

BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY
IN THE MATTER OF JERAMEY LEE BAIR – LICENSE NO. C1795

ORDER

On October 24, 2013, the West Virginia Board of Occupational Therapy (hereinafter “Board”), entered into an Order of Reinstatement with Jeramey Lee Bair, License No. C1795, placing him on probation for a period of three years, during which time his practice of occupational therapy in West Virginia would be subject to various conditions, in addition to all of the requirements and duties regularly required of licensees of the Board.

On November 4, 2016, the Board met and voted to release licensee from the previously entered Consent Agreement and Order and to restore licensee to a full and unrestricted license, effective November 26, 2016 at the completion of the probationary period.

ENTERED this 28th day of November, 2016.

WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

by: Kathy Quesenberry, MSM, OTR/L
Kathy Quesenberry, MSM, OTR/L
President / Chairperson

BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

IN THE MATTER OF JERAMEY LEE BAIR – LICENSE NO. C1795

ORDER OF REINSTATEMENT

On June 10, 2013, the West Virginia Board of Occupational Therapy (hereinafter "Board"), entered into a Consent Agreement with Jeramey Lee Bair, License No. C1795, suspending his license for a period of twelve (12) months retroactive to October 16, 2012. During the suspension period, Mr. Bair was required to complete continuing education courses as outlined in his Consent Agreement dated June 10, 2013. Upon successful completion of both the suspension period and continuing education courses Mr. Bair's license would be eligible for reinstatement on a probationary basis.

Upon reinstatement, Mr. Bair's license to practice occupational therapy in West Virginia would be subject to all the conditions as outlined in the Consent Agreement dated June 10, 2013, for a probationary period of three (3) years, effective upon obtaining employment as an occupational therapy assistant in West Virginia.

On October 21, 2013, Mr. Bair provided the Board with certificates of completion for the required continuing education courses, and as such, with the completion of the twelve month suspension period and the continuing education requirements, it is the determination of the Board that Mr. Bair is eligible for reinstatement of his license to practice occupational therapy.

WHEREFORE, the West Virginia Board of Occupational Therapy hereby REINSTATES the license of Jeramey Lee Bair to practice occupational therapy in the state of West Virginia, effective upon entry date of this order, on a probationary basis. The probationary period will be for a period of three (3) years effective upon obtaining employment as an occupational therapy assistant in West Virginia and shall be in accordance with all the requirements and restrictions as outlined in the Consent Agreement dated June 10, 2013, that is effective.

ENTERED this 24th day of October, 2013.

WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

by: Kathy F. Quesenberry, MSM, OTR/L ^{VM}

Kathy Quesenberry, MSM, OTR/L
President / Chairperson

BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY,

Complainant,

v.

JERAMEY BAIR,

Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of two written complaints, the West Virginia Board of Occupational Therapy (hereinafter "Board") determined that there was probable cause to believe that Jeramey Bair (hereinafter "Respondent") has exhibited unprofessional and unethical conduct in the practice of occupational therapy, in violation of the provisions of W. Va. Code § 30-28-1 et seq. and the Rules of the Board, 13 C.S.R. § 2 et seq. The Respondent was provided with written notice of the allegations against him pursuant to the rules of the Board and the laws of this State.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of this case matter and the parties agree to entry of the following Order in disposition of this case matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That the Board is a State entity created by W. Va. Code § 30-28-1 *et seq.* and is empowered to regulate the practice of occupational therapy.
2. That the Respondent, Jeramey Bair, is a licensee of the Board, possessing License No. C1795, and is therefore subject to the license requirements of said Board.
3. That the Board is empowered to investigate allegations of unprofessional or unethical conduct and to suspend, restrict, revoke or refuse to issue a license to practice occupational therapy under the authority granted to it by W. Va. Code § 30-28-1 *et seq.*
4. That Respondent was, at all times material hereto, employed as an occupational therapy assistant with Developmental Therapy Center, Inc.
5. That on October 15, 2012, the Board received a self-reported complaint against the Respondent, admitting that the Respondent had fraudulently billed for services not rendered to patients enrolled in the Lincoln County School System and falsified treatment notes for those fraudulently billed service dates of September 17 and 24, 2012 and October 1, 2012.
6. That on October 24, 2012, the Board received a second complaint against Respondent from Developmental Therapy Center (hereinafter "DTC"), again alleging Respondent falsified patient treatment notes and submitted them for billing for students in the Lincoln County School System. Moreover, the complaint stated that the Respondent had admitted to such actions in a meeting held on October 11, 2012 with the Director of Special Education in Lincoln County and the Executive Director of Developmental Therapy Center.

7. That on November 13, 2012, the Board received a letter from the Respondent in response to the complaint filed by DTC, again admitting to the allegations. In the letter, Mr. Bair explained that it was difficult to complete treatments in Lincoln County as they were scheduled on Mondays, when billings were due at DTC.

8. That on November 15, 2012, the Board received a Communication Documentation Form from DTC documenting conversations with Mr. Bair on October 11, October 15, and October 16, 2012. On October 16, 2012, Mr. Bair submitted his letter of resignation to DTC. According to the Documentation Form, Mr. Bair was asked if this situation had occurred in Cabell County Schools or in the outpatient clinic, to which he responded that it had not.

9. That on December 19, 2012, the Board conducted an investigation, during which time the complainant, the Respondent and other relevant parties were interviewed and various documents relevant to the complaints were obtained.

