

IN THE MATTER OF * BEFORE THE MARYLAND STATE
MUSHEERAH N. HABEEBULLAH * BOARD OF PHYSICIANS
APPLICANT * CASE NUMBER: 2221-0091 A

* * * * *

CONSENT ORDER

On August 9, 2021, Disciplinary Panel A (“Panel A”) of the Maryland Board of Physicians (the “Board”) issued a Notice of Intent to Deny Application for Licensure concerning **Musheerah N. Habeebullah** (the “Applicant”) under the Maryland Respiratory Care Practitioners Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-5A-01 *et seq.* (2014 Repl. Vol. and 2020 Supp.).

The pertinent provisions of the Act provide:

§ 14-205. Miscellaneous powers and duties.

...

(b) *Additional powers.* – In addition to the powers set forth elsewhere in this title, the Board may:

...

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant or, if the applicant has failed to renew the applicant’s license, refuse to renew or reinstate an Applicant’s license for:

(i) any of the reasons that are grounds for action under ...§ 14-5A-17 of this title, as applicable[.]

The disciplinary grounds under which the Board finds a violation are:

§ 14-5A-17. Denials, reprimands, suspensions, and revocations – In General.

(a) *In general.* – Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may deny a license to any applicant...if the applicant...:

(17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

On November 3, 2021, Panel A was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on the negotiations occurring as a result of this DCCR, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel A finds the following:

I. 2018 Application

1. On or about June 4, 2018, the Applicant submitted to the Board an Application for Licensure as a Respiratory Care Practitioner (the "2018 Application").

2. On March 28, 2019, the Board issued a Notice of Intent to Deny the 2018 Application because the Board had reason to believe that the Applicant's conduct, constituted violations of the Act, in that:

- a. The Applicant's guilty plea to conspiring to distribute and possess with intent to distribute heroin and her lack of initial full disclosure to the Board of her prior [Emergency Medical Technician – Basic] EMT- B license and its suspension is a violation of § 14-5A-09(b) (shall be of good moral character);
- b. The Applicant's untruthful answers to questions 13b. and 14b. pertaining to her having other license(s) as a healthcare practitioner is a violation of § 14-5A-17(a)(1) (Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or

for another) and a violation of § 14-5A-09(b) (Shall be of good moral character); and

- c. The Applicant's untruthful answers to questions 13b. and 14b. pertaining to her having other license(s) as a health care practitioner is a violation of § 14-5A-17(a)(10) (Willfully makes or files a false report or record in the practice of respiratory care) and a violation of § 14-5A-09(b) (Shall be of good moral character).

3. The Applicant entered into a Consent Order dated July 18, 2019. The Consent Order concluded as a matter of law that the Applicant did not meet the good moral character prerequisite of Health Occ. § 14-5A-09(b) and that the Applicant violated Health Occ. §14-5A-17(a)(1) (fraudulently or deceptively attempted to obtain a license) and (10) (willfully made or filed a false report). The Consent Order ordered that the 2018 Application be denied and that the Applicant may not reapply for a license to practice respiratory care in Maryland until after one year of the date of the Consent Order.

II. 2020 Application

4. On or about November 23, 2020, the Applicant submitted to the Board a new Application for Licensure as a Respiratory Care Practitioner (the "2020 Application").

5. On page 4 of the 2020 Application, question 13b. pertaining to "Licensure as another health care practitioner," states:

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

6. In response to the question, the Applicant listed her Maryland EMT-B license, number 0121100, which she states was issued in 2003 and expired on December

31, 2005 and Certified Nursing Assistant (CNA)/Geriatric Nursing Assistant (GNA) certification¹.

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

- a. Has a state licensing of disciplinary board (including Maryland), a comparable body in the armed services or the Veterans Administration, ever denied your application for licensure, reinstatement, or renewal?
- b. Has a state or 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 practice, required education admonishment or reprimand, suspension, probation or revocation.
- 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.

8. The Application instructed the Applicant to “provide a signed and dated detailed explanation and attach appropriate supporting documents” if she answered “YES” to any character and fitness questions.

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, 2022.

9. The Applicant submitted a written explanation to the Board which described the circumstances surrounding her criminal history and the suspension of her Maryland EMT-B license.

10. Based on the Applicant's acknowledgment on the 2020 Application that she had a criminal history and her written explanation, the Board began an investigation.

III. Investigation

11. As part of its investigation, 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 Systems ("MIEMSS"), dated December 14, 2004. The report states that MIEMSS suspended the Applicant's EMT-B license for one year.

12. The Board also obtained official verification of the Applicant's EMT-B licensure, which states that her license was suspended and subsequently expired on December 31, 2004. Additionally, the Board 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.

IV. Criminal History Background Investigation

13. As part of its investigation of the Applicant's criminal history, the Board obtained the Applicant's Plea Agreement, entered on September 11, 2009, with the United States Attorney's Office for the District of Maryland, where the Applicant pled guilty to conspiracy to distribute and possess with intent to distribute heroin.

14. The statement of the facts in the guilty Plea Agreement provides 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.

15. 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 Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Applicant was disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes, in violation of Health Occ. § 14-5A-17(a)(17).

ORDER

It is thus by Disciplinary Panel A of the Board, hereby:

ORDERED that the Applicant's license is **GRANTED**; and it is further

ORDERED that the Applicant is **REPRIMANDED**; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6); and it is further

11/19/2021

Date

Signature on File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

CONSENT

I, Musheerah N. Habeebullah, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the **Notice of Intent to Deny** currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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 Notice of Intent to Deny Application for Licensure. I waive this right 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 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.

11/15/21
Date

Signature on File

Musheerah N. Habeebullah
Applicant

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE CITY

I HEREBY CERTIFY that on this 15th day of November, 2021, before me, a Notary Public of the foregoing State and City/County, did personally appear Musheerah N. Habeebullah, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and seal.



A handwritten signature in black ink, appearing to be "P. Azeah Fobi", written over a horizontal line.

Notary Public

My commission expires: 12/22/2024