



Department of Health

ANDREW M. CUOMO
Governor

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

LISA PINO, M.A., J.D.
Executive Deputy Commissioner

August 12, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Chinwe Offor, M.D.
[REDACTED]

Gerard A. Cabrera, Esq.
Bureau of Professional Medical Conduct
New York State Department of Health
90 Church Street, 4th Floor
New York, New York 10007

RE: In the Matter of Chinwe Offor, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 21-166) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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to deliver to the Board of Professional Medical Conduct your license to practice medicine **if said license has been revoked, annulled, suspended or surrendered**, together with the registration certificate.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
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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A black rectangular redaction box covering the signature of James F. Horan.

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:nm
Enclosure

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

COPY

In the Matter of

Chinwe Offor, M.D. (Respondent)

Administrative Review Board (ARB)

A proceeding to review a Determination by a
Committee (Committee) from the Board for
Professional Medical Conduct (BPMC)

Determination and Order No. 21- 166

Before ARB Members Milone, Torrelli, and Wilson
Administrative Law Judge Jean T. Carney drafted the Determination

For the Department of Health (Petitioner): Gerard A. Cabrera, Esq.
For the Respondent: *pro se*

After a hearing below, a BPMC Committee found the Respondent committed professional misconduct in providing treatment to four infants. The Committee voted to revoke the respondent's license to practice medicine in New York State. The Respondent timely asked the ARB to nullify the Committee's Determination, alleging that the proceeding denied the Respondent due process; the Petitioner failed to prove the charges; and the Committee imposed an excessive penalty. After reviewing the hearing record and the parties' submissions, the ARB affirmed the Committee's determination.

The Respondent appealed the ARB's determination pursuant to CPLR Article 78 and Public Health Law § 230-c(5), alleging that she was arbitrarily denied the right to file an answer and improperly deemed to have admitted the charges. The Respondent had attempted to file an answer to the charges after the 10-day deadline had passed. The Hearing Committee and the ALJ concluded that, as a matter of law, they were precluded from accepting the answer. The Appellate Division, Third Department, determined that the ALJ and Hearing Committee "had the discretion to decide whether to accept the answer." (185 A.D. 3d 1187 [App. Div. 3d Dept. 2020]). The Appellate Division remitted the matter to the ARB for further proceedings, and the

ARB remands to the Hearing Committee for determination on whether the Respondent's answer should be accepted.

ORDER

NOW, with the Opinion of the Court as our basis, the ARB renders the following ORDER:

1. The ARB remands to the Hearing Committee to determine whether the Respondent's answer should be accepted; and for any further proceedings the Committee deems appropriate pursuant to the Court's Order.

**Richard D. Milone, M.D.
Linda Prescott Wilson
Carmela Torrelli**

In the Matter of Chinwe Offor, M.D.

Richard D. Milone, M.D., an ARB member, concurs in the remand Order of Dr. Offor.

Dated: July 20, 2021


Richard D. Milone, M.D.

In the Matter of Chinwe Offor, M.D.

Linda Prescott Wilson, an ARB member, concurs in the remand Order of Dr. Offor.

Dated: 23 July, 2021

A black rectangular box redacting the signature of Linda Prescott Wilson.

Linda Prescott Wilson

In the Matter of Chinwe Offor, M.D.

Carmela Torrelli, an ARB member, concurs in the remand Order of Dr. Offor.

Dated: August 9, 2021



Carmela Torrelli