

<p>IN THE MATTER OF</p> <p>JAIME L. DAIGLE, O.T.A.</p> <p style="padding-left: 40px;">Respondent</p> <p>License Number: A01583</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND</p> <p>BOARD OF OCCUPATIONAL</p> <p>THERAPY PRACTICE</p> <p>Case Number: 2015-007</p>
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CONSENT ORDER

On March 25, 2015, the Maryland State Board of Occupational Therapy Practice (the "Board") charged **JAIME L. DAIGLE, O.T.A.** (the "Respondent"), License Number A01583, with violating the Maryland Occupational Therapy Practice Act (the "Act"), Md. Code Ann., Health Occ. I ("Health Occ. I"), §§ 10-101 *et seq.* (2014 Repl. Vol.).

Specifically, The Board charged the Respondent with violating the following provisions of the Act under Health Occ. I § 10-315:

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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or temporary license for the applicant, licensee, or holder or for another;
- (5) Violates any rule or regulation of the Board, including any code of ethics adopted by the Board; [and]
- (10) Willfully makes or files a false report or record in the practice of occupational therapy or limited occupational therapy[.]

The Board further charged the Respondent with violating the following provisions of the Board's regulations under Md. Code Regs. ("COMAR") 10.46.04 Continuing Competency Requirement:

.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. These documents may be audited by the Board at any time.
- D. A licensee's submission of any false statement regarding continuing competency requirements shall result in formal disciplinary action 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.

.04 Licensure and Contact Hour Requirements.

- A. Time Frame.
 - (2) Continuing Competency Time Frame. The period for completing continuing competency requirements for licensure renewal extends from January 1 to December 31 of the year before renewal.

On July 17, 2015, a Case Resolution Conference was held before a member of the Board. At the conclusion of the conference, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

- 1. At all times relevant, the Respondent was and is licensed to practice limited occupational therapy in the State of Maryland. The Respondent was originally licensed to practice limited occupational therapy in Maryland on September 16, 2005, under License Number A01583. The Respondent's license is current through June 30, 2015.

2. On or about June 30, 2014, the Respondent submitted an application ("2014 Renewal") to the Board to renew her occupational therapist assistant's license.

3. In the 2014 Renewal, under the section entitled, "Continuing Education Requirements," the Respondent answered YES to the statement, "Maintenance of current certification with NBCOT (National Board of Certification in Occupational Therapy)[.]"

4. The Board subsequently audited the Respondent's 2014 Renewal and determined that her NBCOT certification was inactive after verifying her certification status with NBCOT.

5. In letters dated October 3, December 2 and December 19, 2014, the Board notified the Respondent that her 2014 Renewal was being audited and required that she provide either proof of her current certification with NBCOT or documentation of twelve (12) continuing competency activities earned between January 1 through December 31, 2013.

6. The Respondent did not respond to the Board's letters until on or about December 18, 2014, when she sent an electronic-mail to the Board in which she stated that she was "unable to find/produce documentation of my 2013 continuing education hours." The Respondent further stated, "I transfered (sic) this and other sensitive documentation, that is missing as well, to a storage unit and am continuing to attempt to locate the missing files."

7. After receiving her electronic-mail response, the Board filed a written complaint against the Respondent for falsifying in her 2014 Renewal that she

maintained a current NBCOT certification and for failing to provide documentation proof that she obtained twelve contact hours of continuing competency in 2013.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent fraudulently or deceptively attempted to obtain a license, in violation of Health Occ. I § 10-315(1), and willfully made or filed a false report or record in the practice of limited occupational therapy, in violation of Health Occ. I § 10-315(10), in that she represented in her 2014 Renewal that she maintained a current certification with NBCOT when in fact her certification was then inactive.

The Respondent further violated the Board's regulations for continuing competency requirement under COMAR 10.46.04.03A, D and E, and COMAR 10.46.04.04A(2), in violation of Health Occ. § 10-315(5), in that she failed to retain and provide to the Board documentation verifying her completion of twelve (12) contact hours of continuing competency earned between January 1 through December 31, 2013.

ORDER

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

ORDERED that the Respondent be and hereby is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**, to commence on the date the Board executes this Consent Order, and continuing until such time as she has completed the following terms and conditions:

- (1) The Respondent shall, within six (6) months of the effective date of this Consent Order, and at her own expense, successfully complete a Board-approved course focusing on ethics in occupational therapy and shall submit written verification that satisfies the Board of the successful completion of the course within 30 days of completion of the course. This course shall be in addition to any course work required to satisfy her continuing education requirements.
- (2) The Respondent shall comply with all Continuing Competency Activities requirements under COMAR10.46.04.06. Additionally, the Respondent shall make up the **twelve (12) hours** of Continuing Competency Activities she failed to complete for the 2014 renewal period. The Respondent shall be solely responsible for submitting adequate written verification to the Board of her successful completion of her Continuing Competency Activities requirements according to the terms set forth herein.
- (3) During the probationary period, the Respondent shall provide NBCOT and any future employer relating to her practice of occupational therapy a copy of this Consent Order and provide verification to the Board of her having done so.
- (4) The Respondent shall comply with the Maryland Occupational Therapy Practice Act and all laws, statutes and regulations pertaining thereof.

AND IT IS FURTHER ORDERED that after the conclusion of the **ONE (1) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing, before the Board otherwise, may impose any

sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

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

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

November 5, 2015
Date

Lynna Adams, OTR/L, CPAM /jl
Lynna Adams, OTR/L, CPAM
Board Chairperson
Maryland State Board of
Occupational Therapy Practice

CONSENT

I, Jaime L. Daigle, OTA, acknowledge that I had the opportunity to obtain counsel but elected to proceed without counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I acknowledge the violations as set forth above and accept personal responsibility for my behavior.

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 counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this

Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

10/28/2015
Date

Jaime L. Daigle, OTA #AAS83
Jaime L. Daigle, OTA

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 28th day of October, 2015, before me, a Notary Public of the foregoing State and City/County personally appear Jaime L. Daigle, OTA, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Tonya George
TONYA GEORGE
Notary Public-Maryland
Baltimore City
My Commission Expires
October 30, 2018

Notary Public

My commission expires: October 30th 2018