



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 21, 2020

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Chukwuma P. Anyadike, M.D.

Re: License No. 277823

Dear Dr. Anyadike:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 20-106. This order and any penalty provided therein goes into effect April 28, 2020.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

Michael S. Jakubowski, M.D.
Interim Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

BPMC No. 20-106

DIRECTOR'S
SECOND
MODIFICATION
ORDER

Respondent, CHUKWUMA ANYADIKE, M.D., is currently subject to BPMC Order No. 17-332, (Attachment I) (henceforth "Original Order") issued upon a Consent Agreement that went into effect on December 5, 2017, and BPMC Order No 19-084, (Attachment II) (henceforth "First Modification") effective April 19, 2019, which modified the Original Order. Both Orders provided the Director of the Office of Professional Medical Conduct with the authority and discretion to order subsequent modifications of the Original Order. The Original Order imposed multiple penalties, terms and conditions, including but not limited to a License Limitation, pursuant to N.Y. Pub. Health Law §230-a(6), precluding registration or issuance of any further license until successful completion of a clinical competency assessment (CCA).

The First Modification imposed further penalties, terms and conditions, including the following:

- The License Limitation pursuant to N.Y. Pub. Health Law § 230-a(6), precluding registration or issuance of any further license until successful completion of a clinical competency assessment (CCA), shall continue in effect.
- Respondent shall enroll, or continue enrollment, in the Committee for Physicians' Health (CPH) and shall engage in a contract with CPH that fully describes the terms, conditions and duration of a treatment program. Respondent shall comply with the contract. Respondent shall provide a written authorization for CPH to provide the Director of OPMC with any/all information or documentation requested by OPMC to determine whether Respondent is in compliance with the contract and with this Order, including full access to the records maintained by CPH with respect to Respondent.

- Respondent shall cause CPH to report to OPMC promptly if Respondent refuses to comply with the contract, refuses to submit to treatment or if Respondent's impairment is not substantially alleviated by treatment.
- Respondent shall cause CPH to report immediately to OPMC if Respondent is regarded at any time to be an imminent danger to the public.
- Respondent shall obtain a general psychiatric consultation with a psychiatrist who may be proposed by Respondent in coordination with CPH but shall be approved by the Director of OPMC. Respondent shall provide a written authorization to provide the Director of OPMC with any/all information or documentation requested by OPMC to determine whether Respondent is in compliance with this Order, including full access to the records maintained by the consulting psychiatrist with respect to Respondent.
- Respondent shall enroll or continue in psychotherapy with a treating health care professional (hereafter "Therapist") who may be proposed by Respondent in coordination with CPH but shall be approved by the Director of OPMC. Respondent shall cause the Therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Respondent to Respondent's Therapist. Respondent shall cause the Therapist to notify OPMC, in writing, of any termination of treatment approved by the Therapist, no less than 30 days prior to such termination.
- Respondent shall enroll in and successfully complete the two KSTAR continuing medical education (CME) programs in patient communication, identified in Respondent's CCA, and one CME in medical documentation, and as otherwise directed by the Office of Professional Medical Conduct. These continuing education programs are subject to the Director of OPMC's prior written approval.

Upon Respondent's compliance with the above to the satisfaction of the Director, the Respondent's License Limitation precluding registration or issuance of any further license, pursuant to N.Y. Pub. Health Law § 230-a(3), shall be modified as follows:

- Respondent, pursuant to N.Y. Pub. Health Law § 230-a(3), shall be limited to practice medicine solely within a group practice which contains at least two (2) other physicians in general surgery and/or colon and rectal surgery.

- No other medical practice shall be permitted, absent further Order of the Director.

The probation penalty shall be subsequently modified as follows:

- Pursuant to N.Y. Pub. Health Law § 230-a(9), effective upon resumption of medical practice in New York State solely within a group practice which contains at least two (2) other physicians in general surgery and/or colon and rectal surgery, Respondent shall be placed on probation for a period of no less than 36 months, subject to the terms set forth in Exhibit "B" of the Original Order.

Probation term # 8 of Exhibit "B" of the Original Order, shall be modified as to read as follows:

- Respondent shall enroll in and successfully complete each year of his probation 50 (fifty) in-person credits of Category 1 continuing medical education (CME) courses in Respondent's area of surgical expertise, and specifically the area of colon and rectal surgery, for a total of 150 in-person Category 1 credits.
- Respondent shall enroll and register for his first set of 50 credits prior to resumption of his medical practice. These continuing education courses are subject to the Director's prior written approval.

