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FILED
BOARD OF PHYSICAL THERAPY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF	:	Administrative Action
Ebenezer Oguntuase, P.T. License No. 40QA00598500	:	FINAL ORDER OF DISCIPLINE
TO PRACTICE PHYSICAL THERAPY IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Physical Therapy Examiners upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Ebenezer Oguntuase, P.T., License No. 40QA00598500, is a physical therapist licensed in the State of New Jersey and has been licensed at all times relevant hereto.

2. On or about July 3, 2008, Respondent pled guilty to one count of Obstruction of Justice in a Health Care Fraud Investigation in violation of 18 U.S.C. § 1518. The allegations presented that during the course of an investigation the Respondent knowing submitted or caused to be submitted false or fraudulent claims to the Medicare program for physical therapy services. Based on the investigation it was alleged that the Respondent willfully attempted to mislead criminal investigators and prevent, obstruct or delay the investigation by providing false information to the criminal investigators. When asked by criminal investigators whether he permitted an unlicensed individual to provide physical therapy services for which he claimed reimbursement from Medicare, Oguntuase answered in the negative, a response he knew was false.

3. Respondent was placed on probation for three years, a civil penalty was imposed in the amount of \$1000 and Respondent was required to make restitution in the amount of \$112,536.08. Respondent admitted to charges of having been convicted of a crime, practicing the profession of physical therapy fraudulently, and delegating professional responsibilities to an unqualified person. He was excluded from participation in all Federal Health care programs for one year.

CONCLUSIONS OF LAW

1. The above criminal conviction in the United States District Court dated July 3, 2008 in the matter of the United State of America v Ebenezer Oguntuase, case number Cr.07-921(01) (NLH) provides grounds to take disciplinary action against Respondent's license to practice physical therapy in New Jersey pursuant to N.J.S.A. 1-21(f) and N.J.S.A. 45:1-21(n).

DISCUSSION

Based on the foregoing findings of facts and conclusions of law, a Provisional Order of Discipline requiring Respondent to pay a civil penalty of \$10,000 for violation of the above regulations was entered on November 25, 2014, a copy was served on the Respondent.

The Provisional Order issued a formal reprimand for aiding and abetting unlicensed individuals in the practice of physical therapy and also stated that the Respondent's license to practice physical therapy was to be suspended for three years, entirely stayed and to be served as a period of probation to commence upon filing of a final order and his satisfaction of the conditions set forth in the order. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal setting forth in

writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

On March 17, 2015 Respondent submitted a written correspondence requesting reconsideration or modification of the penalties imposed by the Board in the POD. Respondent indicated that he "suffered regret and remorse with hardship regarding his misconduct." He supplied additional documentation evidencing satisfactory completion of his court appointed supervision and satisfaction of the judgment. Respondent informed the Board that he is actively involved in his community church as a deacon. He specifically requested a reduction in the period of probation and supervision imposed in the Order, an extension of time to complete the ethics course from six months to nine months and a reduction in the civil penalty from \$10,000 to \$5000 with an extended payment plan. Respondent commended and thanked the Board for its fairness and high standards of services for the physical therapy profession. Additionally he included a good faith installment payment of \$555.55 towards the civil penalty imposed.

The State submitted a written response recommending that the Board finalize the Order with modification as the Respondent demonstrated remorse and regret for his previous actions and his cooperation and responsiveness in satisfying the conditions of his

plea agreement demonstrated his sincere willingness to abide by the court mandates. The State supported continued supervision but with a reduced period of time from three years to one and a half years with a supervisor pre-approved by the Board. It also supported continuation of the ethics course requirement but agreed that the course be completed within one year instead of six months. Additionally the State also agreed that the civil penalty imposed in the order be reduced to \$5000 and be paid back in equal monthly installments over an 18 month period.

ACCORDINGLY, IT IS on this 18th day of May, 2015, ORDERED that:

1. Respondent's is hereby given a formal reprimand for aiding and abetting unlicensed individuals in the practice of physical therapy in violation of N.J.S.A. 45:1-21-(n) and N.J.A.C. 13:39a-4.2.

2. Respondent's license to practice physical therapy in this State is suspended for a year and a half, entirely stayed and to be served as a period of probation to commence upon the filing of this order provided he meets with the conditions of this order for his violation of N.J.S.A. 45:1-21(f) and 45:1-21(n). Respondent submitted written proof of successful completion of the court appointed probation and proof of complete satisfaction of the court ordered restitution.

3. Respondent shall be supervised during the probation period by a Board-approved supervisor. The supervisor shall review patient records and physical therapy practices used by the respondent in his practice. The supervisor shall submit written monthly reports regarding the supervision and respondent's progress for the first six months of the probation and quarterly reports for the remainder of the probation period.

4. Within one year of the filing date of this order, Respondent shall fully attend and successfully complete the Probe ethics course or a similar course. Upon completion of the course, Respondent is required to submit to the Board written confirmation from the course sponsor that the requirements of the course have been fully satisfied.

5. Respondent is assessed a civil penalty in the amount of \$5,000 for aiding and abetting unlicensed individuals in activities that constituted the practice of physical therapy in violation of N.J.S.A. 45:1-21(n). The total penalty is payable in 18 equal monthly installment payments. Respondent made a good faith payment of \$555.55 in March 2015 leaving a balance of \$4444.45. Respondent shall make 17 equal payments of \$246.91 payable to the Board of Physical Therapy Examiners and forwarded to the attention of Lisa Tadeo, Executive Director of the Board. These payments shall be due and owing commencing July 15, 2015 with the 18th and final installment payment in the amount of \$246.98 due no later than

December 15, 2016. All payments shall be made by certified check or money order, made payable to the Board of Physical Therapy Examiners and shall be sent to the attention of Lisa Tadeo, Board of Physical Therapy Examiners, P.O. Box 45014, Newark, NJ 07101. A default of any payment will result in the remaining balance immediately becoming due and owing.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By: Beth Sarfaty
BETH SARFATY, P.T.
Board President