10. That on January 15, 2013 the Board received documentation from DTC regarding communication with Cabell County school personnel alleging that Mr. Bair did not provide services to students on October 4 and October 11, 2012, but completed patient treatment notes and submitted them for billing on those dates.

11. That on February 5, 2013, the Board's investigator held a subsequent phone interview with Mr. Bair, at which time he admitted to falsifying treatment notes for the additional dates in Cabell County.

12. That the Board's assigned complaint investigator did review all the information obtained during the investigation and based upon that review, did make a recommendation to the Board for a finding of probable cause.

13. That the Respondent's actions constitute multiple violations of W. Va. Code § 30-28-1 *et seq.* and 13 C.S.R. § 2 *et seq.* and may be grounds for disciplinary action by the Board.

14. That the Board, by vote at its March 1, 2013 meeting, made a finding of probable cause for multiple violations of W. Va. Code § 30-28-1 *et seq.* and 13 C.S.R. 2-4 *et seq.*

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice occupational therapy, pursuant to W. Va. Code § 30-28-16(g)(3), (4), and (5).
3. That the Board found that the Respondent's actions constitute a violation of W. Va. Code § 30-28-16(g)(3), (4), and (5) and 13 C.S.R. 2-4.1.e, f, and n.

CONSENT OF LICENSEE

I, Jeramey Bair, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were unprofessional and unethical and a violation of the statutory Act and Rules of the Board.

The Respondent, Jeramey Bair, by affixing his signature hereon, agrees to the following:

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent's license is hereby SUSPENDED for a period of twelve (12) months retroactive to his resignation date from DTC of October 16, 2012. Respondent shall return all licenses cards to the Board office within thirty days of entry of this *Order*.

2. Respondent shall complete the following courses during the twelve (12) month suspension period:

a. Completion of the continuing education course titled *Decision-Making in the Healthcare Setting* found at www.continuingeducation.com/course/ot32, with certificate of completion provided to the Board. This course is in addition to the completion of the required continuing education hours that are mandated for all licensees in order to renew and maintain licensure.

b. Completion of the continuing education course titled *Ethics for Occupational Therapists* found at www.care2learn.com, with certificate of completion provided to the Board. This course is in addition to the completion of the required continuing education hours that are mandated for all licensees in order to renew and maintain licensure.

c. Completion of a stress management course which may be taken online and stress management counseling from a licensed counselor, with certificate of completion and a letter from the licensed counselor provided to the Board. These course and counseling requirements are in addition to the completion of the required continuing education hours that are mandated for all licensees in order to renew and maintain licensure.

3. Upon completion of the items listed in 1.a. through 1.c. above and the 12-month suspension period, the Respondent may have his license reinstated to practice as an occupational therapy assistant in West Virginia on a probationary basis as outlined below.

4. Respondent shall be on probation for a period of three (3) years, effective upon obtaining employment as an occupational therapy assistant in West Virginia.

5. During this three (3) year probationary period, the Respondent, Jeramey Bair, shall be subject to the following conditions during his probationary period:

a. At all times in which he is practicing as an occupational therapy assistant, the Respondent will be under the direct supervision of a licensed occupational therapist. For purposes of this requirement, “direct supervision” has the same meaning as this term is defined in the Administrative Rules of the Board of Occupational Therapy, W. Va. Code R. §13-1-2.8, with the express provision that the Respondent shall be supervised in the same manner and to the same degree as a limited permit holder under that Rule. The supervising therapist or therapists must be approved by the Board and sign a supervisory statement to be filed with the Board. The supervising therapist(s) shall review all of the therapy records and documentation completed by the Respondent and, as evidence of the review and collaboration, shall co-sign all of the Respondent’s clinical documentation.

b. The Respondent himself may not supervise any other person in the provision of occupational therapy services. This includes, but is not limited to, students, aides, and limited permit holders.

c. During the three (3) year probationary period, the Respondent shall not work in areas where other therapists are not present. This includes, but is not limited to, school based services, home care services and early intervention.

d. The Respondent shall provide the Board with the name and address of his employer, as well as the name of his immediate supervisor. The Respondent has the duty to update this information, in writing, in the event of any change.

6. The Board will periodically review his compliance with these conditions. Members of the Board, or an investigator appointed by the Board, may periodically inquire with his employer and may investigate any and all aspects of his professional practice to evaluate his compliance with this Order and the Rules of the Board.

7. The Board retains the authority and discretion to review this decision and order at any time and, upon a determination of probable cause to believe that the Respondent has not complied with one or more of the terms stated herein, or that the Respondent has demonstrated other unprofessional conduct as defined by the Statute and Rules of the Board, the Board may suspend the Respondent's license without a hearing in order to protect the health, safety and welfare of the public. A hearing would be scheduled as soon as possible thereafter.

8. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the National Practitioner Data Bank.

9. That this document is a public record as defined in W. Va. Code § 29-1-2(4).

10. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

In recognition of this Agreement and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY

By: *Kathy F. Quisenberry*
KATHY QUESENBERY, CHAIRPERSON

Entered: 6/10/13
DATE

Reviewed and agreed to by:

Jeramey Bair
JERAMEY BAIR, Respondent

Sworn to and subscribed before me this 29th day of May, 2013.

My Commission expires: January 14, 2018

Rose E. Webb
Notary Public