The Director reserved the authority, in the Director's sole discretion, to subsequently stay, add, impose, re-impose, extend, or otherwise modify the limitations, probation and/or other terms, penalties and conditions imposed upon Respondent's practice pursuant to BPMC Order No. 17-332, and BPMC Order No. 19- 084, as the Director determines appropriate, based upon all relevant facts and circumstances then known, including, but not limited to, those related to the underlying OPMC investigation of Respondent, the CCA results and recommendations, CPH reports, psychiatric evaluations, therapist reports, and Respondent's practice in the future, as are necessary to protect the public health.

As Respondent has complied with the above to the satisfaction of the Director, the Respondent's License Limitation precluding registration or issuance of any further license, pursuant to N.Y. Pub. Health Law § 230-a(3), shall be modified as follows:

- Upon the effective date of this Second Modification Order, Respondent shall be allowed to register his N.Y.S. medical license;
- Once registered, and medical malpractice insurance is obtained, Respondent shall be allowed to practice medicine in New York State.
- Pursuant to N.Y. Pub. Health Law § 230-a(3), Respondent shall be limited to practice medicine solely within a group practice which contains at least two (2) other physicians in general surgery and/or colon and rectal surgery.
- No other medical practice shall be permitted, absent further Order of the Director.
- Respondent shall receive training, from a physician clinical supervisor, in vein therapies and procedures in his chosen field of surgery.

The probation penalty shall be subsequently modified as follows:

- Pursuant to N.Y. Pub. Health Law § 230-a(9), Respondent shall be placed on probation for a period of no less than 36 months, subject to the terms set forth in Exhibit "B" of the Original Order, and terms of this Second Modification Order.

The probation terms of Exhibit "B" of the Original Order, shall be modified as to read as follows:

- Respondent shall enroll in and successfully complete in each year of his probation 50 (fifty) in-person credits of Category 1 continuing medical education (CME) courses in Respondent's field of practice, for a total of 150 in-person Category 1 credits.
- Respondent shall enroll and register for his first set of 50 credits prior to resumption of his medical practice. These continuing education courses are subject to the Director's prior written approval and shall be completed within the timeframe determined by the Director.

- Respondent shall engage an on-site practice supervisor, more fully described below, to directly observe no less than twenty (20) initial procedures prior to any independent practice by Respondent.
- Respondent shall remain free from alcohol and all other mood-altering substances other than those prescribed for Respondent's treatment by a licensed health care professional aware of Respondent's history of chemical dependency and/or mental illness. Respondent shall not self-prescribe any medications.
- Respondent shall remain active in self-help groups such as, but not limited to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.
- Respondent shall notify all treating physicians of Respondent's history of substance abuse. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating health care professionals.
- Beginning 30 days after the effective date of the Consent Order's, Respondent shall not be permitted to practice medicine except when monitored by qualified health care professional monitors: a Toxicology Monitor, a Practice Supervisor, and a Therapist, proposed by Respondent and approved, in writing, by the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.
- Within 7 days of learning an approved monitor is no longer willing or able to serve, Respondent shall submit the name of a proposed successor to the Director of OPMC. Monitors shall not be family members or personal friends or be in professional relationships that would pose a conflict with monitoring responsibilities. All monitors shall execute acknowledgment forms provided by OPMC certifying familiarity with Respondent's history of substance abuse, with this Order and its terms, and acknowledging a willingness to comply with the monitor's reporting responsibilities regarding Respondent's compliance with the terms of this Order.
- Respondent shall ensure that the monitors are familiar with Respondent's history of substance abuse and with the terms of this Order. Respondent shall cause the monitors to report any deviation

from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.

