



## Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**MEGAN E. BALDWIN**  
Acting Executive Deputy Commissioner

July 5, 2023

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ian Silverman, Esq.  
NYS Department of Health  
90 Church Street, 4<sup>th</sup> Floor  
New York, New York 10007

Olakunle Oluwole, M.D.  


**RE: In the Matter of Olakunle Oluwole, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 23-146) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

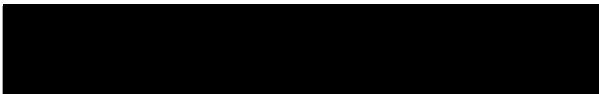
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Ms. Carney at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure

STATE OF NEW YORK: DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER

DETERMINATION

OF

AND

OLAKUNLE OLUWOLE, M.D.

ORDER

COPY

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BPMC-23-146

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct (Department). A Notice of Hearing and Statement of Charges were served on Olakunle Oluwole M.D. (Respondent). Hearings were held pursuant to N.Y. Public Health Law ("PHL") §230 and New York State Admin. Proc. Act §§301-307 and 401. The hearings were held via WebEx videoconference. Steven Lapidus, M.D. – *Chair*, Kenneth Steier, D.O, and Eileen Pasquini, B.S. A.A.S. duly designated members of the State Board for Professional Medical Conduct (Board), served as the Hearing Committee in this matter. Kimberly A. O'Brien, Administrative Law Judge (ALJ), served as the Administrative Officer. The Department appeared by Ian Silverman, Esq. The Respondent appeared and testified on his own behalf.<sup>1</sup> Evidence was received, including witnesses who were sworn or affirmed, and a transcript of this proceeding was made. After consideration of the entire record, the Hearing Committee issues this Determination and Order revoking the Respondent's license to practice medicine in New York State.

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<sup>1</sup> On April 24, 2023, the ALJ held a prehearing conference (PHC) with the parties. PHC Tr. 1-29. At the PHC Respondent said that he did not have the financial means to obtain counsel because he had obtained counsel to represent him in reinstatement proceedings before the "State of Connecticut Department of Health," his request to reinstate his medical license in Connecticut was denied, he could not practice medicine. [REDACTED] PHC Tr. 19-24; Ex. A. Respondent requested an indefinite adjournment to obtain counsel. The Committee denied the Respondent's request because Respondent was charged with failing to comply with New York State Board of Professional Medical Conduct Order No, 16-191, practicing medicine while his license was suspended, and he failed to provide a timeframe in which he would obtain counsel. Tr. 9-10.

## PROCEDURAL HISTORY

Notice of Hearing	
Statement of Charges	March 21, 2023
Answer	April 24, 2023
Pre-Hearing Conference:	April 24, 2023
Hearing Date:	May 8, 2023
Deliberations Dates:	May 8, 2023

The Department presented one witness, April Soltren, Supervising Medical Conduct Investigator. Respondent appeared and testified on his own behalf. The Department submitted exhibits 1-16 and Respondent submitted exhibits A, B, and B1. The ALJ admitted two exhibits ALJ Ex. 1 - Prehearing Conference Order, and ALJ Ex. 2 - Memorandum of the Definitions of Professional Misconduct. A transcript of the hearing was made, transcript pages 1-95. Pursuant to PHL §230(10)(f), the Hearing Committee (Committee) based its conclusions on whether the Department met its burden proving, by the preponderance of the evidence, the allegations contained in the Statement of Charges. The Committee's findings and conclusions are unanimous unless otherwise stated.

## FINDINGS OF FACT

The following Findings of Fact (FOF) were made after a review of the entire record in this matter. Citations in brackets, which refer to transcript page numbers (Tr.) and exhibits (Ex.) that were accepted into evidence, and represent evidence found persuasive by the Committee in arriving at a particular finding.

1. Respondent was authorized to practice medicine in New York State on September 22, 1998, by the issuance of license number 212153, by the New York State Education Department (NYSED). (Ex. 3.)

