

IN THE MATTER OF
LYNDSAY JARNAGIN
License Number A02067

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BEFORE THE MARYLAND
BOARD OF OCCUPATIONAL
THERAPY PRACTICE

CONSENT ORDER OF REPRIMAND

On or about August 9, 2021, the Maryland Board of Occupational Therapy Practice (the “Board”), received an emailed request for a renewal of licensure as an Occupational Therapy Assistant from Lyndsay Jarnagin (the “Respondent”), License Number A02067. The Respondent was advised that her license had expired on June 30, 2021, and she could no longer access the Board’s online renewal system. The Respondent disclosed that she had continued to regularly practice limited occupational therapy after the expiration of her license on July 1, 2021, until August 9, 2021.

The Respondent had been advised on April 2, April 26, and June 17, 2021 in emails sent to her address on file with the Board, that her license was set to expire on June 30, 2021. She was further informed by email on July 10, 2021, that her license was past expiration.

On August 13, 2021, the Board voted to offer a Pre-Charge Consent Order to the Respondent, in lieu of issuing charges for violations of the Maryland Occupational Therapy Act (the “Act”), Md. Code Annotated, Health Occupations Article (“Health Occ.”), § 10-101 *et seq.* and the Code of Maryland Regulations (COMAR), Chapter 10, Subchapter 46.



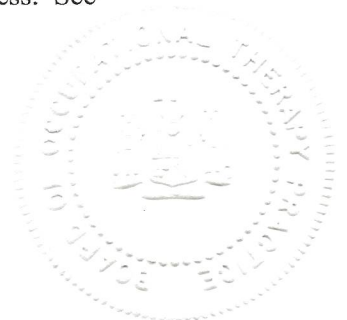
As a result of that offer, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. The Respondent was originally licensed as an Occupational Therapy Assistant in Maryland on September 19, 2013, under license number A02067. The Respondent's license was reinstated on August 13, 2021 and is currently active.
2. The Respondent's licensing file included an email address provided to the Board by the Respondent.¹
3. On March 9, 2021, the Governor of Maryland issued Executive Order No. 21-03-09-03 stating, *inter alia*, that all state-issued licenses that would otherwise expire prior to June 30, 2021 during the state of emergency due to Covid-19, would have their expiration date extended to June 30, 2021.
4. On April 2 and April 26, 2021, the Board sent an email to the email addresses on file for all of the Board's odd-year licensees, including the Respondent, stating, "You are receiving this email because your license is due to be renewed between May 1st and June 30th of this year." An additional email was sent on Jun 17, 2021, alerting the licensees who had not

¹ Licensees are required to advise the Board of any change in physical or electronic address. See COMAR 10.46.01.02.J.



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renewed their license to renew by Jun 30, 2021. The email stated, "You have until June 30 to renew or your license will expire."

5. The Board did not receive an application for license renewal from the Respondent prior to June 30, 2021. On July 10, 2021, the Board sent an email to the email address on file to the Respondent, notifying her that her license was expired.

6. On August 9, 2021, the Board received an email from the Respondent stating that she had attempted to access the Board's online license renewal application, but was unable to do so, and was requesting a password reset. Board Staff advised the Respondent that she would need to apply for reinstatement.

7. On August 9, 2021, the Respondent applied for reinstatement of her license to practice limited occupational therapy.

8. The Respondent disclosed to the Board that she had continued to practice limited occupational therapy during her regularly scheduled work hours, from the expiration of her license on July 1, 2021 until August 9, 2021.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated Health Occ., § 10-315(4)-(5):

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:



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- ...
- (4) Knowingly violates any provision of this title;
 - (5) Violates any rule or regulation of the Board, including any code of ethics adopted by the Board;
- ...

Health Occ. § 10-401(b) states:

...Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice limited occupational therapy in this State unless licensed to practice limited occupational therapy by the Board.

COMAR 10.46.02.01.A(15) requires an occupational therapist or occupational therapy assistant to “[c]omply with all applicable laws dealing with occupational therapy practice.” This includes the licensure requirement stated in Health Occ. § 10-401(b). The Respondent’s continued practice of limited occupational therapy after the expiration of her license constituted unlicensed practice.

A licensee may apply for renewal of a license pursuant to the requirements in Health Occ. § 10-311.² In light of all facts and circumstances, the Board and the Respondent agree to the

² Health Occ. §10-311(f) allows a licensee who has failed to renew their license to renew within 30 days after the deadline for renewal, provided certain conditions are met. In the instant case, the Respondent could not have availed herself of this late renewal. Although Executive Order No. 21-03-09-03 moved the expiration date of licenses to June 30, 2021, it did not alter the renewal date, which remained May 31, 2021. For this reason, the Respondent was required to apply for reinstatement pursuant to Health Occ. § 10-312.



following order:

ORDER

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

ORDERED that the Respondent's license is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall comply with the Maryland Occupational Therapy Act, 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 is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Annotated, General Provisions Article § 4-101 *et seq.*

04/04/2022

Date

Wanda R. Banks, MA, OTR/L

Wanda Banks, OT, MA, OTR/L, Chair
Maryland 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


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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.

3/29/2022

Date

 COTAL, CSRS

Lyndsay Jarnagin, License Number A02067



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NOTARIZATION

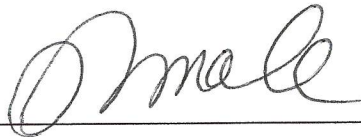
STATE: Maryland

CITY/COUNTY: Montgomery

I HEREBY CERTIFY that on this 29 day of March, 2020, before me,
a Notary Public of the State and City/County aforesaid, personally appeared **Lyndsay Jarnagin**
and made oath in due form of law that the foregoing was the voluntary act and deed of **Lyndsay**
Jarnagin.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Notary Public

Anna Le
Notary Public
Montgomery County
Maryland

My Commission Expires January 20, 2025

My Commission Expires: 01/20/2025