- Respondent shall submit to random, unannounced observed blood, breath, hair, and/or urine screens for the presence of drugs and alcohol (hereafter "drug screen"), when requested by a monitor. The monitoring shall be on a random, unannounced, directly-observed, 7-day-a-week, 24-hour-a-day basis. Respondent shall report for a drug screen within 8 hours of being contacted by a monitor. Monitors shall report to OPMC immediately if Respondent refuses or delays a test or if a test is positive for alcohol, or any other unauthorized drug or substance. Respondent shall avoid all substances that may cause positive urine drug screens, such as poppy seeds, mouthwash or cough medicine. Any positive test result shall constitute a violation of the terms of this Order.
- Respondent shall meet regularly with a Toxicology Monitor. During the first 12 months of monitoring, Respondent shall cause the Toxicology Monitor to obtain drug screens at a frequency of no less than 6 times per month. If Respondent is compliant throughout the first 12-month period, subsequent drug screens shall be obtained at a frequency to be proposed by the Toxicology Monitor and approved by OPMC. Respondent shall cause the Toxicology Monitor to submit quarterly reports to OPMC certifying Respondent's sobriety or lack of sobriety. These reports are to include forensically valid results of all drug screens performed and an assessment of self-help group (e.g., AA/NA/Caduceus) attendance and 12-step progress.
- Respondent shall practice only when supervised in medical practice by a licensed physician (hereafter "Practice Supervisor"). The Practice Supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC, and shall be in a position to regularly observe and assess Respondent's medical practice. The Practice Supervisor shall oversee Respondent's compliance with the terms of practice imposed by the Order and Respondent's prescribing, administering, dispensing, inventorying, wasting and disposal of controlled substances. Respondent shall cause the Practice Supervisor to report to OPMC immediately any suspected impairment, inappropriate behavior, questionable medical practice, possible misconduct, or violation by Respondent of any of the terms of this Order. Respondent shall cause the Practice Supervisor to submit quarterly reports to OPMC regarding the quality of Respondent's medical practice and prescribing practices, any unexplained absences from work, and certifying Respondent's compliance or detailing Respondent's failure to comply with each term imposed.

- Respondent shall engage and continue in therapy with a treating health care professional (hereafter "Therapist"). Respondent shall cause the Therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Respondent to Respondent's Therapist. Respondent shall cause the Therapist to report to OPMC immediately if Respondent leaves treatment against medical advice or displays any symptoms of a suspected or actual relapse. Respondent shall cause the Therapist to notify OPMC, in writing, of any termination of treatment approved by the Therapist, no less than 30 days prior to such termination.
- At the direction of the Director of OPMC, Respondent shall submit to evaluations by a board-certified psychiatrist, licensed mental health practitioner or other health care professional or program designated by the Director (hereafter "Evaluator.") Respondent shall provide the Evaluator with a copy of this Order and copies of all previous treatment records. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Respondent to Respondent's Evaluator. The Evaluator shall report to the Director regarding Respondent's condition and fitness or incapacity to practice medicine. Respondent shall comply with all treatment recommendations based upon the evaluation; failure to comply with such treatment recommendations shall constitute professional misconduct.
- Respondent shall enroll, or continue enrollment, in the Committee for Physician Health (CPH) and shall engage in a contract with CPH that defines the terms, conditions and duration of Respondent's recovery program. Respondent shall comply with the contract. Respondent shall give and maintain updated written authorization for CPH to provide the Director of OPMC with all information or documentation requested by OPMC to determine whether Respondent is in compliance with the contract and with this Order, including full access to all records maintained by CPH with respect to Respondent.
- Respondent shall cause CPH to report to OPMC promptly if Respondent refuses to comply with the contract, refuses to submit to treatment or if Respondent's impairment is not substantially alleviated by treatment.
- Respondent shall cause CPH to report immediately to OPMC if Respondent is regarded at any time to be an imminent danger to the public.

All remaining Terms and Conditions will continue as written in the Original Order and Subsequent Orders.

The Director reserves the authority, in her sole discretion, to subsequently stay, add, impose, re-impose, extend, or otherwise modify the conditions imposed upon Respondent's practice pursuant to BPMC Order Nos. 17-332, 19-084 and this Second Director's Modification Order, as the Director may determine appropriate, based upon all relevant facts and circumstances then known to her, including, but not limited to, those related to the underlying OPMC investigation of Respondent, the evaluation results and recommendations, and Respondent's practice in the future, as are necessary to protect the public health.

THE ABOVE IS HEREBY ORDERED; and

it is further

ORDERED, that this Order shall be effective upon issuance and mailing by first class mail to Respondent at the address in the attached Attachment I, Attachment II or at any other address known to the Office of Professional Medical Conduct.

DATE: 4/16/2020



PAULA M. BREEN
Director
Office of Professional Medical Conduct

ATTACHMENT "I"



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

November 28, 2017

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Chukwuma Anyadike, M.D.



