

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
OCCUPATIONAL THERAPISTS

IN RE:	)	
JENNIFER L. HOLLANDER	)	Docket No. OT01-0808
License No. 072-0000021	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Jennifer L. Hollander, who stipulate and agree as follows:

Authority

1. The administrative law officer (the "ALO") has jurisdiction to adjudicate complaints of unprofessional conduct pursuant to 26 V.S.A. §3361; 3 V.S.A. §§129 and 129a; and the Administrative Rules of the Office of Professional Regulation and the Rules of Occupational Therapy.

Statement of Facts

2. Jennifer L. Hollander (the "Respondent") of Chittenden, Vermont is licensed by the State of Vermont as an Occupational Therapist under license number 072-0000021. This license was originally issued on or about August 11, 1994 and is currently set to expire on or about May 31, 2010.
3. At all times relevant, Respondent was employed as an Occupational Therapist at Rutland Regional Medical Center ("RRMC"), located in Rutland, Vermont.
4. On or about July 29, 2008 in a Statement of Complaint to the Office of Professional Regulation, RRMC Compliance Officer J.W. reported that on or about February 18, 2008, T.H., RRMC Director of Rehabilitation and Support Services, reported to J.W. that Respondent had failed to document several therapy encounters.
5. On or about October 1, 2008 in a letter to State Investigator Steve Kennedy from James Levins, Respondent's attorney, Mr. Levins stated that Respondent "readily acknowledges that she fell behind in her SOAP note reporting." Mr. Levins stated that Respondent had been employed as an occupational therapist at RRMC for twenty-three (23) years and that during the time Respondent failed to document, Respondent was dealing with familial issues. Moreover, Mr. Levins

noted that in or around June 2008 when T.H. spoke with Respondent about the documentation issues, Respondent offered to cancel a vacation to correct the issues; however, Respondent's offer was not accepted and Respondent ultimately resigned.

Charges

6. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 26 V.S.A. § 3361(b)(4) (Failure to keep written occupational therapy records justifying a course of treatment for a patient, including patient histories, examination results and test results); and

Understandings

7. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
8. Respondent understands that the ALO must review and accept the terms of the Order set forth below and that if the ALO rejects all or any portion of the Order, then this entire document shall be null and void.
9. Respondent specifically waives any claims that any disclosures made to the ALO during the ALO's review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the ALO.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and has not been coerced by anyone into signing this Stipulation and Consent Order.
13. Respondent voluntarily waives her right to a contested hearing before the ALO and waives any right to appeal from this Stipulation and Consent Order.
14. Respondent agrees that the ALO may enter the Order set forth below.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Administrative Law Officer hereby **CONDITIONS** Respondent's license to practice as an Occupational Therapist for a **MINIMUM PERIOD OF ONE (1) YEAR commencing with the date of entry below**. The conditions are as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time of Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of one (1) year** of supervised occupational therapy in which she works at least forty (40) hours every two (2) weeks as an occupational therapist. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(3) Completion of Course on Ethics and Course on Documentation.

Within one (1) year of the date of entry of this Consent Order, Respondent must successfully complete (i.e., receive a passing grade, if applicable) a course on ethics and on documentation, at the certificate level or at college level, with prior approval by the Director of the Office of Professional Regulation (the "Director") or his or her designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Director or his or her designee. Any course work offered by Advance for Occupational Therapy Practitioners or the American Occupational Therapy Association addressing ethics and course work addressing documentation shall satisfy this requirement. Courses would not count toward any continuing professional education credits. If for some reason the Respondent is unable to locate an appropriate course(s), after showing what steps were taken to obtain the appropriate course(s) the Respondent may petition the Director to modify this condition accordingly.

(4) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as an occupational therapist and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent occupational therapist employment, Respondent shall cause Respondent's immediate supervisor to write to the Director, on the supervisor's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(5) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of occupational therapy employment and **monthly** thereafter,

Respondent shall cause every occupational therapist employer the Respondent has worked for during the month to submit to the Director an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on the employer's letterhead. All employer reports shall indicate satisfactory performance and attendance. Respondent's employer shall report any problems with Respondent's performance or attendance immediately to the Director.

(6) Practice Under Supervision.

Respondent's client load and treatment records shall be supervised by a Vermont licensed occupational therapist. Respondent's supervisor shall be approved in advance by the Director or his or her designee within thirty (30) days of the receipt of this Order. Additionally, Respondent shall obtain prior approval from the Director or his or her designee for any supervision by an occupational therapist that may occur as a result of new employment.

(7) Out-of-State Practice.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Director or his or her designee prior to Respondent practicing as an occupational therapist outside the State of Vermont. If Respondent fails to receive such approval before practicing outside of the State of Vermont, none of the time spent practicing occupational therapy out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Director or his or her designee will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(8) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Director, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Director, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(9) Notification to Other States.

In the event that the Respondent is licensed as an occupational therapist in any other state(s), she must inform the licensing authority of the state(s) in which the Respondent is licensed of the conditional status of her Vermont occupational therapist license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(10) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as an occupational therapist, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(11) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(12) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the ALO, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(13) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the ALO to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Office of Professional Regulation requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

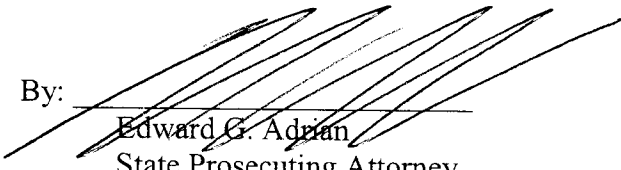
AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated:

5/29/09

By:


Edward G. Adrian

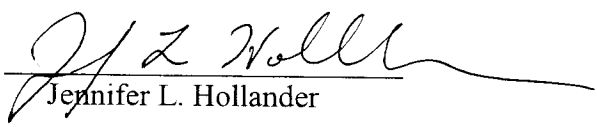
State Prosecuting Attorney

JENNIFER L. HOLLANDER
RESPONDENT

Dated:

5/28/09

By:


Jennifer L. Hollander

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated:

5/28/09

APPROVED AND SO ORDERED:

Dated:

6/5/2009

Date of Entry:

6/9/09

ot.hollander.stip2

By:

James G. Levins

James G. Levins, Esq.

ADMINISTRATIVE LAW OFFICER

By:

Michael H. Liss

Administrative Law Officer