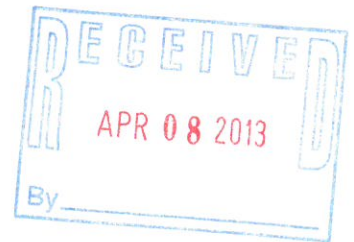


BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

WEST VIRGINIA BOARD OF  
OCCUPATIONAL THERAPY,  
Complainant,



v.

EILEEN ISNER,  
Respondent.

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CONSENT AGREEMENT AND ORDER

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After due investigation of a complaint, the West Virginia Board of Occupational Therapy (hereinafter "Board") determined that there was probable cause to believe that Eileen Isner (hereinafter "Respondent") has engaged in the practice of occupational therapy without the proper supervision of an OTR in violation of the provisions of W. Va. Code § 30-28-1 *et seq.* and the Rules of the Board, W. Va. Code R. § 13-1-1 *et seq.* The Respondent was provided with written notice of the allegations against her 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, Eileen Isner, is a licensee of the Board, possessing License No. C1025, and is therefore subject to the license requirements of said Board.
3. That the Board is empowered to investigate violations of W. Va. Code § 30-28-1 *et seq.* 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 Odyssey Rehabilitation and working under contract at Carehaven of Pleasants in Belmont, WV.

5. That on September 18, 2012, during the investigation of a previously filed complaint, the Board investigator discovered the Respondent had provided occupational therapy services at Carehaven of Pleasants without the proper supervision of an OTR

6. That on December 5, 2012, the Board filed a complaint against Respondent, alleging violation of W. Va. Code § 30-28-4(d) and W. Va. Code R. §13-1-12.3 which state that the occupational therapy assistant is responsible for delivering occupational therapy services under the supervision of and in partnership with the occupational therapist.

7. That on December 19, 2012, the Board received a written response from Respondent admitting she did not know the staff at the facility and had failed to submit the required supervisory statement to the Board.

8. 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.

9. That the Board, by vote at its March 1, 2013 meeting, made a finding of probable cause for violations of W. Va. Code § 30-28-4(d) and W. Va. Code R. §13-1-12.3.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.

2. That based upon the allegations of engaging in the practice of Occupational

Therapy without the proper supervision of an OTR set out above in the *Findings of Fact*

section, the Board is authorized to suspend or revoke the license of, impose probationary

conditions upon or take disciplinary action against the Respondent, pursuant to W. Va. Code §

30-28-16(g)(4).

3. That the Board found that the Respondent's actions constitute a violation of W.

Va. Code § 30-28-4(d) and W. Va. Code R. §13-1-12.3.

## CONSENT OF LICENSEE

I, Eileen Isner, 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 negligent and a violation of the statutory Act and Rules of the Board.

The Respondent, Eileen Isner, by affixing her signature hereon, agrees to the following:

ORDER

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

1. Respondent is hereby REPRIMANDED for her action of practicing occupational therapy without the proper supervision of an OTR in violation of W. Va. Code § 30-28-4(d) and W. Va. Code R. §13-1-12.3.

2. 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 and Healthcare Integrity and Protection Data Bank.

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

4. 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

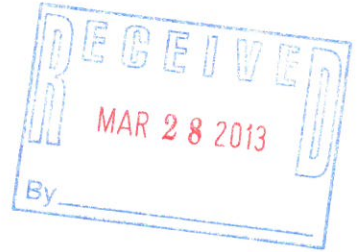
By:

Kathy Quisenberry  
KATHY QUESENBERRY, CHAIRPERSON

Entered:

4/3/13  
DATE

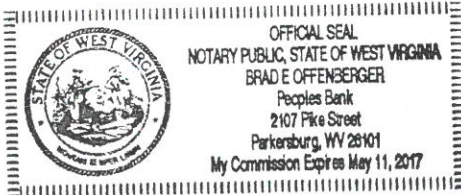
Reviewed and agreed to by:



Eileen Isner  
Eileen Isner, Respondent

Sworn to and subscribed before me this 25 day of  
March, 2013.

My Commission expires: 5-11-17



Brad E. Offenberg  
Notary Public