2. Respondent was [REDACTED]  
[REDACTED]  
[REDACTED]
3. Pursuant to an order of the New York State Board of Professional Medical Conduct Order No. 16-191 (Order or New York Order) Respondent agreed to the temporary surrender of his license to practice medicine in the State of New York, effective May 31, 2016, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
4. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
5. In November 2014 the Medical Board of the State of Connecticut issued an order wherein Respondent agreed to voluntarily surrender his medical license due [REDACTED]  
[REDACTED] and charges that "in or around June of 2011, the respondent engaged in inappropriate physical and sexual contact with a female patient (Connecticut Order)." In October 2015 the Medical Board of the State of Pennsylvania issued an order wherein Respondent agreed to voluntarily surrender his medical license [REDACTED]  
[REDACTED] and the charges set forth in the Connecticut Order (Pennsylvania Order). (Tr. 77-78, 80-85; Ex. 15-16, Ex. A).
6. In October 2016, less than five months after agreeing to the New York Order, Respondent completed, signed and returned a "Registration Renewal Document" to NYSED, and answered "No" to the question "Since your last registration" has any

“licensing or disciplinary authority”... “accepted surrender” of your license. In December 2016 NYSED reissued Respondent’s license. In October 2017 Respondent renewed his DEA Registration and failed to affirm that he was subject to the New York Order, Connecticut Order and Pennsylvania Order. (Tr. 40-44; Ex. 7, Ex.10, Ex. B1.)

7. The New York Board began an investigation of Respondent’s compliance with its Order when “Kemper insurance” inquired about the status of Respondent’s license. The investigation revealed that for many months Respondent was practicing medicine in violation of the terms of the Order. By phone and in a letter dated October 20, 2017, Respondent was notified by the Board that he was subject to and in violation of the terms of the Order and could not practice medicine. (Ex. 4-14; Tr. 26-37.)

#### DISCUSSION & CONCLUSIONS

Pursuant to New York Education Law §6530 (15), the Department charged the Respondent with committing professional misconduct “by reason of his non-compliance” with the New York Order, by practicing medicine while his license has been temporarily surrendered. Ex. 1, Ex.4. The Respondent denies the factual allegations and specification of charges and offered as affirmative defenses that he practiced medicine “only after I was asked to pay the fund for reactivation,” and that he stopped practicing medicine as soon as “DOH representatives visited my dwelling place in October 2017 and deactivated my license.” Ex. B.

[REDACTED]

[REDACTED] In October 2016, despite being subject to the terms of the Order not to practice, Respondent applied to NYSED to reregister his license to practice medicine. NYSED is the agency that registers physician’s licenses and is notified by the Board when a respondent is subject to a Board order. Respondent was not eligible to “renew his registration” and he failed to correctly answer the question on the NYSED application about whether “[s]ince the last registration application has a licensing or disciplinary authority ...accepted surrender, suspended, placed on probation, or refused to issue or renew a professional license or certificate held by you now or previously...” Tr. 40-44. In December 2016 NYSED “inadvertently” reregistered Respondent, which, according to Ms. Soltren, “has happened on occasion.” Tr. 28, 38. In October 2017, the Board discovered that Respondent had been practicing medicine for much of the year. Respondent was told that he was in violation of

the Order in that "he was still under the temporary surrender and that he had to cease the practice of medicine [REDACTED] Tr. 28-31, 43.

Respondent testified that he received a registration application in the mail and began practicing medicine again only after he "registered" and was issued a license. Tr. 49-52. Respondent claimed that he did not "understand" that the Board and NYSED are different entities, and he thought he had "fulfilled" the requirements of the Order and he was cleared by the Board when his license was reissued, and he "ceased" practicing medicine as soon as he was told that he was violating the Order and could not practice. Tr. 51- 53, 60, 64. Respondent did not dispute that in October 2016 when he reapplied for his New York license he was subject to surrender agreements in three states, New York, Connecticut and Pennsylvania (surrender agreements/orders), and he answered "No" to the question about whether he was subject to any surrender agreements/orders. Respondent claimed that he did not "understand" he had to reveal that he was subject to the surrender agreements/orders because "everything is connected"... "would have automatically been connected because we have computer systems in this day and age. Those are all connected." Tr. 72-73, 76. Respondent said [REDACTED] [REDACTED] "now understands the process" and would like to have his license to practice medicine reinstated so that he can provide for his children. Tr. 77, 91.