Re: License No. 277823

Dear Dr. Anyadike:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 17-332. This order and any penalty provided therein goes into effect December 5, 2017.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Gerald Walsh, Esq.
Zdarsky Sawicki & Agostinelli, LLP.
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202

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

BPMC No. 17-332

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

CONSENT
ORDER

Upon the application of (Respondent) CHUKWUMA ANYADIKE, M.D. In the attached
Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,
either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at
the address in the attached Consent Agreement or by certified mail to Respondent's
attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 11/27/2017


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

CONSENT
AGREEMENT

CHUKWUMA ANYADIKE, M.D., represents that all of the following statements are true:

That on or about December 2, 2014, I was licensed to practice as a physician in the State of New York, and issued License No. 277823 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the Second Specification of misconduct in the Statement of Charges as it relates to factual allegations A and A.2, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(6), Respondent shall be subject to a limitation precluding registration or issuance of any further license until such time that Respondent successfully completes a Clinical Competency Assessment (CCA), and any recommendations resulting from the CCA, in colorectal surgery. After reviewing the Respondent's CCA results and recommendations, the Director of OPMC (Director), in his/her sole discretion may remove the license limitation, in whole or in part, or extend the license limitation, in whole or in part, upon written notification to the Respondent, based upon all relevant facts and circumstances then known to the Director, including but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and/or related to Respondent's practice in the future.
- Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for no less than a period of 24 months, subject to the terms set forth in attached Exhibit "B."

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That, until the removal of the limitation by written notification from the Director, Respondent shall be precluded from practicing medicine in New York State, from

practicing in any setting where his practice is based solely on his New York license, and from further reliance upon Respondent's New York license to practice medicine to exempt Respondent from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State; and

That, until the removal of the limitation by written notification from the Director, the Respondent shall not reactivate or register the license and if currently registered to practice medicine in New York State shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive" and shall provide proof of such notification to the Director of OPMC immediately upon having done so.

That, upon the removal of the limitation by written notification from the Director, Respondent shall remain in continuous compliance with all requirements of N.Y. Educ. Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date

and will continue so long as Respondent remains a licensee in New York State; and

That, upon the removal of the limitation by written notification from the Director, Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ.

Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the

proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

11/15/17


CHUKWUMA ANYADIKE, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE:

11/17/17
GERALD WALSH, ESQ.
Attorney for Respondent

DATE:

11/17/17
POOJA A. RAWAL
Senior Attorney
Bureau of Professional Medical Conduct

DATE:

11/24/17
KEITH W. SERVAS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

STATEMENT
OF
CHARGES

CHUKWUMA ANYADIKE, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 2, 2014, by the issuance of license number 277823 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (patients are identified in the attached Appendix only), a 43 year old male, at various times in May 2013 at Respondent's office at Lake Erie Medical Services, PC, 529 Central Avenue, Dunkirk, New York (hereafter, "Respondent's Office") and at the Brooks Memorial Hospital, 529 Central Avenue, Dunkirk, New York (hereafter, "Brooks Memorial Hospital"). Respondent provided medical care including general surgical services to Patient A. Respondent's care of Patient A failed to accord with accepted standards of practice, in that:

1. Respondent failed to return Patient A for surgery by early to mid-morning of May 14, 2013 despite medical indications, including the presence of increasing abdominal pain.
2. Respondent failed to document an adequate medical indication for not performing surgery on Patient A on May 14, 2013.

B. Respondent provided medical care to Patient B, a 48 year old male, at various times in April and May 2013 at Respondent's Office, and at the Brooks Memorial Hospital. Respondent provided medical care including general surgical services to Patient B. Respondent's care of Patient B failed to accord with accepted standards of practice, in that:

1. Respondent diagnosed Patient B with colonic inertia on or about May 21, 2013, and commenced treatment based on that diagnosis, without adequate medical indication, and/or without documenting such adequate medical indication.
2. Respondent, on or about May 22, 2013, performed a total abdominal colectomy with ileorectal anastomosis on Patient B without adequate medical indication, and/or without documenting such adequate medical indication.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of at least two of the following:

1. The facts in paragraphs A and A.1, A and A.2, B and B.1, and/or B and B.2.

SECOND SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

2. The facts in paragraphs A and A.2, B and B.1, and/or B and B.2.

November 17, 2017
DATE: ~~March~~, 2017
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
- 2) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 3) Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
- 4) The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- 5) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 6) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.

