

IN THE MATTER OF	*	BEFORE THE
TAHIR MAHMOOD, P.T.	*	STATE BOARD OF
Respondent	*	PHYSICAL THERAPY EXAMINERS
LICENSE NUMBER: PT20199	*	CASE NUMBER: PT13-06-A

* * * * *

CONSENT ORDER

On April 16, 2013, the State Board of Physical Therapy Examiners (the "Board") charged **TAHIR MAHMOOD, P.T. (the "Respondent") (D.O.B. 10/10/1964), license number PT20199** with violating certain provisions of the Maryland Physical Therapy Act ("the Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 13-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

Specifically, the Board charged the Respondent with the following provisions of the Act under H. O. § 13-316:

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, reprimand any licensee or certificate holder, or suspend or revoke a license or a restricted license if the applicant, licensee, or holder:

- (2) Fraudulently or deceptively uses a license or a restricted license;
- (4) In the case of an individual who is authorized to practice physical therapy is grossly negligent:
 - (i) In the practice of physical therapy;
- (11) Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy;

- (12) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy; [and]
- (14) Submits a false statement to collect a fee;

On or about May 14, 2013, the Respondent attended a Case Resolution Conference (the "CRC") of the Board in an attempt to resolve the charges without the necessity of an evidentiary hearing. Subsequently, the Board rejected the CRC panel's recommendation. The parties continued to negotiate and presented a second proposal to the Board, which was accepted. The Respondent agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. At all times relevant, the Respondent was and is licensed to practice physical therapy in the State of Maryland. The Respondent was initially licensed to practice on April 18, 2001, having been issued license number PT20199. His license is currently active and is due to expire on May 31, 2013.

2. The Respondent is also actively licensed in the District of Columbia, Indiana, and Michigan.

3. At all times relevant, the Respondent was and is the owner of Facility A, a rehabilitation facility in Greenbelt, Maryland. Facility A has a second location in Hyattsville, Maryland.

4. On or about August 6, 2012, the Board received a complaint from a former Facility A¹ employee ("Employee A") A regarding alleged fraudulent activities at involving the Respondent and another employee ("Employee B").²

¹ To ensure confidentiality, the names of individuals other than the Respondent and facilities are not set forth in this document.

5. Thereafter the Board initiated an investigation.

6. On or about December 11, 2012, the Board's investigator interviewed Employee A under oath.

7. Employee A worked as a physical therapist at Facility A from July 30, 2012 until October 19, 2012.

8. On or about June 12, 2012 through on or about July 14, 2012, the Respondent was out of the country.

9. According to Employee A, on her third day of work at Facility A, she began to suspect that Employee B was not a licensed physical therapist.

10. Employee A stated that Facility A uses electronic documentation. She noticed that only the Respondent's and her electronic signatures were in the computer as treatment providers.

11. Employee A accessed a record for a patient ("Patient A") and observed the Respondent's electronic signature. Employee A observed Employee B performing the treatment on Patient A.

12. Employee A confronted Employee B and asked to see his Maryland license. Ultimately, Employee B provided a physical therapy license from the Philippines.

13. Employee A stated that Employee B disclosed that his application for a Maryland physical therapy license was denied because he lacked the required credentials. At the time that his application was denied, Employee B was already employed by the Respondent at Facility A.

² Employee A consulted her former professor regarding her concerns about the Respondent and Employee B. Employee A's professor sent an e-mail to the Board to report Employee A's concerns.

14. Employee A stated that Employee B disclosed that for the following two years, Employee B continued to work as a physical therapist at Facility A, with the Respondent's knowledge and consent, using the Respondent's license number and electronic signature.

15. According to Employee A, the Respondent paid Employee B "under the table."

16. The day after Employee A confronted Employee B, Employee B resigned from his employment at Facility A.

17. According to Employee A, during her employment at Facility A, Employee B was the main "physical therapist" providing treatment to patients.

18. Employee A provided the Board's investigator with excerpts from 11 patient records ("Patients B through K") for those patients who she knew were not treated by the Respondent. In furtherance of the Board's investigation, the Board also issued a subpoena for the complete records of Patients B through K.

19. For Patients B through K, the Respondent's electronic signature appears on all of the initial examination notes and the majority of the daily notes for Patients B through K.³ However, according to Employee A, Employee B provided the care on all of those occasions and used the Respondent's electronic signature.

20. In addition, the Respondent was out of the country on the majority of the dates when he documented providing care to Patients B through K.

