

ANJULI KELLEY

*

STATE BOARD OF

APPLICANT

*

OCCUPATIONAL THERAPY

*

* * * * *

CONSENT AGREEMENT

The Maryland State Board of Occupational Therapy (the "Board") is charged with the responsibility of regulating the practice of Occupational Therapy. Ms. Anjuli Kelley (the Applicant) has applied for licensure with the Board pursuant to the Maryland Occupational Therapy Act (the "Act"), Md. Health Occ. ("H.O.") Code Ann. Code §§ 10-101 *et seq.* (2005). On or about January 20, 2012, the Board, in lieu of denying her licensure request, voted to offer Ms. Kelley this Consent Agreement (the "Agreement").

The Board may deny an Applicant's application based on the following provisions of the Act:

H.O. §10-301 License required; exceptions.

- (a) *In general.* – Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice occupational therapy...in this State.

H.O. §10-302 Qualifications of applicants.

- (a) *In general.* – To qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) *Moral character.* The applicant shall be of good moral character.

H.O. §10-315 Denials, reprimands, suspensions, and revocation – Grounds.

Subject to the hearing provisions of §10-316 of this subtitle, the board may deny a license...to any applicant...if the applicant...

(9) Is disciplined by a licensing or disciplinary authority of any other state...for an act that would be grounds for disciplinary action under this section.

BACKGROUND

On or about November 8, 2011, the Applicant completed an Application for an Occupational Therapist license to the Board. The Board received the Application on or about November 21, 2011. On page one of the Application, in the section entitled, "Discipline," the Applicant answered "YES" to the following questions: QUESTION 18(a): Are you or have you ever: been convicted of a misdemeanor? 18(c) Are you or have you ever had any disciplinary action taken against your license in any state or country? And 18 (d) Are you or have you ever been addicted to the use of drugs or alcohol?

The Applicant included copies of the court documents of her two misdemeanor offenses of driving while under the influence of alcohol. These were received on or about March 23, 2004 and June 3, 2007.

FINDINGS OF FACTS

The Board finds as follows:

1. On or about June 22, 2004, in the criminal proceeding titled *People v. Anjuli Dillon Kelley* (Super. Ct. Sonoma County, 2004, Case No. TCR-438029), the Applicant was convicted by the court on her plea of nolo contendere to violating Vehicle Code section 23152, subdivision (a) (driving under the influence

of alcohol, a misdemeanor). The imposition of the Applicant's sentence was suspended and the Applicant was placed on probation for 36 months on terms and conditions, including that the Applicant obey all laws and not drive with any alcohol in her system;

2. On or about June 25, 2007, the criminal proceeding titled *People v. Anjuli Dillon Kelley* (Super. Ct. Sonoma County, 2007, Case No. SCR-513910), the Applicant was convicted by the court on her plea of nolo contendere to violating Vehicle Code section 23152, subdivision (b) (driving a motor vehicle while having a blood alcohol level of 0.08 percent or more, a misdemeanor). The imposition of the Applicant's sentence was suspended and the Applicant was placed on probation for 36 months on terms and conditions. The circumstances of the crime are as follows: On or about June 3, 2007, officers with the California Highway Patrol initiated an enforcement stop after observing a 2002 Toyota sedan driving unsafely on US-101 and SR-12. One of the officers made contact with the Applicant, who was driving the vehicle. The officer could smell an odor of an alcoholic beverage emitting from within the vehicle and noticed that the Applicant's eyes were red and watery and her speech was slurred. The officer asked the Respondent how many alcoholic beverages she consumed. The Applicant stated that she drank 2 beers. The officer conducted the field sobriety tests ("FST") and determined based on the Applicant's objective symptoms of intoxication and poor performance on the FST's that she was driving under the influence of alcohol. The officer arrested the Applicant and found through a DMV check that the Respondent was on court probation for a previous DUI conviction.