#### FACTUAL ALLEGATIONS A1 & B1-4

Respondent entered a "voluntary Temporary Surrender of License" with the Board and was subject to the terms of the Order, and the Department alleged that he failed to comply with those terms when he practiced medicine during the period February 2017 – October 2017. Ex. 1. While the Department did not charge Respondent with records falsification, the record reflects that in his October 2016 New York medical license application and in his August 2017 DEA registration application Respondent was not truthful and he offered no credible explanation for the misrepresentations he made. The Committee found that Respondent having entered into the New York Order only months before completing the NYSED registration application was aware of and understood the terms of the Order including that he was not eligible to reapply for his license until [REDACTED]

[REDACTED] It is disturbing to the Committee that based on Respondent's failure to reveal

that he was subject to the New York Order and two other surrender agreements/orders, NYSED renewed his license, and the DEA reissued his registration. The Committee found most of Respondent's testimony lacked credibility and his claims self-serving [REDACTED] and until the hearing he did not understand the terms of the Order. Accordingly, the Committee sustained all the factual allegations.

#### SPECIFICATION OF MISCONDUCT

After due and careful consideration of the entire record and having sustained all the factual allegations, the Committee determined that the Department has proven by a preponderance of the evidence that Respondent is guilty of professional misconduct having violated the terms of the Order. Accordingly, the Committee sustained the specification of misconduct.

#### PENALTY



The Department requested that Respondent's license be revoked. The Respondent requested that his license be reinstated because [REDACTED] he did not understand the terms of the Order and the process, and he now understands.

The Committee found Respondent knew that by practicing medicine he was in violation of the terms of the Order and he knew what he was required to do to have his license reinstated and he showed no remorse.

The Committee, having fully considered the record and the spectrum of penalties available, has determined that revocation is the appropriate penalty to protect the people.

#### ORDER

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct is SUSTAINED.
2. The Respondent's license to practice medicine is REVOKED; and
3. This Determination and Order shall be effective upon service on the Respondent pursuant to Public Health Law Section 230(10)(h).

DATED: *Carmel* New York  
*6/30/23*

[REDACTED]  
STEVEN LAPIDUS, M.D. - CHAIR  
KENNETH STEIER, D.O.  
BILLEN PASQUINI, B.S. A.A.S.

To:

Ian Silverman, Esq.

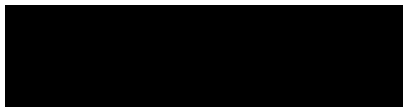
Associate Counsel

New York State Department of Health

Bureau of Professional Medical Conduct

90 Church Street, 4<sup>th</sup> Floor New York, New York 10007

Olakunle Oluwole, M.D.



IN THE MATTER  
OF  
OLAKUNLE OLUWOLE, M.D.

STATEMENT  
OF  
CHARGES

OLAKUNLE OLUWOLE, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 22, 1998, by the issuance of license number 212153 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 31, 2016, the Respondent entered into a voluntary Temporary Surrender of License with the New York State Board for Professional Medical Conduct (hereinafter "New York Board") [REDACTED]

[REDACTED] On June 6, 2016, a copy of the Temporary Surrender of License was served upon the Respondent by certified mail, return receipt requested. [REDACTED]  
[REDACTED]  
[REDACTED]

B. Respondent registered his New York license for the period December 1, 2016, to November 30, 2018, and practiced while his license was subject to a Temporary Surrender.

1. Respondent worked as an independent contractor on behalf of the IMA Group performing disability evaluations from February 2017 to April 2017.
2. Respondent had obtained a DEA controlled substance registration and that Respondent did not give affirmative responses to any of the liability questions.
3. Kemper Services Group received a claim where Respondent was listed as the treating physician at Metro Pain Specialists. Dates of service were September 18, 2017, and August 6, 2017.
4. Respondent practiced medicine at Metro Pain Specialist from August of 2017 to October 19, 2017.

5. 127 bills were submitted to Geico for 111 different patients from July 6, 2017, to October 19, 2017, with Respondent listed as the treatment provider. The documents include initial evaluations signed by Respondent.

**SPECIFICATION OF CHARGES**

**VIOLATION OF BOARD ORDER**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(15) by reason of his non-compliance with BPMC No. 16-192, specifically by practicing medicine while his license has been temporarily surrendered as alleged in the facts of the following:

1. The facts in Paragraph A and B.

DATE: March 10, 2023  
Albany, New York

  
(Jeffrey J. Conklin)  
Deputy Director  
Bureau of Professional Medical Conduct