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In the Matter of	* LOUISIANA PHYSICAL THERAPY BOARD
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AYODEJI FAMUYIDE, PT	*
License No. 03314 F	* Case Number 2014-I-001
Respondent	*

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**CONSENT ORDER**

Ayodeji Famuyide, PT (“Mr. Famuyide” or “Respondent”), is licensed as a physical therapist, who, at all times pertinent hereto, was practicing physical therapy in and around Baton Rouge, Louisiana.

The Investigative Committee (“Committee”) assigned to the captioned complaint, consisting of Board Chair, Al Moreau, III, PT, Executive Director, Charlotte F. Martin and Board legal counsel, George M. Papale, obtained information during the investigation which indicated that Respondent had engaged in activities which included the creation of a physical therapy record and corresponding bill for physical therapy services which he claimed to have provided to his wife between January 30, 2012 and May 3, 2012. The physical therapy services were for injuries which his wife allegedly sustained in a motor vehicle accident. The claimed therapy services by Mr. Famuyide were not documented by him at the time of service and were retroactively created in 2013. The records included a bill for services in the amount of \$7,610.

In December, 2013, the re-created records and patient ledger, showing the name of another physical therapist as the provider, were provided to the other physical therapist by Respondent’s office staff. Knowing that he had not provided the documented treatments, the other physical therapist filed the complaint in the captioned proceedings. Respondent was notified in writing of this complaint and, on April 16, 2014, Respondent, represented by legal counsel, attended an Informal Conference with the Committee. Respondent told the Committee that the physical therapy services had been provided by an unidentified friend without charge, knowing this information was false.

Following the Informal Conference, Respondent sent to the Board physical therapy records showing the name of another physical therapist, Emmanuel Adeyanju, PT, as the treating therapist. When Respondent sent these records to the Board he knew that the records were fictitious. During a collateral investigation, the Committee obtained evidence that Mr. Famuyide had requested Mr. Adeyanju to sign the fictitious records for his wife’s treatment because she had a pending lawsuit related to the accident and it would not be good for Respondent to have his name on the treatment records. On December 4, 2014, Emmanuel Adeyanju, PT entered into a Consent Order with the Board in Complaint No. 2014-I-026 in which Mr. Adeyanju acknowledged signing the physical therapy records, documenting services which he had not

provided.

While the investigation in Complaint No. 2014-I-026 was ongoing, Respondent requested to meet with the Committee. A meeting with the Committee was convened on August 18, 2014, which Respondent attended without legal representation. After obtaining an appropriate written waiver from Mr. Famuyide, he acknowledged his conduct in the creation of the fictitious records and expressed remorse for the harm he caused to a fellow physical therapist. He also acknowledged his failure for providing false information and records to the Committee.

The Committee's investigation also disclosed that the fictitious records, created by Respondent, had been submitted in response to discovery in the litigation involving his wife's motor vehicle accident. Although the lawsuit was later voluntarily dismissed by his wife's attorney, without receipt of any monetary compensation, the records could have supported payment for services which were documented by a therapist who did not provide the services.

On October 17, 2014, an Administrative Complaint, charging Respondent with violations of the Practice Act in Board Rules related to the above described conduct.

### **FACTUAL BASIS FOR CONSENT ORDER**

Respondent has acknowledged failing to document physical therapy services he provided to his wife, retroactively creating a physical therapy record which falsely documented another physical therapist as the provider of services and involving the other physical therapist in the creation of a false record, preparing a corresponding bill for the undocumented physical therapy services and providing false records and information to the Investigative Committee.

### **VIOLATIONS RELATED TO RESPONDENT'S CONDUCT**

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law and Board Rules regarding his practice of physical therapy:

1. The Board has authority to suspend or revoke a license which it has issued, or place probationary conditions on such license, upon proof that conduct of the licensee is violative of the Louisiana Physical Therapy Practice Act or Rules of the Board. La. R. S. 37:2420 (A) (1) and Rule §373 (A) (11) by documenting services provided which have not been provided as documented; by engaging in additional acts of unprofessional conduct as defined by Rules §345 (B) (1), by failing to conform to the minimal standards of acceptable in prevailing physical therapy practice in Louisiana or the Code of Ethics and related documents of the AP TA, including the commission of acts contrary to honesty, justice, and good morals; and as further defined by Rule §345 (B) (3) (a) by falsely creating medical records, and as further defined by Rule §345 (B) (10) by making

or participating in communications which were false, fraudulent, deceptive, misleading or unfair; which is also in violation of § 2420 (A) (7) of the Practice Act;

2. By involving another physical therapist in signing fictitious treatment records, Respondent, has also engaged in unprofessional conduct as defined in Rule §345 (B) (1) and also violated §2420 (A) (7) of the Practice Act;
3. By providing false information to and withholding information from the Investigative Committee, Respondent has also engaged in unprofessional conduct, as further specified in Rule §345 B 10 and as provided for by the APTA Code of Ethics, by making or participating in any communication which is false or which contains a false or misleading statement or claim is subject to disciplinary action under La. R.S. 37:2420 A 1 & 7.
4. Pursuant to Rule §345 B 1 “unprofessional conduct” as used in the Practice Act includes: departure from, or failure to conform to the standards of acceptable and prevailing physical therapy practice in the State of Louisiana, regardless of whether actual injury to a patient results therefrom.
5. Respondent’s conduct, as specified in the Factual Basis for Consent Order, violates Board Rules §§341 B and 341 B 10 and constitutes unprofessional conduct; and, accordingly, violates La. R. S. 37:2420 A (1) and (7) of the Practice Act.

