



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS

Board of Physical Therapy Examiners

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BEFORE THE
LOUISIANA STATE
BOARD OF PHYSICAL THERAPY EXAMINERS

Shameem Choudhury

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|-------------------------|---|-------------------------|
| In The Matter Of | - | FINAL DECISION |
| Shameem Choudhury, P.T. | - | ----- |
| License No. 00277 | - | ADMINISTRATIVE CASE NO. |
| Respondent | - | 97-007 |

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on June 26 1997, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Shameem Choudhury, P.T. ("Choudhury"), to-wit: "practicing physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," LSA R.S. 37:2413A(1); violating provisions of the Physical Therapy Practice Act, LSA R.S. 37:2413A(3) and (7) and 37:2414(4); for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Section 325 et seq., more particularly 327E1; and for violating the Final Decision of the Board rendered in the matter entitled "In the Matter of Shameem Choudhury, P.T., License No. 00277, Administrative Case No. 96-120".

In attendance at the hearing were Respondent, Shameem Choudhury, P.T., the Complainant, Sharon A. Toups, P.T., guests Fred Rambeaux and Carroll Baudoin, and Michael A. Tomino, Jr., Attorney for the Board.

Upon consideration of applicable law, written testimony, oral argument and evidence presented at the hearing to the Board, this Final Decision, effective June 26, 1997, is rendered by the Board which was comprised of Rebecca B. Lege, Gregory Ward, Gail Pearce and David Vidrine for the purposes of this proceeding.

EXHIBIT
"B"

FINDINGS OF FACT

1. Respondent, Shameem Choudhury, P.T., is a physical therapist possessing Louisiana License No. 00277 issued by the Board to practice physical therapy in the State of Louisiana in 1997 pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 et seq.

2. A formal administrative complaint was filed against Respondent in the matter entitled "In the Matter of Shameem Choudhury, P.T., License No. 00277, Administrative Case No. 96-120" before the Louisiana State Board of Physical Therapy Examiners on December 30, 1996.

3. A formal hearing was conducted on the referenced Administrative Case No. 96-120 on January 23, 1997 at which time written testimony, oral argument and evidence were presented to the Board with regards to the allegations contained in the subject formal administrative complaint.

4. A Final Decision was rendered by the quorum of the Board on January 23, 1997 wherein Respondent's license to practice physical therapy was sanctioned. The contents of the Final Decision speaks for itself and is incorporated herein by reference and used for all purposes.

5. By letter dated February 13, 1997 forwarded by Certified Mail, Return Receipt Requested, to Respondent, which was received on February 19, 1997, Respondent was notified of the Final Decision and given the applicable time within which to seek judicial review of the Board's ruling should Respondent choose to do so. The appropriate legal delay expired without Respondent seeking judicial review of the Board's Final Decision. The Board's decision is final and non-appealable.

6. Respondent has not complied with the terms of the Final Decision in Administrative Case No. 96-120, more particularly, Respondent was to undergo a psychological evaluation with a professional acceptable to the Board within a reasonable time; should Respondent work in a home health agency during the period of probation, she was to notify the agency in writing of the Final Decision's terms and forward a copy to the Board office; Respondent was to execute and return the Final Decision to the Board within five (5) days of receipt; Respondent was to sign an Affidavit that she has read the Physical Therapy Practice Act and Rules and Regulations; and such other things as more specifically required in the Final Decision. At the formal hearing in this matter it was shown that Respondent has failed to comply with her obligations set forth in the Final Decision.

7. In the Final Decision, the Board ordered that "Respondent's failure to comply with any terms of this Order shall be deemed just cause for the suspension or revocation of Respondent's licensure, or any other disciplinary action, as if such violation were enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board".

8. By letter dated March 27, 1997, received April 5, 1997, legal counsel for the Board notified Respondent of her failure to comply with the Final Decision and requested that she comply with the decision on or before Friday, April 4, 1997.

9. On April 16, 1997, legal counsel for the Board had a telephone conversation with Respondent with regards to compliance with the Final Decision at which time Respondent stated that she was in compliance and was going to be forwarding a letter shortly. Additionally, Respondent said that was seeing a psychotherapist and that an evaluation or report would be forthcoming to the Board.

10. By letter dated April 16, 1997, Respondent forwarded to legal counsel for the Board a letter stating that she was in compliance, however, the contents of the letter did not satisfactorily show she was in compliance.

11. Respondent has failed to comply with the terms of the Final Decision, thereby giving grounds for this Administrative Complaint to be lodged against her for failure to comply with the Final Decision rendered in Administrative Case No. 96-120.

Conclusions of Law

12. Respondent, as a person licensed to practice physical therapy, committed acts of negligence or incompetence or practiced in violation of the law. LSA R.S. 37:2413A(1) and (3) and 37:2414(4); and Rules and Regulations, Title 46, Sections 307A and 325 et seq.

