



Department of Health

ANDREW M. CUOMO
Governor

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

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

July 16, 2019

CERTIFIED MAIL-RECEIPT REQUESTED

Ogedi A. Ohajekwe, M.D.
1 Pondfield Road West
Suite 51A
Bronxville, New York 10708


Re: License No.193038

Dear Dr. Ohajekwe:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 19-177. This Interim Order of Conditions is effective July 23, 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,


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

Enclosure

cc: Anthony Scher, Esq.
800 Westchester Avenue
Suite N641
Rye Brook, New York 10573

Ogedi A. Ohajekwe, M.D.


IN THE MATTER
OF
OGEDI A. OHAJEKWE, M.D.

SECOND AMENDED
INTERIM
ORDER
OF CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

Upon the application of OGEDI A. OHAJEKWE, M.D. (Licensee) in the attached Stipulation and Application for a Second Amended Interim Order of Conditions Pursuant to N.Y. Pub. Health Law § 230, which is made a part of this Second Amended Interim Order of Conditions Pursuant to N.Y. Pub. Health Law § 230, it is agreed that the Application, and its terms, are adopted, and this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Order by first class mail to Licensee at the address in the attached Application or by certified mail to Licensee's attorney, or
- upon facsimile transmission to Licensee or Licensee's attorney, whichever is first.

SO ORDERED.

DATE 7/15/19


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
OGEDI A. OHAJEKWE, M.D.

STIPULATION AND
APPLICATION
FOR A SECOND
AMENDED INTERIM
ORDER OF
CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

OGEDI A. OHAJEKWE, M.D., represents that all of the following statements are true:

That on or about July 22, 1993, I was licensed to practice as a physician in the State of New York and issued License No. 193038 by the New York State Education Department.

My current home address is [REDACTED] and my current office address is 1 Pondfield Road West, Suite 51A, Bronxville, N.Y. 10708-2666. I am affiliated with the following hospitals and/or facilities: Montefiore/Mt. Vernon Hospital

I understand that the New York State Board for Professional Medical Conduct ("the Board") is investigating alleged misconduct by me, and may pursue a proceeding pursuant to N.Y. Pub. Health Law § 230 with respect to the issues set forth in attached Exhibit "A" ("matters under investigation"). Any other matters not included in the matters under investigation, that the Board may be investigating, are not subject to this Second Amended Interim Order of Conditions.

I agree to the Board's issuance of a Second Amended Interim Order of Conditions. The Director of the Office of Professional Medical Conduct ("the Director") has determined that I have complied with the recommendations and remediation plan made by an

independent infection prevention and infection control consulting firm ("Consultant"). As a result, the Conditions set forth in the four bullet points below are no longer in effect:

- I will engage a Consultant, to be pre-approved by the Director. The Consultant will be required to perform a thorough assessment of my medical practice, currently located at 1 Pondfield Road West, to ascertain a plan of remediation regarding infection control concerns provided to them in writing and/or observed by the Consultant,
- The Consultant will prepare a plan for me, delineating remediation to be completed by me, in my medical practice, in my office. The remediation plan must be submitted to the Director for the Director's approval and, once the Director approves the remediation plan, the Consultant must confer with the Director to identify the frequency of the Consultant's review of my implementation of the plan,
- The Consultant will perform site visits, at my office, to assess my compliance with all recommendations made by the Consultant and, shall report to the Director, within 3 business days of each visit. The Consultant shall make as many visits as is necessary to determine that the remediation plan has been complied with.
- Once the Consultant determines that I have completed all required remediation efforts, the Consultant shall report these results to the Director. Once the Director determines that I have met all remediation requirements, I

will be permitted to return to practice, at my office, without any of the restrictions set forth in the conditions below.

The following conditions remain in effect: For one full year after returning to unrestricted medical practice, I will be required to engage the Consultant and have them perform monthly site visits of my medical practice, to ensure my continued compliance with proper infection control standards and, the Consultant shall report the results of these monthly visits to the Director, within 3 business days of each visit.

If I determine that I am unable to continue working with the Consultant or, if I fail to comply with the recommendations made by the Consultant, I agree that the Conditions set forth below shall remain in effect.

The terms of agreement as set forth in this Second Amended Interim Order shall be applicable to any subsequent office location in which I practice medicine in the event that I practice medicine in an office other than my current office located at 1 Pondfield Road West.

I understand that nothing in this Application shall be construed as an admission by me of any act of alleged misconduct or as a finding of misconduct as to the matters under investigation. My application for the proposed Second Amended Interim Order is made in consideration of the value to me of the Board's allowing me to continue to provide explanation of the issues under investigation to the Office of Professional Medical Conduct ("OPMC") and, if the Board pursues disciplinary proceedings against me, to allow for additional preparation time. I deny any acts of misconduct and reserve my right to assert all defenses on my behalf in any later or other proceeding.