### **ORDER**

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent’s Conduct and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of a quorum agree as follows:

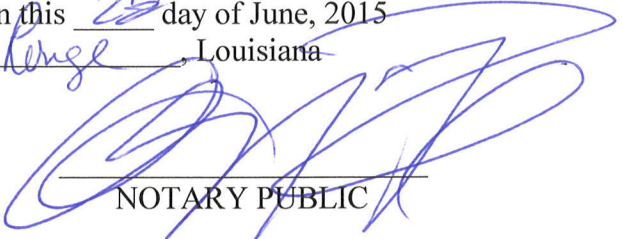
- A. Respondent’s license as a Physical Therapist is hereby suspended with an effective date of July 1, 2015 to allow Respondent to withdraw from two clinic practice locations; said suspension of license to continue to and including June 30, 2016. For the entirety of the suspension period Respondent shall not participate in any physical therapy patient care services.
- B. Following the one-year suspension of license, Respondent’s physical therapy license will be placed on probation for a period of three (3) years, commencing July 1, 2016.
- C. During the period of probation, Respondent shall pay the Board the sum of \$10,000.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount to be paid in equal monthly installments, arranged in advance with the Executive Director, over the thirty-six months of his probation;
- D. Upon acceptance of this Consent Order by the Board, prior to and during the suspension and probationary period, Respondent shall fully cooperate with the Board representatives

making random unannounced monitoring visits to his work sites and shall provide complete access to his employment and/or business records, patient treatment records, and all other documentation, and shall reimburse the Board \$150.00 for each such monitoring visit;

- E. During the suspension and probation, Respondent shall meet with the Board, or with the Board's representative whenever requested and shall fully cooperate in providing information and documents requested in such meetings;
- F. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist and shall update the Executive Director in writing within five days of any and all changes in such arrangements;
- G. During the probationary period, Respondent shall provide a copy of this Consent Order to his employer(s) and or any licensed PT's or PTA's who work for or contract with Respondent to provide physical therapy services at any business which Respondent owns, operates or manages, before any such individuals provide physical therapy services. Any individual(s) receiving a copy of this Consent Order shall notify the Executive Director in writing within five days of his or her receipt of the Consent Order.
- H. The three-year probationary period shall be extended for any period of time in which the Respondent is not actively practicing physical therapy as a physical therapist within the State of Louisiana and regularly working at least 20 hours per week as such. If Respondent ceases to be actively practicing as a physical therapist in Louisiana, he shall notify the Executive Director in writing within 10 days of the last day on which Respondent has practiced physical therapy in Louisiana. Likewise, if Respondent returns to the practice of physical therapy within the State of Louisiana, he shall notify the Executive Director in writing within 10 days of his return to practice;
- I. Respondent shall, during each year of probation, complete traditional, on-site continuing education courses in Professional Ethics (4 hours) and Documentation course related to Fraud (4 hours) in addition to the thirty (30) hours of Board-approved continuing education courses or activities required in the biannual renewal period under Rule §194. The above specified courses shall be approved in advance in writing by the Executive Director. Respondent shall provide documentation of course completion to the Executive Director within five (5) days of receipt of such documentation;
- J. Respondent, within 120 days of the Board's acceptance of this Consent Order, shall present to the Board an essay of no less than 750 words explaining how his conduct violated the Practice Act and Board Rules and what he may have learned as a result of this disciplinary process. This essay shall be submitted timely to the Board Executive Director;

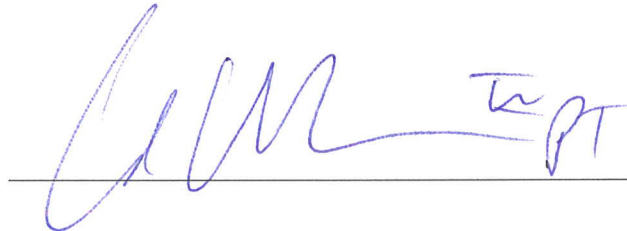
- K. Respondent declares that, before signing this Consent Order, he has carefully read the document, that he has had ample opportunity for review of same with legal counsel, that he understands the contents, and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations or charges asserted against him in a written administrative complaint, to have administrative adjudication of such allegations or charges pursuant to La. R. S. 49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, judicial review and appeal; Ayodeji Famuyide nonetheless waives all of these rights and proceedings and, pursuant to La. R. S. 49:955 D and Board Rule § 335, agrees to the entry of this Consent Order;
- L. Respondent authorizes the Board Member, Al Moreau, III, PT and legal counsel assisting the Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose to, and discuss with, the Board the nature and results of the investigation. Respondent waives any objection to such disclosure under La. R. S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Board Member's authority to request the filing of a Formal Administrative Complaint against him, or the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, Respondent retains all rights to due process including, but not limited to, his right to have written notice of any allegations or charges asserted against him, to administrative adjudication of all such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law and thereafter to judicial review and appeal as in civil cases;
- M. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for immediate summary suspension of his license and for further disciplinary action by the Board. Respondent also acknowledges that the presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or a legally prejudice or preclude the Board, or any of its members, from further participation in hearings or resolution to these proceedings; and
- O. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
- P. All communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication shall be considered as proof of compliance with or fulfillment of any term or condition of this Consent Order.
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Ayodeji Famuyide, PT

SWORN TO AND SUBSCRIBED on this 24 day of June, 2015  
before me, Notary Public, at Bahn Range, Louisiana  
  
NOTARY PUBLIC

AGREED AND ACCEPTED by official action of the Board, the 4th day of June, 2015, at  
Lafayette, Louisiana

**LOUISIANA PHYSICAL THERAPY BOARD**

  
PT