

BEFORE THE PHYSICAL THERAPY PRACTICE BOARD  
FOR THE STATE OF NEW MEXICO

RECEIVED  
JAN 18 2008

BY: .....

IN THE MATTER OF:

Shawn Etkins  
Physical Therapist

Certified Mail # 7005 0390 0003 4008 3491

Respondent.

Case No. PT-02, 05-06

**DEFAULT ORDER**

YOU ARE HEREBY NOTIFIED that this matter came before the Board of Physical Therapy on November 30, 2007 pursuant to a Notice of Contemplated Action filed against you. You were served with the Notice of Contemplated Action by certified mail on December 04, 2007 at your last known address as required by the Uniform Licensing Act, NMSA 1978 § 61-1-1 through 61-1-33(1953). The Notice of Contemplated Action specifically stated that you had the opportunity to request a hearing to dispute the allegations against you. You failed to request a hearing as required by the Uniform Licensing Act.

IT IS THEREFORE ORDERED THAT you may not perform Physical Therapy services unless and until the Board has taken such action to reinstate your license.

12/28/07  
Date

  
Physical Therapist Board

CERTIFICATE OF SERVICE

I hereby certify that this Default Order was mailed to the Respondent at his last known address on this the 3 day of ~~JANUARY~~ 2008.

**Shawn Stewart Etkin**  
**1927 Quail Run Drive E.**  
**Albuquerque, NM 87122**

  
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Nicole Ortiz  
Physical Therapist Board  
P.O Box 25101  
Santa Fe, New Mexico 87504  
Phone: (505) 476-4882

**STATE OF NEW MEXICO  
PHYSICAL THERAPY BOARD**

**IN THE MATTER OF:**

**SHAWN ETKIN  
Unlicensed Practice**

**Respondent.**

**CASE No. 02-05-06**

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**NOTICE OF CONTEMPLATED ACTION**

**You are hereby notified** that the Physical Therapy Board (Board) has sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, will justify the Board in assessing fines and/or penalties, pursuant to the Physical Therapy Act and the Uniform Licensing Act.

1. The Board has sufficient evidence to take disciplinary action against Respondent pursuant to the New Mexico Physical Therapy Act, NMSA 1978 §61-12D-8 (A), 61-12D-13 (T), 61-12D-16 (A) and the Uniform Licensing Act, NMSA 1978 §61-1-3.2 which in pertinent part states:

**61-12D-8 PRACTICE OF PHYSICAL THERAPY; LICENSE REQUIRED**

**A.** No person shall practice or hold himself out to be engaged in the practice of physical therapy or designate himself as a physical therapist unless he is licensed as a physical therapist or is exempt from licensure as provided in the Physical Therapy Act.

**61-12D-13 GROUNDS FOR DISCIPLINARY ACTION**

The following conduct, acts or conditions constitute grounds for disciplinary action:

(T) impersonating another person licensed to practice physical therapy, permitting or allowing any person to use the physical therapist's or physical therapist assistant's license or practicing physical therapy under a false or assumed name.

**61-12D-16 UNLAWFUL PRACTICE; CRIMINAL AND CIVIL PENALTIES; INJUNCTIVE RELIEF**

A. A person who engages in an activity requiring a license to the provisions of the Physical Therapy Act and who fails to obtain the required license; who violates any provision of the Physical Therapy Act; or who uses any word, title or representation to induce the false belief that the person is licensed to engage in the practice of physical therapy is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment of not more than one year, or both.

**61-1-3.2 UNLICENSED ACTIVITY; DISCIPLINARY PROCEEDINGS; CIVIL PENALTY**

2. The general nature of the alleged violations/conduct and evidence is contained in **ATTACHMENT # 1**. Specifically, the Board received a notarized complaint on May 12, 2006, that alleged the unlicensed practice of physical therapy and the impersonation of a licensed physical therapist. Specifically, Mr. Etkin entered into a contractual agreement with Professional Home Health Care on March 22, 2006 to provide physical therapy services. Subsequently, the business office manager researched the license number Mr. Etkin had given on his application and discovered that license number 1662 is active and issued to Shawna Martin whose social security number is different from Mr. Etkin.



Unless the allegations are explained or rebutted at a formal hearing, such allegations are justification for the Board to revoke or suspend Respondent's license to practice as a physical therapist in the State of New Mexico and to impose such other penalties as may be permitted by law.

**YOU MUST RESPOND TO THIS NOTICE WITH A REQUEST FOR A HEARING WITHIN TWENTY (20) DAYS. THE RESPONSE MUST BE SENT TO THE BOARD IN WRITING, BY CERTIFIED RETURN RECEIPT REQUESTED LETTER TO THE ADDRESS BELOW. FAILURE TO RESPOND WILL RESULT IN THE BOARD TAKING THE CONTEMPLATED ACTION, AND THIS ACTION WILL BE FINAL. PLEASE SEND YOUR REPOSE TO:**

**Ms. Justin Clark, Board Administrator  
Physical Therapy Board  
2550 Cerrillos Road  
Santa Fe, New Mexico 87505  
Phone (505) 476-4827**

3. The formal hearing, if requested, will be conducted pursuant to the New Mexico Uniform Licensing Act, NMSA 1978, § 61-1-1 through 61-1-31 (Repl. Pamp. 1999). Pursuant to NMSA 1978, § 61-1-8 the licensee is specifically advised as follows:

**61-1-8. Rights of person entitled to hearing**

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of

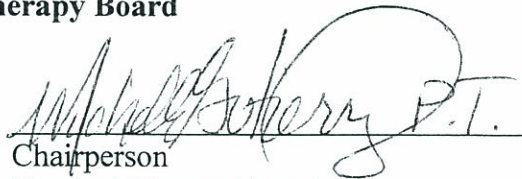
witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to NMSA 1978, § 61-1-4 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to: (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing. The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No such request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Signed this 30 day of November, 2004.

**State of New Mexico  
Physical Therapy Board**



Chairperson  
Physical Therapy Board  
2550 Cerrillos Road  
Santa Fe, New Mexico 87505

**CERTIFICATE OF MAILING**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Notice of Contemplated Action was mailed to the Respondent on the 4 day of DECEMBER, 2007, via certified mail, return receipt requested.

  
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**Physical Therapy Board**

*Administrative Prosecutor:*

Francine A. Chavez  
Assistant Attorney General  
Post Office Drawer 1508  
Santa Fe, New Mexico 87504-1508  
(505) 827-6928