13. Respondent, as a person licensed to practice physical therapy, engaged in unprofessional conduct in violation of the law. LSA R.S. 37:2413A(7); and Rules and Regulations, Title 46, Sections 325 et seq., more particularly 327E1.

14. Respondent's violations of the provisions of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto constitute lawful grounds for the Louisiana State Board of Physical Therapy Examiners, upon due notice of hearing and proof of such violations, to suspend or revoke Respondent's license or other disciplinary

action as provided by law. LSA R.S. 37:2413; and Rules and Regulations, Title 46, Sections 325 et seq.

15. Respondent's failure to comply with the terms of the Final Decision rendered in Administrative Case No. 96-120 constitutes just cause for the suspension and/or revocation of her licensure, or any other disciplinary action, as if such violation were enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board. LSA R.S. 37:2413; and Rules and Regulations, Title 46, Sections 325 et seq.

Decision

Considering the foregoing and pursuant to the authority vested in the Board by LSA R.S. 37:2401, et. seq.:

16. The Final Decision in Administrative Complaint No. 96-120 shall remain in effect and its contents are re-affirmed and incorporated herein for all purposes.

17. Furthermore, Respondent's license to practice physical therapy in Louisiana shall be suspended for thirty (30) consecutive days beginning upon receipt by her of this Final Decision with the following conditions. During the period of suspension, Respondent shall:

- a. Comply with all terms and conditions of the Final Decision rendered in Administrative Case Number 96-120 in a reasonable and timely manner;
- b. Surrender the license currently within Respondent's possession with five (5) days of receipt of this Final Decision;
- c. Submit a notarized affidavit to the Board that she has read and understands the Physical Therapy Practice Act and Rules and Regulations of the Board;
- d. Within five (5) days of receipt of this Final Decision, Respondent shall notify, in writing, by certified mail, return receipt requested, all places of employment, or where she is under contract, of the terms of the Final

Decision in Administrative Case No. 96-120 and this Final Decision, and submit a copy to the Board of each written notice and the signed return receipt for each notice (said copies are to be submitted to the Board upon receipt of the return receipt by Respondent);

- e. Subsequent to the thirty (30) day suspension period, within five (5) days of commencement of employment or contract work at any facility. Respondent shall notify, in writing, by certified mail, return receipt requested, the facility of the terms of the Final Decision in Administrative Case No. 96-120 and this Final Decision and submit a copy to the Board of each written notice and the signed return receipt for each notice (said copies are to be submitted to the Board upon receipt of the return receipt by Respondent);
- f. Provide the requested information as specified in the Final Decision in Administrative Case No. 96-120 from Edwina D. Frank, Ed.D., Ph.D.; and
- g. Pay the costs of the present administrative proceeding.

18. During the period of suspension referenced in this Final Decision, Respondent shall not engage in the clinical practice of physical therapy in any capacity.

19. Subsequent to the suspension period and during the remainder of Respondent's two (2) consecutive years probationary period as required in the Final Decision rendered in Administrative Case No. 96-120, Respondent shall not personally render clinical treatment to any child 18 years of age or younger as more particularly stated therein. Additionally, during this period of probation Respondent shall otherwise practice only under direct supervision, on the premises, by a supervising physical therapist approved by the Board fifty (50%) percent of the work day. The supervising physical therapist shall report in writing to the Board on a monthly basis or more often at the Board's discretion and be approved by the Board prior to the commencement of supervision.

20. If Respondent fails to comply with the requirements set forth in the Final Decision in Administrative Case No. 96-120 and this Final Decision within the time frames clearly identified therein, Respondent's license to practice physical therapy shall be subject

to revocation after due notice and a hearing as if such violation was enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board.

21. If Respondent ceases to practice physical therapy in Louisiana, or does not practice continuously, for the term of her probation, the effect of the probationary practice shall be suspended for the duration of the cessation. Respondent may timely petition the Board in writing for review of this matter on the basis of personal hardship or other necessitous circumstances. The Board in its discretion may alter the terms of this provision depending upon the facts of the matter. "Timely" shall mean prior to the cessation or within five (5) days after the commencement of the cessation.

22. The existence and terms of this Final Decision will not be confidential or privileged information.

23. Respondent hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this Final Decision.

24. Upon timely satisfaction of all renewal requirements, the requirements of the Final Decision in Administrative Case No. 96-120 and this Final Decision, as well as Respondent's successful completion of the thirty (30) day suspension period, the Board shall issue a license to practice physical therapy to Respondent with the appropriate sanction stamped thereon.

THUS DONE AND SIGNED this 9th day of July, 1997 in Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

BY:

Rebecca Lege' P.T.

Rebecca Lege', P.T.