terms:

a. **Within fifteen (15) days** from the date that the Petitioner is employed as a licensed occupational therapist, the Petitioner shall submit the name and contact information of the Supervisor for purposes of obtaining Board approval to serve as the Supervisor of her practice for the entire **one (1) year period of probation**. The Petitioner shall provide the Supervisor with a copy of the Final Order in this matter.

b. The Petitioner shall ensure that the Supervisor notifies the Board, in writing, **within ten (10) days** of the Board's approval, of his/her acceptance of his/her supervisory role.

c. The Supervisor shall submit quarterly written reports to the Board, which shall include but not be limited to an assessment of the Petitioner's performance standards and compliance with documentation standards for a licensed occupational therapist.

d. The Petitioner shall have sole responsibility for ensuring that, during the probation period, the Supervisor submits the required quarterly reports to the Board in a timely manner.

e. In the event that the Supervisor discontinues supervising the Petitioner for any reason during the probation period, the Petitioner shall immediately notify the

Board and submit replacement candidate to serve as her Supervisor under the terms specified above.

4. The Petitioner shall practice in accordance with the laws and regulations governing the operation of a licensed occupational therapist in Maryland.
5. The Petitioner shall bear all costs associated with complying with the Final Order.
6. After **conclusion of the one (1) year probationary period**, the Petitioner may submit a written petition to the Board requesting termination of probation.

ORDERED that if the Petitioner violates any of the terms and conditions of this Final Order, the Board, in its discretion, after notice and 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. Art. § 10-315 including a reprimand, further probation, suspension, or revocation, said violation being proven by a preponderance of the evidence, and it is further

ORDERED that this is a Final Order of the Maryland Board of the Occupational Therapy Practice and as such is a **PUBLIC DOCUMENT** pursuant to Maryland Code Ann. General Provisions §§ 4-101 *et. seq.*

7/21/2018
Date

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