- 7) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 8) Respondent shall enroll in and successfully complete a continuing education program as directed by the Office of Professional Medical Conduct. This continuing education program is subject to the Director of OPMC's prior written approval. This program shall be successfully completed within the first 90 days of the probation period unless Respondent obtains, in writing, the Director's prior authorization to exceed that 90-day period. The Director, for good cause shown by Respondent prior to the expiration of such 90-day period, shall have full discretion to deny or grant such extension.
- 9) Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.
- 10) Within thirty days of the Consent Order's effective date, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.
 - a) Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b) Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c) Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d) Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy

year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.

EXHIBIT "C"

Requirements for Closing a Medical Practice Following a Revocation, Surrender, Limitation or Suspension of a Medical License

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

EXHIBIT "C"

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender his/her DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.

ATTACHMENT "II"



ANDREW M. CUOMO
Governor

Department of Health

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 12, 2019

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Chukwuma P. Anyadike, M.D.



Re: License No. 277823

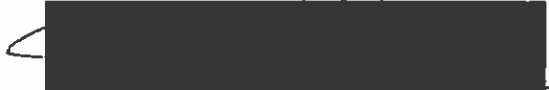
Dear Dr. Anyadike:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 19-084. This order and any penalty provided therein goes into effect April 19, 2019.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Breen", written over a black rectangular redaction box.



Paula M. Breen
Deputy Director
Board for Professional Medical Conduct

Enclosure

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

DIRECTOR'S FIRST
MODIFICATION
ORDER

Respondent, CHUKWUMA ANYADIKE, M.D., is currently subject to BPMC Order # 17-332 (Attachment I) (henceforth "Original Order"), which was issued upon a Consent Agreement signed by Respondent, and which went into effect on December 5, 2017. The Original Order imposed various Penalties, Probation Terms, and Conditions, and also provided the Director of the Office of Professional Medical Conduct the authority and discretion to order subsequent modifications of the Original Order. BPMC Order # 17-332 and all of its Penalties, Limitations, Probation Terms, and Conditions shall continue to apply except as modified in this Director's First Modification Order.

The Penalties imposed in the Original Order included the following:

- Pursuant to N.Y. Pub. Health Law § 230-a(6), Respondent shall be subject to a limitation precluding registration or issuance of any further license (see Exhibit "C" of Original Order, "Requirements for Closing a Medical Practice Following a Revocation, Surrender, Limitation or Suspension of a Medical License") until such time that Respondent successfully completes a Clinical Competency Assessment (CCA), and any recommendations resulting from the CCA, in colorectal surgery. After reviewing the CCA results and recommendations, the Director of OPMC (Director), in his/her sole discretion may remove the license limitation, in whole or in part, or extend the license limitation, in whole or in part, upon written notification to the Respondent, based upon all relevant facts and circumstances then known to the Director, including, but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and/or related to Respondent's practice in the future.

- Pursuant to N.Y. Pub. Health Law § 230-a(9), Respondent shall be placed on probation for no less than a period of 24 months, subject to the terms set forth in attached Exhibit "B."

As the Respondent has successfully completed a clinical competency assessment (CCA) as directed by the Director of OPMC (Director), and the Director has reviewed the CCA results, assessments, and recommendations, based upon all relevant facts and circumstances known to him:

The following Modification is hereby ordered with regard to the Penalties, Limitations, Probation Terms and Conditions imposed in the Original Order as set forth above:

The License Limitation pursuant to N.Y. Pub. Health Law § 230-a(6), precluding registration or issuance of any further license until successful completion of a clinical competency assessment (CCA), shall continue in effect. Upon the issuance of this Director's First Modification Order:

Respondent shall enroll, or continue enrollment, in the Committee for Physicians' Health (CPH) and shall engage in a contract with CPH that fully describes the terms, conditions and duration of a treatment program. Respondent shall comply with the contract. Respondent shall provide a written authorization for CPH to provide the Director of OPMC with any/all information or documentation requested by OPMC to determine whether Respondent is in compliance with the contract and with this Order, including full access to the records maintained by CPH with respect to Respondent.

Respondent shall cause CPH to report to OPMC promptly if Respondent refuses to comply with the contract, refuses to submit to treatment or if Respondent's impairment is not substantially alleviated by treatment.