21. In furtherance of the Board's investigation, the Board's investigator interviewed Employee C under oath. Employee C is a receptionist at Facility A's

³ Employee A's electronic signature appears on 7 daily notes for Patient B and four daily notes for Patient K. The remaining daily notes are electronically signed by the Respondent.

Hyattsville location, but also worked at the Greenbelt location while the Respondent was out of the country.

22. Employee C stated that Employee B and the Respondent treated patients at the Hyattsville location.

23. On or about January 31, 2013, the Board's investigator interviewed the Respondent under oath.

24. According to the Respondent, in May 2012 Employee B approached him at Facility A and represented that he was a licensed physical therapist in New York and intended to seek Maryland licensure. The Respondent did not independently confirm whether Employee B was licensed in New York.

25. The Respondent stated that he believed that it was permissible for Employee B to work for him as a "volunteer" or "intern" while he applied for a Maryland physical therapy license. The Respondent further stated that Employee B worked with him and shadowed him.

26. The Respondent stated that he went out of the country for one month and left Employee B to treat the patients along with a second physical therapist who worked at the Hyattsville location.⁴

27. The Respondent stated that while he was on vacation he was in constant communication with Employee B and that he would log into the web-based electronic medical record to review and sign the patient charts. Sometimes it took him as long as two weeks to review and sign the patient charts. He denied giving Employee B access to his electronic signature.

⁴ During his interview, the Respondent was confused about Employee A's date of hire and stated that she worked with Employee B for approximately one or two weeks before Employee B resigned.

28. The Respondent admitted that all of the therapy provided by Employee B to Patients B through K was billed under the Respondent's name and license number.

29. The Respondent's actions, as described above, constitute a violation of the following provisions of the Act: H.O. §§ 13-316(2), (4)(i), (11), (12) and/or (14).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. §§ 13-316(2), (4)(i), (11), (12) and/or (14).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 29th, day of July 2013, by a majority of the Board considering this case:

ORDERED that that the Respondent's license to practice physical therapy in the State of Maryland be and is hereby **SUSPENDED** for a period of **SIX (6) MONTHS**. The suspension shall be consecutive, but shall begin within six (6) months from the date of the Consent Order; and it is further

ORDERED that within 60 days of the date of the Consent Order, the Respondent shall pay a monetary fine in the amount of **\$2,500**; and it is further

ORDERED that within 10 (ten) business days from the date of the Consent Order, the Respondent shall provide written documentation to the Board indicating that he has secured a back-up physical therapist to cover his practice in the event that he is unable to personally treat patients; and it is further

ORDERED that within six (6) months from the date of the Consent Order, the Respondent shall complete 10 (ten) continuing education units ("CEUs") from the APTA Private Practice Section. The 10 CEUs will be in addition to the CEUs required for

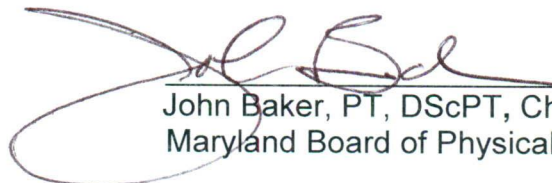
licensure renewal; and it is further

ORDERED the Respondent's license shall be **IMMEDIATELY** placed on **PROBATION** for a period of **THREE (3) years**. At the conclusion of the three (3) year probationary period, after satisfying all of the conditions set forth in this Consent Order, the probation shall be terminated; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. & 2012 Supp.).

07/29/13
Date



John Baker, PT, DScPT, Chairperson
Maryland Board of Physical Therapy Examiners

CONSENT OF TAHIR MAHMOOD, P.T.

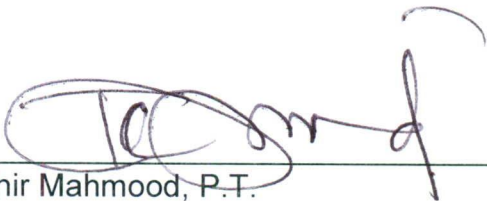
I, Tahir Mahmood acknowledge that I had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law as set forth above, and agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to


counsel, confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

7-12-2013
Date


Tahir Mahmood, P.T.

Read and approved:


Michael Herman, Esq
Attorney for Dr. Mahmood

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Greenbelt, P. G. :

I HEREBY CERTIFY that on this 12th day of July, 2013,
before me, a Notary Public of the foregoing State personally appeared Tahir Mahmood,

P.T. License Number PT20199, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Nayyirah K. Naseem
Notary Public

My Commission Expires: Feb. 10, 2016

