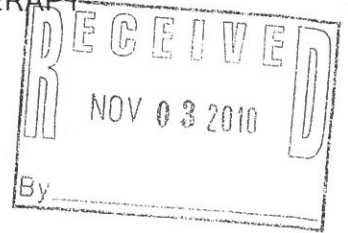


BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY



WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY,

Complainant,

v.

DELILAH L. WRIGHT,

Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of a referred allegation, the West Virginia Board of Occupational Therapy (hereinafter "Board") determined that there was probable cause to believe that Delilah L. Wright (hereinafter "Respondent") has engaged in the practice of occupational therapy without a valid, current license issued in accordance with the provisions of W. Va. Code § 30-28-1 *et seq.* which had not expired, been suspended or revoked, in violation of the provisions of W. Va. Code § 30-28-1 *et seq.* and the Rules of the Board, 13 C.S.R. § 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, Delilah L. Wright, is a licensee of the Board, possessing License No. 315, 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 therapist with National Staffing Solutions and working under contract at Cedar Ridge Center in Sissonville, WV.

5. That on October 7, 2009, the Board mailed 2010 license renewal application to respondent, advising that practice of occupational therapy could not continue after December 31, 2009 without renewal of license in accordance with W. Va. Code § 30-28-14 *et seq.*

6. That on December 31, 2009, respondent's license expired.

7. That multiple phone conversations occurred between respondent and the WV BOT office during the week of January 4, 2010, regarding the fact that her renewal application had not been received by the Board, and therefore, she could not work until such application was received and processed, and she had received her 2010 license cards.

8. That on January 11, 2010, upon receipt of renewal application from respondent, the Board processed renewal and mailed 2010-11 license cards to respondent.

9. That on January 13, 2010 the Board received information that respondent had worked from January 4, 2010 through January 7, 2010, without a valid, current license to practice occupational therapy in WV.

10. That in June of 2010, the Board conducted an investigation, during which time relevant parties were interviewed and various documents relevant to the incident were obtained.

11. 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.

12. That the Respondent's actions constitute a violation of W. Va. Code § 30-28-1 *et seq.* and may be grounds for disciplinary action by the Board.

13. That the Board, by vote at its September 17, 2010 meeting, made a finding of probable cause for violations of W. Va. Code § 30-28-1 *et seq.*

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 a valid, current license 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).

CONSENT OF LICENSEE

I, Delilah L. Wright, 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, Delilah L. Wright, 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 a valid, current license with no additional conditions.

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.

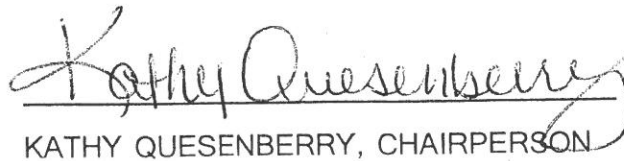
3. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

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 QUESENBERY, CHAIRPERSON

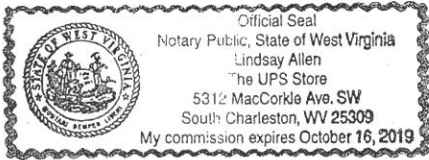
11/5/10

Entered:

10/31/10

DATE

Reviewed and agreed to by:



Delilah L. Wright OTR/L #315 WV

Delilah L. Wright, Respondent

Sworn to and subscribed before me this 1st day of
November, 2010.

My Commission expires: October 16, 2019

Lindsay Allen
Notary Public