

IN THE MATTER OF * BEFORE THE MARYLAND STATE
MUSHEERAH HABEEBULLAH * BOARD OF PHYSICIANS
APPLICANT * CASE NUMBER: 2219-0049 A

* * * * *

CONSENT ORDER

On March 28, 2019, Disciplinary Panel A (“Panel A”) of the Maryland Board of Physicians (the “Board”) notified **Musheerah Habeebullah** (the “Applicant”) of its intent to deny her Application for Licensure as a Respiratory Care Practitioner. The Notice informed the Applicant that unless she requested a hearing in writing within 30 days of the date of the mailing of the Notice, Panel A intended to sign this Final Order, which was enclosed. On April 1, 2019, the Applicant requested a hearing.

The basis for Panel A’s action was pursuant to the Maryland Respiratory Care Practitioners Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-5A-01 *et seq.* (2014 Repl. Vol. and 2018 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 14-5A-09. Qualifications for licenses

- (a) To qualify for a license, an applicant shall be an individual who meet the requirements of this section.
- (b) The applicant shall be of good moral character.

Health Occ. § 14-5A-17. Denials, reprimands, suspensions, and revocations -- In general

- (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any

licensee on probation, or suspend or revoke a license, if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another;
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- (10) Willfully makes or files a false report or record in the practice of respiratory care[.]

On June 12, 2019, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring because of the DCCR, the Applicant agreed to enter this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel A makes the following findings of fact:

I. The Application

1. On or about June 4, 2018, the Applicant submitted to the Board an Application for Licensure as a Respiratory Care Practitioner (the “Application”).
2. On page 4 of the Application, question 13b. pertaining to “Licensure as another health care practitioner,” states:

List all states or other jurisdictions in which ever held a license/certificate/registration to practice in ANY other health occupation. (Emphasis in original.)

3. The Applicant listed Certified Nursing Assistant (CNA)/Geriatric

Nursing Assistant (GNA) certification in response to question 13b.¹

4. On page 5 of the Application, in the “Character and Fitness Questions” section, the Applicant answered “NO” to question 14b., which states:

Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.

5. On Page 5 of the Application, in the “Character and Fitness Questions” section, the Applicant answered “YES” to questions 14g. and 14h., which state:

g. Have you ever pleaded guilty or *nolo contendere* to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

h. Have you ever committed an offense involving alcohol or controlled dangerous substances to which you pled guilty or *nolo contendere*, or for which you were convicted or received probation before judgment? Such offenses include, but are not limited to, driving while under the influence of alcohol or controlled dangerous substances.

6. Based on the positive responses, the Board opened the case for investigation.

II. Investigation

7. As part of its investigation, on June 28, 2018, the Board’s staff queried the National Practitioner Data Bank (“NPDB”). The NPDB report identified a “State Licensure Action” against the Applicant by the Maryland Institute for Emergency Medical Services

¹ The Applicant holds an active certificate to practice as a CNA/GNA in Maryland. The Applicant was initially certified as a CNA/GNA in Maryland in 2011 under certificate number A00117192. The certificate will expire on February 28, 2020.

Systems (“MIEMSS”), dated December 14, 2004. The report states that MIEMSS suspended the Applicant’s Emergency Medical Technician – Basic (“EMT-B”) license for one year.

8. On August 3, 2018, the Board informed the Applicant that the Board had discovered that she held an EMT-B license and that there was an action against the license.

9. On August 6, 2018, the Applicant resubmitted the Application with changes to her answers to questions 13b. and 14b. Her revised answers were as follows:

13b. The Applicant listed her Maryland EMT-B license, number 0121100, which she states was issued in 2003 and expired on December 31, 2004.

14b. The Applicant answered “YES,” affirming past action against her license.

10. On August 7, 2018, the Board obtained official verification of the Applicant’s EMT-B licensure, which states that her license was suspended and subsequently expired on December 31, 2004. The Board also obtained a copy of the December 14, 2004, Final Action of MIEMSS, which resulted in the suspension of the Applicant’s EMT-B license. The Final Action states:

On November 3, 2003 while transporting a patient with a medical history of hypothyroidism, hypertension CVA and a recent hip fracture, Ms. Habeebullah failed to adequately assess the patient and falsely documented the patient’s vital signs on the Maryland Ambulance Information System run sheet.

Further investigation revealed that Ms. Habeebullah had falsified information on prior run sheets.

III. Criminal History Background Investigation

11. As part of its investigation of the Applicant's criminal history, the Board obtained the following documents:

- a. The Applicant's April 8, 2009, Indictment in the United States District Court for the District of Maryland (the "Court") for one count of conspiracy to distribute and possess with intent to distribute heroin,² Case #: 1:09-cr-00183-JKB-14;
- b. The Applicant's Plea Agreement, entered on September 11, 2009, with the United States Attorney's Office for the District of Maryland, agreeing to plead guilty to conspiracy to distribute and possess with intent to distribute heroin; and
- c. Criminal Docket for Case #: 1:09-cr-00183-JKB-14, which states that the Plea Agreement was accepted by the Court on October 16, 2009.

12. The statement of the facts in the guilty Plea Agreement provide that during 2008 and continuing until in or about April 2009, the Applicant conspired with a number of other individuals to distribute and possess with intent to distribute heroin. During the period of the conspiracy, the Applicant was facilitating the distribution of narcotics.

13. On or about June 21, 2011, as a result of the Applicant's Plea Agreement, the Applicant was sentenced to 18 months in prison, 36 months of supervised release, and a \$100 special assessment.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Applicant does not meet the good moral character prerequisite of Md. Code Ann., Health Occ. § 14-5A-09(b) and the Applicant violated Md Health Occ. § 14-5A-

² Heroin is a Schedule I, controlled dangerous substance ("CDS").

17(a)(1)(fraudulently or deceptively attempted to obtain a license) and (10) (willfully made or filed a false report).

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel A, hereby

ORDERED that the Application of Musheerah Habeebullah for a license to practice respiratory care in Maryland, is **DENIED**; and it is further

ORDERED that the Applicant may not reapply for a license to practice respiratory care in Maryland until after one year of the date of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that this is an Order of Panel A, and, as such, is a **PUBLIC DOCUMENT**. See Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and to Md. Code Ann., Gen. Prov. § 4-333(b)(6).

07/18/2019
Date

Signature of on File

Christine A. Farrelly' ' U O
Executive Director
Maryland State Board of Physicians

CONSENT

I, Musheerah Habeebullah, acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive these rights and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the Application. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature of on File

7/15/19
Date

Musheerah Habeebullah
The Applicant

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore City

I HEREBY CERTIFY that on this 15th day of July, 2019 before me, a Notary Public of the State and County aforesaid, personally appeared Musheerah Habeebullah, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Kisha Lenora Thomas
Notary Public

My commission expires 7-18-2020

7/15/19
Date