Respondent shall cause CPH to report immediately to OPMC if Respondent is regarded at any time to be an imminent danger to the public.

Respondent shall obtain a general psychiatric consultation with a psychiatrist who may be proposed by Respondent in coordination with CPH but shall be approved by the Director of OPMC. Respondent shall provide a written authorization to provide the Director of OPMC with any/all information or documentation requested by OPMC to determine whether Respondent is in compliance with this Order, including

full access to the records maintained by the consulting psychiatrist with respect to Respondent.

Respondent shall enroll or continue in psychotherapy with a treating health care professional (hereafter "Therapist") who may be proposed by Respondent in coordination with CPH but shall be approved by the Director of OPMC. Respondent shall cause the Therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Respondent to Respondent's Therapist. Respondent shall cause the Therapist to notify OPMC, in writing, of any termination of treatment approved by the Therapist, no less than 30 days prior to such termination.

Respondent shall enroll in and successfully complete the two KSTAR continuing medical education (CME) programs in patient communication, identified in Respondent's CCA, and one CME in medical documentation, and as otherwise directed by the Office of Professional Medical Conduct. These continuing education programs are subject to the Director of OPMC's prior written approval.

Upon Respondent's compliance with the above to the satisfaction of the Director, the Respondent's License Limitation precluding registration or issuance of any further license, pursuant to N.Y. Pub. Health Law § 230-a(3), shall be modified as follows:

- Respondent, pursuant to N.Y. Pub. Health Law § 230-a(3), shall be limited to practice medicine solely within a group practice which contains at least two (2) other physicians in general surgery and/or colon and rectal surgery.
- No other medical practice shall be permitted, absent further Order of the Director.

The probation penalty shall be subsequently modified as follows:

- Pursuant to N.Y. Pub. Health Law § 230-a(9), effective upon resumption of medical practice in New York State solely within a group practice which contains at least two (2) other physicians in general surgery and/or colon and rectal surgery, Respondent shall be placed on probation for a period of no less than 36 months, subject to the terms set forth in Exhibit "B" of the Original Order.

Probation term # 8 of Exhibit "B" of the Original Order, shall be modified as to read as follows:

- Respondent shall enroll in and successfully complete each year of his probation 50 (fifty) in-person credits of Category 1 continuing medical education (CME) courses in Respondent's area of surgical expertise, and specifically the area of colon and rectal surgery, for a total of 150 in-person Category 1 credits.
- Respondent shall enroll and register for his first set of 50 credits prior to resumption of his medical practice. These continuing education courses are subject to the Director's prior written approval.

The Director reserves the authority, in his sole discretion, to subsequently stay, add, impose, re-impose, extend, or otherwise modify the limitations, probation and/or other terms, penalties and conditions imposed upon Respondent's practice pursuant to BPMC Order No. 17-332 and this First Director's Modification Order, as the Director may determine appropriate, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the underlying OPMC investigation of Respondent, the CCA results and recommendations, CPH reports, psychiatric evaluations, therapist reports, and Respondent's practice in the future, as are necessary to protect the public health.

THE ABOVE IS HEREBY ORDERED; and

it is further

ORDERED, that this Order shall be effective upon issuance and mailing by first class mail to Respondent at the address in the attached Consent Agreement or at any other address known to the Office of Professional Medical Conduct.

DATE: 4/11/19



KEITH W. SERVIS

Director

Office of Professional Medical Conduct

ATTACHMENT I



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

November 28, 2017

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Chukwuma Anyadike, M.D.



Re: License No. 277823

Dear Dr. Anyadike:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 17-332. This order and any penalty provided therein goes into effect December 5, 2017.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Gerald Walsh, Esq.
Zdarsky Sawicki & Agostinelli, LLP.
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202

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

BPMC No. 17-332

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

CONSENT
ORDER

Upon the application of (Respondent) CHUKWUMA ANYADIKE, M.D. In the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

It is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 11/27/2017


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

CONSENT
AGREEMENT

CHUKWUMA ANYADIKE, M.D., represents that all of the following statements are true:

That on or about December 2, 2014, I was licensed to practice as a physician in the State of New York, and Issued License No. 277823 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the Second Specification of misconduct in the Statement of Charges as it relates to factual allegations A and A.2, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(6), Respondent shall be subject to a limitation precluding registration or issuance of any further license until such time that Respondent successfully completes a Clinical Competency Assessment (CCA), and any recommendations resulting from the CCA, in colorectal surgery. After reviewing the Respondent's CCA results and recommendations, the Director of OPMC (Director), in his/her sole discretion may remove the license limitation, in whole or in part, or extend the license limitation, in whole or in part, upon written notification to the Respondent, based upon all relevant facts and circumstances then known to the Director, including but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and/or related to Respondent's practice in the future.
- Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for no less than a period of 24 months, subject to the terms set forth in attached Exhibit "B."

