

IN THE MATTER OF
KELLY KELLER, OT
Respondent
License Number: 02411

BEFORE THE MARYLAND
BOARD OF OCCUPATIONAL
THERAPY PRACTICE
Case Number: 2017-031

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CONSENT ORDER

On or about February 1, 2018, the Maryland Board of Occupational Therapy Practice (the "Board") issued charges against the occupational therapy license of Kelly Keller, OT (the "Respondent") , License Number 02411, pursuant to the Occupational Therapy Practice Act (the "Act"). Md. Code Ann., Health Occ. ("Health Occ.") §§ 10-101 *et seq.* (2014 Repl. Vol. & 2017 Supp;).

The pertinent provisions of the Act under Health Occ. § 10-315 provide as follows:

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:

- (4) Knowingly violates any provisions of this title;
- (5) Violates any rule or regulation of Board, including any code of ethics adopted by the Board;
- ... or
- (10) Willfully makes or files a false report or record in the practice of occupational therapy or limited occupational therapy....

A Case Resolution Conference ("CRC") was held with the Respondent and a member of the Board on March 16, 2018. Thereafter the Board and the Respondent agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has reason to believe are true:

1. The Respondent was originally licensed by the Board on March 16, 1990.
2. At all times relevant hereto, the Respondent was employed by a sports medicine practice in Towson, Maryland.
3. On or about May 19, 2017, the Board received a complaint regarding the Respondent.
4. The Complaint alleges that on April 24, 2017, the Respondent completed one of her employer's Return to Work/School appointment slips for her son and obtained a signature from one of her co-workers on the form. The Respondent allegedly did this because her son was going to be late to school and thus unable to participate in sports later that day unless the lateness was excused.
5. The Complaint further alleges that on April 28, 2017, on a day when the Respondent was not working, one of the Respondent's son's teammates was going to be late to school and unable to participate in sports.
6. Again, on or about April 28, 2017, the Respondent completed one of her employer's Return to Work/School appointment slips and signed her co-worker's signature without the co-worker's knowledge or consent. On the slip, the Respondent also wrote "All cleared to return to school and alt activity.¹¹

7. Upon receipt of the slip, the school nurse called the Respondent's employer to inquire about the child's injury, alerting the Respondent's employer to the Respondent's actions.
8. The Board conducted an investigation upon receipt of the Complaint and invited the Respondent to respond to the allegations.
9. The Respondent promptly admitted to the conduct described in the Complaint and stated that she did this because her son requested help and later, her son's schoolmate also requested help as well. The Respondent informed the Board that she had never done this before.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Board concludes that Respondent is subject to discipline pursuant to Health Occ. § 10-315(4), (5) and (10).

ORDER

Based on an affirmative vote of a quorum of the Board, it is hereby:

ORDERED that Ms. Keller's license to practice occupational therapy is placed on **PROBATION**, effective upon execution of this Consent Order, for a minimum of **SIX MONTHS**; and be it further,

ORDERED that during the period of probation, the Respondent shall:

- a. Successfully complete a Board-approved professional ethics course, not including one of those taken prior to the CRC in this matter;
- b. Retain a Board-approved supervisor responsible for submitting monthly reports regarding the Respondent's veracity and performance;

c. Successfully complete all continuing education requirements as mandated for license renewal (the CEU identified above in part "a" shall not count towards renewal); and be it further

ORDERED that the Respondent shall be subject to an audit of her continuing education credits for the next two renewal cycles; and be it further

ORDERED that upon completion of the probation, the Respondent shall petition the Board to lift the same;

ORDERED that Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Order; and be it further

ORDERED that should the Respondent fail to comply with the any of the terms and/or conditions of this Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing, may impose additional sanctions against the Respondent's license, including revocation or suspension; and be it further,

ORDERED that this is a final order of the Board and as such **is a PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101, *et seq.* (2014 Repl. Vol. and 2016 Supp.)

6/15/2018

Date



Wanda R. Banks, MA, OT, L, Board Chair
Maryland Board of Occupational Therapy

CONSENT

By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions:

1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel.
5. I fully understand the language, meaning, and effect of this Consent Order.

6/8/2018
Date

Kelly Keller OTR/L
Kelly Keller, OTR/L

NOTARY

STATE OF MARYLAND
COUNTY/CITY OF Baltimore

I hereby certify that on this 8th day of June, 2018, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KELLY KELLER, and made an oath in due form that the foregoing Consent was her voluntary act and deed.



Notary Public
My commission expires: 4/29/2021