

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

IN RE:)
JENNIFER LEE LAWRENCE) Docket No.: OT01-0604
License No.: 072-0000079)

STIPULATION AND CONSENT ORDER

STIPULATION

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

Jurisdiction

- 1) The administrative law officer 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.
- 2) In the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions, that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent occupational therapist or occupational therapy assistant engaged in similar practice under the same or similar conditions, whether or not actual injury to a patient has occurred and whether or not committed within or without the state is a basis upon which the administrative law officer can impose disciplinary action. 26 V.S.A. §3361(b)(7); 3 V.S.A. §129a(a)(10).
- 3) Failing to keep written occupational therapy records justifying a course of treatment for a patient, including patient histories, examination results and test results is a basis upon which the administrative law officer can impose disciplinary action. 26 V.S.A. §3361(b)(4).
- 4) Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is a basis upon which the administrative law officer can impose disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

- 5) The Respondent is licensed by the State of Vermont as an Occupational Therapist holding License Number 072-0000079.

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

- 6) Respondent was originally licensed on September 30, 1994 and Respondent's license is currently set to expire on May 31, 2006.
- 7) At all times relevant, the Respondent was employed as an Occupational Therapist at Bennington Health and Rehabilitation Center located in Bennington, Vermont.
- 8) In or around April 2004, an audit of the Respondent's patient charts found numerous instances of inadequate documentation. The charts which were found as being inadequately documented are as follows:
 - a. Chart of T.V.
 - b. Chart of D.M.
 - c. Chart of W.P.
 - d. Chart of D.C.
 - e. Chart of T.V.
 - f. Chart of W.S.
 - g. Chart of H.S.
 - h. Chart of H.S.
 - i. Chart of K.W.
 - j. Chart of M.S.
 - k. Chart of M.S.

ORDER

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

- A. By committing the above act(s) and/or omission(s), the Respondent has committed unprofessional conduct in that the Respondent has violated:
 - (i) 26 V.S.A. §3361(b)(7) and 3 V.S.A. §129a(a)(10) (In the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions, that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent occupational therapist or occupational therapy assistant engaged in similar practice under the same or similar conditions, whether or not actual injury to a patient has occurred and whether or not committed within or without the state); and
 - (ii) 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
 - (iii) 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

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B. The Respondent's license is hereby **CONDITIONED** for a period of **ONE (1) YEAR**. The conditions are as follows:

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

Within one (1) year of the entry of this order, Respondent must 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 or her designee, and then submit written documentation (e.g. certificate of completion) to verify the same to the satisfaction of the Director of the Office of Professional Regulation or her designee.

(2) 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 employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, 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.

(3) Supervision by Occupational Therapist.

The Respondent's client load and treatment records shall be supervised, while working at the Crescent Manor Care Center and the Vermont Veteran's Home, both located in Bennington, Vermont, by a Vermont Licensed Occupational Therapist. The Supervisor shall assess the Respondent's performance, on a monthly basis by reviewing the Respondent's client load and treatment records. The Supervisor shall be approved in advance by the Director of the Office of Professional Regulation or her designee within 30 days of receipt of this stipulation. The Supervisor shall file quarterly reports based on the monthly reviews with the Director of the Office of Professional Regulation or her designee.

(4) Change of Practice.

If during the period of license conditions, the Respondent begins employment with an employer other than the Crescent Manor Care Center or the Vermont Veteran's Home, she shall obtain prior approval from the Director of the Office of Professional Regulation or her designee. Additionally, the

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Respondent shall obtain prior approval for any supervision by an occupational therapist supervisor that may occur as a result of the new employment.

(5) Out of State Practice/Residence.

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

(6) 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 of the Office of Professional Regulation or her designee, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Director of the Office of Professional Regulation or her designee, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(7) 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 occupational therapy, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(8) Costs.

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

(9) Violation of this Order.

If the Respondent violates the terms of this Consent Order in any respect, the Office of Professional Regulation, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action; if a complaint or charges are filed against

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Respondent during the term of the Consent Order, the conditional license period shall be extended until the matter is final.

- A. 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).
- B. 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.

Date: 5/6/05

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Edward Adrian
State Prosecuting Attorney

JENNIFER LEE LAWRENCE
RESPONDENT

Dated: 5-1-05

By: [Signature]
Jennifer Lee Lawrence

APPROVED AND SO ORDERED:

ADMINISTRATIVE LAW OFFICER

Dated: 5-16-05

By: [Signature]
Administrative Law Officer

Date of entry: 5/18/05

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OCCUPATIONAL THERAPISTS**

IN RE:
JENNIFER LEE LAWRENCE
License No.: 072-0000079

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Docket No.: OT01-0604

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Jennifer Lee Lawrence:

Authority

1. The administrative law officer 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.
2. In the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions, that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent occupational therapist or occupational therapy assistant engaged in similar practice under the same or similar conditions, whether or not actual injury to a patient has occurred and whether or not committed within or without the state is a basis upon which the administrative law officer can impose disciplinary action. 26 V.S.A. §3361(b)(7); 3 V.S.A. §129a(a)(10).
3. Failing to keep written occupational therapy records justifying a course of treatment for a patient, including patient histories, examination results and test results is a basis upon which the administrative law officer can impose disciplinary action. 26 V.S.A. §3361(b)(4).
4. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is a basis upon which the administrative law officer can impose disciplinary action. 3 V.S.A. §129a(a)(3).

Statement of Facts

5. The Respondent is licensed by the State of Vermont as an Occupational Therapist holding License Number 072-0000079.
6. Respondent was originally licensed on September 30, 1994 and Respondent's license is currently set to expire on May 31, 2006.

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7. At all times relevant, the Respondent was employed as an Occupational Therapist at Bennington Health and Rehabilitation Center located in Bennington, Vermont.
8. In or around April 2004, an audit of the Respondent's patient charts found numerous instances of inadequate documentation. The charts which were found as being inadequately documented are as follows:
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 - h. Chart of H.S.
 - i. Chart of K.W.
 - j. Chart of M.S.
 - k. Chart of M.S.

Charges

9. By committing the above act(s) and/or omission(s), the Respondent has committed unprofessional conduct in that the Respondent has violated:
 - (i) 26 V.S.A. §3361(b)(7) and 3 V.S.A. §129a(a)(10) (In the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions, that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent occupational therapist or occupational therapy assistant engaged in similar practice under the same or similar conditions, whether or not actual injury to a patient has occurred and whether or not committed within or without the state); and
 - (ii) 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
 - (iii) 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Jennifer Lee Lawrence should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 8th day of February 2004. S

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SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

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