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That, until the removal of the limitation by written notification from the Director, Respondent shall be precluded from practicing medicine in New York State, from

practicing in any setting where his practice is based solely on his New York license, and from further reliance upon Respondent's New York license to practice medicine to exempt Respondent from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State; and

That, until the removal of the limitation by written notification from the Director, the Respondent shall not reactivate or register the license and if currently registered to practice medicine in New York State shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive" and shall provide proof of such notification to the Director of OPMC immediately upon having done so.

That, upon the removal of the limitation by written notification from the Director, Respondent shall remain in continuous compliance with all requirements of N.Y. Educ. Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date

and will continue so long as Respondent remains a licensee in New York State; and

That, upon the removal of the limitation by written notification from the Director, Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ.

Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the

proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

11/15/17


CHUKWUMA ANYADIKE, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE:

11/17/17
GERALD WALSH, ESQ.
Attorney for Respondent

DATE:

11/17/17
POOJA A. RAWAL
Senior Attorney
Bureau of Professional Medical Conduct

DATE:

11/24/17
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
CHUKWUMA ANYADIKE, M.D.

STATEMENT
OF
CHARGES

CHUKWUMA ANYADIKE, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 2, 2014, by the issuance of license number 277823 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (patients are identified in the attached Appendix only), a 43 year old male, at various times in May 2013 at Respondent's office at Lake Erie Medical Services, PC, 529 Central Avenue, Dunkirk, New York (hereafter, "Respondent's Office") and at the Brooks Memorial Hospital, 529 Central Avenue, Dunkirk, New York (hereafter, "Brooks Memorial Hospital"). Respondent provided medical care including general surgical services to Patient A. Respondent's care of Patient A failed to accord with accepted standards of practice, in that:

1. Respondent failed to return Patient A for surgery by early to mid-morning of May 14, 2013 despite medical indications, including the presence of increasing abdominal pain.
2. Respondent failed to document an adequate medical indication for not performing surgery on Patient A on May 14, 2013.

B. Respondent provided medical care to Patient B, a 48 year old male, at various times in April and May 2013 at Respondent's Office, and at the Brooks Memorial Hospital. Respondent provided medical care including general surgical services to Patient B. Respondent's care of Patient B failed to accord with accepted standards of practice, in that:

1. Respondent diagnosed Patient B with colonic inertia on or about May 21, 2013, and commenced treatment based on that diagnosis, without adequate medical indication, and/or without documenting such adequate medical indication.
2. Respondent, on or about May 22, 2013, performed a total abdominal colectomy with ileorectal anastomosis on Patient B without adequate medical indication, and/or without documenting such adequate medical indication.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of at least two of the following:

1. The facts in paragraphs A and A.1, A and A.2, B and B.1, and/or B and B.2.

SECOND SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

2. The facts in paragraphs A and A.2, B and B.1, and/or B and B.2.

November 17, 2017
DATE: ~~March~~, 2017
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
- 2) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 3) Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses (Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32).
- 4) The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- 5) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 6) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.

- 7) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 8) Respondent shall enroll in and successfully complete a continuing education program as directed by the Office of Professional Medical Conduct. This continuing education program is subject to the Director of OPMC's prior written approval. This program shall be successfully completed within the first 90 days of the probation period unless Respondent obtains, in writing, the Director's prior authorization to exceed that 90-day period. The Director, for good cause shown by Respondent prior to the expiration of such 90-day period, shall have full discretion to deny or grant such extension.
- 9) Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.
- 10) Within thirty days of the Consent Order's effective date, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.
 - a) Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b) Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c) Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d) Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy

year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.

EXHIBIT "C"

**Requirements for Closing a Medical Practice Following a
Revocation, Surrender, Limitation or Suspension of a Medical License**

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 8 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

EXHIBIT "C"

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender his/her DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, Internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.