The officer transported the Applicant to the Sonoma City jail where she agreed to submit to a breath test. The results of the breath test were .19/.18 percent;

3. On or about January 27, 2010, the Applicant was denied an occupational therapist license from the State of California;

4. On or about February 19, 2010, the Applicant was granted an occupational therapist license in the State of California. Her license was immediately revoked, the order of revocation stayed, and the Applicant was placed on probation for three years with certain terms and conditions. One of these conditions concerned abstinence of alcohol during her probation period;

5. On or about April 8, 2010, the Applicant submitted to a random drug test and tested positive for alcohol. On or about April 23, 2010, the Applicant admitted that she had consumed alcohol;

6. On or about July 12, 2010, the California Board of Occupational Therapy revoked the probation that was granted by the Board and imposed the disciplinary order that was stayed, thereby revoking the occupational therapist license issued to Anjuli Dillon Kelley.

7. On or about August 21, 2010, the Applicant surrendered her occupational therapist license to the California Board of Occupational Therapy.

8. On or about December 30, 2010, the Applicant filed an application with the Nevada State Board of Occupational Therapy to obtain an occupational therapist license.

9. On or about February 21, 2011, the Applicant was granted an occupational therapist in the State of Nevada. The license was immediately

revoked, the order of revocation stayed, and the Applicant was placed on probation for two (2) years with terms and conditions.

AGREEMENT

Based upon the Background and Findings of Fact, it is enacted this *29th* day of *February*, 2012, by a quorum of the board considering this case on *January 20, 2012*:

ORDERED that the Applicant, Ms. Anjuli Kelley, be granted a license to practice as an Occupational Therapist in the State of Maryland under the following terms and conditions:

1. Ms. Kelley's license to practice occupational therapy is hereby placed on **probation** for **ONE (1) year**, subject to the following conditions;

a. The Applicant understands and agrees that she shall completely abstain from the use of alcohol, controlled dangerous substances, and mood altering drugs. If the Applicant is prescribed any controlled dangerous substances or mood altering medications, she will notify the Board immediately and cause a copy of said prescription to be served on the Board within three (3) days. The Applicant shall show this Order to any health care provider who prescribes for her, including but not limited to, dentists, physicians, nurse practitioners, and physician assistants;

b. The Applicant shall immediately notify her current occupational therapy employer of the probationary status of the Applicant's license and arrange for her current employer to submit, in writing to the Board, within ten (10) business days

of the effective date of this Order, that they have reviewed this Order. If the Applicant changes employers during the probationary period, the Applicant shall notify that employer to submit, in writing to the Board, within ten (10) business days from the date of hire that they have reviewed this Order; and

c. The Applicant's Continuing Education Credits (CEUs) will be audited for the 2013 renewal cycle;

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive a report that the Applicant has violated the Act or if the Applicant violates any conditions of this Order or of Probation, after providing the Applicant with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Applicant, including suspension or revocation. The burden of proof for any action brought against the Applicant as a result of a breach of the conditions of the Order or of Probation should be on the Applicant to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Applicant shall practice in accordance with the laws and regulations governing the practice of occupational therapy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Applicant may petition the Board to be reinstated without any conditions or restrictions on her license, provided that he can demonstrate compliance with the conditions of this

Order. Should the Applicant fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that this document is a PUBLIC RECORD, pursuant to Md. Code Ann., State Gov't Article, § 10-611 *et seq.* (2009 Repl. Vol. And 2010 Supp.) and that the Board may also disclose same to any national reporting data bank that is mandated to report to.

2/29/12
Date

Christine Moghimi, MAS, OTR/L PDA
Christine Moghimi, MAS, OTR/L
Board Vice Chairperson
Maryland State Board of
Occupational Therapy Practice

CONSENT OF ANJULI KELLEY

I, **Anjuli Kelley, O.T. Applicant**, by affixing my signature hereto, acknowledge that:

1. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Agreement I may suffer disciplinary action, which may include suspension or revocation of my license to practice occupational therapy in Maryland.
2. I sign this Consent Order without reservation as my voluntary act and deed.

7/21/2012
Date

Anjuli Kelley OTR
Anjuli Kelley