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OCCUPATIONS
AND PROFESSIONS

COMMONWEALTH OF KENTUCKY KENTUCKY BOARD
OF LICENSURE FOR OCCUPATIONAL THERAPY
AGENCY CASE NO 2009-05
ADMINISTRATIVE ACTION NO. 09-KOTB-0279

KENTUCKY BOARD OF LICENSURE FOR
OCCUPATIONAL THERAPY

COMPLAINANT

v.

AGREED ORDER

DANIELLE N. McCLAIN
OTA License No. A3765

RESPONDENT

* * * * *

Whereas, the Kentucky Board of Licensure for Occupational Therapy (hereafter "Board") has information that Danielle N. McClain (hereafter "Respondent") has engaged in conduct that would allow the Board to take disciplinary action under KRS 319A.190 and;

Whereas, the parties mutually desire to settle the matter in an expeditious manner prior to a disciplinary hearing; and

Whereas, the Respondent has had the opportunity at all times to seek advice from competent counsel of choice, and no coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this agreement; and

Whereas, the Respondent freely and voluntarily enters into this agreement only after a careful reading of it and a full understanding of all of its terms and motivated by a desire to resolve the issues addressed herein and to avoid the time, cost, and expense of a hearing; and

Whereas, the Respondent agrees that her actions allow the Board to take disciplinary action under KRS 319A.190 if this matter proceeded to a hearing;

Therefore, it is hereby stipulated and agreed between the undersigned parties that this matter shall be settled and resolved as follows:

Effect Upon Credential Status: Permanent Revocation

The Respondent hereby agrees to the PERMANENT REVOCATION of her license.

This action shall constitute a reportable disciplinary action against the credential of the Respondent.

Acceptance by the Board

This Agreed Order, when executed by the Respondent, shall be presented to the Kentucky Board of Licensure for Occupational Therapy with a recommendation for approval from the Board's counsel at the next regularly scheduled meeting of the Board following receipt of the executed Agreement. The Agreed Order shall not become effective until it has been approved by a majority of the Board and endorsed by the Chair of the Board.

The Respondent understands the Board is free to accept or reject this Agreed Order. The Respondent hereby agrees to waive any right she might have to challenge, based solely on the presentation of this Agreed Order to the Board, the impartiality of the Board to hear this administrative action if, after review by the Board, this Agreed Order is rejected.

Open Records

The Respondent acknowledges this Agreed Order is subject to disclosure under the Kentucky Open Records Act, may be reportable under federal law, and may be shared with any professional organization or licensing Board as the Board deems appropriate in its discretion.

Complete Agreement

This Agreed Order consists of three (3) pages with signature page and embodies the entire agreement between the Board and the Respondent. It may not be altered, amended or modified without the express written consent of both parties.

Order

Upon consideration of this Agreed Order, it is hereby ORDERED that the OTA License Number A3765 issued to Danielle N. McClain is PERMANENTLY REVOKED.
SO ORDERED on this 3rd day of March, 2011.

Kelly Nork
CHAIR KENTUCKY BOARD OF LICENSURE
FOR OCCUPATIONAL THERAPY

Have seen and agreed:

Danielle N. McClain
Danielle N. McClain
Respondent

Date: 2/11/2011

James J. Grawe
James J. Grawe
Assistant Attorney General
Counsel for the Board

Date: 3/3/11

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Agreed Order was mailed by regular mail, postage prepaid, on this 3rd day of 2011, to:

Danielle N. McClain
9508 Montalto Drive
Louisville 40299

James J. Grawe
Assistant Attorney General
State Capitol, Suite 118
Frankfort, Kentucky

Susan S. Durant, Hearing Officer
Division of Administrative Hearings
Office of the Attorney General
1024 Capital Center Drive
Frankfort, Kentucky 40601-8204



Board Administrator