

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PHYSICAL THERAPY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JAMSHAD IQBAL, P.T.
License No. 55-01-005634,
Respondent.

File No. 55-19-157112

CONSENT ORDER

On August 3, 2020, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint (Complaint) charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

Respondent has admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Public Health Code. The Michigan Board of Physical Therapy's Disciplinary Subcommittee (DSC) has reviewed this Consent Order and Stipulation (Order) and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a), (b)(i), and (b)(vi).

Accordingly, IT IS ORDERED that for the cited violations of the Public Health Code:

Respondent is placed on PROBATION for a minimum of one (1) year, not to exceed two (2) years, commencing on the effective date of this Order. The probationary period shall only be reduced while Respondent is employed as a physical therapist. The terms of probation shall be as follows:

1. **EMPLOYER REPORTS:** If Respondent is employed in the licensed profession, Respondent shall immediately provide copies of this Order and the Complaint to Respondent's employer and supervisor. Respondent's employer or supervisor shall be knowledgeable of Respondent's history and shall file four (4) quarterly reports with the Department advising of Respondent's work performance, as provided below. For purposes of these reports, Respondent's immediate supervisor shall be a licensed health professional.

If Respondent fails to comply with minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, Respondent's employer or supervisor shall immediately notify the Department.

Respondent is responsible to ensure that the employer submits quarterly reports.

2. **EMPLOYMENT CHANGE:** Respondent shall provide written notice to the Department upon entering into or leaving any employment in the licensed profession within 15 days of such action.

Respondent shall provide copies of this Order and the Administrative Complaint dated August 3, 2020, to each successor employer in the licensed profession. Respondent's employer or supervisor shall continue to file reports with the Department advising of Respondent's work performance, as set forth above.

3. **REPORT OF NON-EMPLOYMENT:** If at any time during the period of probation Respondent is not employed in the licensed profession, Respondent shall file a report of non-employment with the Department within 15 days after becoming unemployed.

Respondent shall file a report of non-employment on a quarterly basis until Respondent returns to employment in the licensed profession.

4. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN: Periods of residency and practice outside Michigan shall not reduce the probationary period of this Order. Respondent] shall report any change of residency or practice outside Michigan no more than 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of MCL 333.16192(1) and 333.16221(g), regarding Respondent's duty to report name or mailing address changes to the Department.
5. REPORTING PROCEDURE: Unless immediate notification is required, as indicated above, all reports shall be filed on a quarterly basis. The first report shall be filed at the end of the third month of probation and subsequent reports every three (3) months after that.

Respondent authorizes the Department or its authorized representative to periodically contact the reporting individuals or agencies to inquire of Respondent's progress.

Respondent shall direct all communications, except fines, required by the terms of this Order to: BPL-Monitoring@michigan.gov or by mail to **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

The timely filing of all information relating to this Order shall be Respondent's responsibility, and failure to file the required information within the time limitations provided shall be deemed a violation of this Order.

6. CONTINUING EDUCATION: Within 120 days of the effective date of this Order, Respondent shall successfully complete and submit satisfactory evidence of completing a minimum of three (3) hours of continuing education (CE) acceptable to the Board in the following area: a) Documentation.

This CE shall **not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the CE from the Chairperson of the Board or the Chairperson's designee.

Respondent shall mail requests for pre-approval and proof of the successful completion to the Department at BPL-Monitoring@michigan.gov.

7. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
8. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

Respondent shall be automatically discharged from probation after one (1) year, upon receipt by the Department of satisfactory evidence of the successful completion of the probationary terms as set forth above, PROVIDED compliance occurs within the maximum two (2) year period, Respondent has paid the fine set forth below, has complied with the terms of this Order and has not violated the Public Health Code.

Respondent is FINED \$250.00 to be paid to the State of Michigan within 120 days of the effective date of this Order. Respondent shall **direct payment** to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display **File Number 55-19-157112**.

If Respondent fails to comply with the terms and conditions of this Order, Respondent's license shall be automatically suspended for a minimum of one (1) day. If,

within six (6) months of the suspension of the license, Respondent complies with the terms of this Order, the license shall be automatically reinstated, with any applicable limitation.

If Respondent's license remains suspended for more than six (6) months, Respondent must apply for reinstatement of the license. If Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with sections MCL 333.16245 and 333.16247.

This Order shall be effective 30 days from the date signed by the DSC, as set forth below.

MICHIGAN BOARD OF PHYSICAL THERAPY

By:  for
Chairperson, Disciplinary Subcommittee

Dated: July 20, 2021

STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a), (b)(i), and (b)(vi).

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presentation of

evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, and this action will be reported to the National Practitioner Data Bank and any other entity as required by state or federal law.

4. Factors considered in the formulation of this Order are as follows:

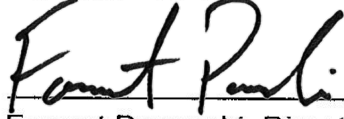
- a. Respondent has been licensed as a physical therapist since January 4, 1995, with no previous discipline.

5. Sarah McAllister, P.T., a member of the Board who supports this proposal, and the Department's representative are free to discuss this matter with the DSC and recommend acceptance of the resolution set forth in this Order.

6. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the DSC in this matter.

7. This proposal is conditioned upon acceptance by the DSC. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

Dated: 6-2-2021

b/c

AGREED TO BY:



Jamshaid Iqbal, P.T.
Respondent

Dated: 05-03-21

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PHYSICAL THERAPY
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JAMSHAD IQBAL, P.T.
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File No. 55-19-157112

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Enforcement Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Physical Therapy is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.
2. Respondent is currently licensed to practice as a physical therapist in the state of Michigan.
3. At all relevant times, Elara Caring Home Health Care (facility) in Saint Johns, Michigan, employed Respondent as an in-home physical therapist.

4. On September 18, 2019, Respondent copied the notes of the occupational therapist providing services to patient S.S.¹ at the time Respondent arrived to the home of patient S.S., thereby falsely documenting that he obtained the vital signs of the patient and also falsely documenting that he notified patient S.S.'s physician of an elevated blood pressure reading. The occupational therapist asked Respondent to wait to provide therapy to patient S.S. until she finished her therapy with patient S.S. Respondent informed patient S.S. that he would return later but did not return.

5. On June 9, 2020, during an interview with the Department's investigator, Respondent admitted that he did not perform physical therapy services for patient S.S. on September 18, 2019.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, demonstrates Respondent's "departure from, or failure to conform to, minimal standards of acceptable and prevailing

¹ Initials are used to protect the patient's identity.

practice for the health profession, whether or not actual injury to an individual occurs”, and accordingly “incompetence,” in violation of MCL 333.16221(b)(i).

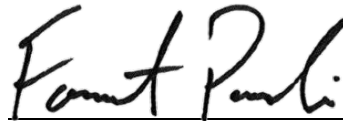
COUNT III

Respondent’s conduct, as set forth above, demonstrates Respondent’s lack of a “propensity . . . to serve the public in the licensed area in a fair, honest, and open manner,” MCL 338.41(1), and accordingly a lack of “good moral character,” in violation of MCL 333.16221(b)(vi).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained in it. Pursuant to section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in the attached proof of service. The written response shall be submitted by email to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing to LARA-BPL-RegulationSection@michigan.gov. If unable to submit a response by email, Respondent may submit by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 8-3-2020

A handwritten signature in black ink, appearing to read "Forrest Pasanski", written over a horizontal line.

Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

BLC