This Second Amended Interim Order shall remove the following Conditions that were imposed on me pursuant to N.Y. Pub. Health Law § 230:

1. Licensee, in the practice of medicine, at his private medical office, shall be

a. precluded from:

- i. Performing any invasive procedures in his office including but not limited to any procedures that require the use of sterile or clean equipment, puncturing the skin, contact with mucous membranes, or entering an otherwise sterile body space by any means. Such procedures include, but are not limited to injections, insertions of catheters/stents, filters, venous or arterial accessing, suturing or stapling, oral or rectal temperature monitoring, and endoscopy.
- ii. Any physical contact with a patient that involves the use of an invasive medical device or equipment, whether or not the device or equipment is labeled single-use or disposable.

b. permitted only:

- i. to see patients in his office, to discuss health care matters, consult and/or examine them if such examination includes observation/inspection of intact skin, non-invasive auscultation, palpation over intact skin, and/or percussion over intact skin only.

- ii. Any wound care that requires the manipulation or changing of dressings, bandages or other wound coverings, and/or removal of sutures, staples, or any other wound closure materials, so long as such action is performed using single patient use, sterile, disposable equipment, that is disposed of promptly after each use.
- iii. Use of a stethoscope, sphygmomanometer, or other medical instrument or device that only comes in contact with intact skin.

The following conditions remain in effect:

- 2. Licensee's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Licensee as defined in N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of this Order and may subject Licensee to an action pursuant to N.Y. Pub. Health Law § 230.
- 3. Licensee 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 Licensee's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; all current and past affiliations and/or privileges, with hospitals, institutions, facilities, medical practices, managed

care organizations, and/or applications for such affiliations and/or privileges; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Licensee shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.

4. Licensee shall cooperate fully with OPMC in its administration and enforcement of this Second Amended Interim Order and in its investigation of Licensee. Licensee shall respond in a timely manner to all OPMC requests for written periodic verification of compliance with the terms of this Second Amended Interim Order. Licensee shall meet in person with the Director's designee, as directed. Licensee shall respond promptly and provide all documents and information within Licensee's control, as directed. This condition shall take effect upon the effective date of the Second Amended Interim Order and shall continue while Licensee possesses a license.
5. Respondent shall not be immune from being investigated and/or prosecuted for any act or omission related to any activities related to the issues set forth in Exhibit "A".
6. Licensee shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients.
7. The Director may review Licensee's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Licensee and staff at practice locations or OPMC offices; and observations of the practice location including physical conditions, infection control and sanitary conditions.

8. Licensee shall provide access for DOH personnel to Licensee's office(s) to verify Licensee's compliance with this Second Amended Interim Order; this access shall include, but not be limited to, on-site inspections, observation and interviews.
9. Licensee successfully completed a continuing education program in the area of infection control that was subject to the Director's prior written approval.
10. Licensee shall comply with this Order and all its terms, and shall bear all associated compliance costs.

I stipulate that:

My failure to comply with the Conditions imposed by this Second Amended Interim Order shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(29); and

Any practice of medicine by me in New York State in violation of this Second Amended Interim Order shall be unauthorized and constitute professional misconduct as defined in N.Y. Educ. Law § 6530(2); and

Unauthorized medical practice is a felony as defined in N.Y. Educ. Law § 6512.

I understand and agree that my failure to comply with any of the terms of this Second Amended Interim Order shall authorize the Director, exercising reasonable discretion, to pursue further investigation and/or prosecution of misconduct charges against me as to any misconduct issues, including but not limited to those set forth in Exhibit "A", to the full extent authorized by N.Y. Pub. Health Law and N.Y. Educ. Law.

I agree that, if the Board grants this Application, the Chair of the Board shall issue a Second Amended Interim Order of Conditions in accordance with its terms. I further agree that the Department of Health shall notify the National Practitioner Data Bank and the

Federation of State Medical Boards of this Second Amended Interim Order of Conditions pursuant to N.Y. Pub. Health Law § 230 and that the change in my licensure status is not disciplinary in nature. This Second Amended Interim Order of Conditions [with the exception of Exhibit "A," which shall remain a part of the investigative files of the Office of Professional Medical Conduct within the meaning of N.Y. Pub. Health Law § 230(10)(a)(v)] shall be posted on the Department of Health website(s).

I make this Application of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Application, I waive my right to contest the Second Amended Interim Order for which I apply, whether administratively or judicially, I agree to be bound by the Second Amended Interim Order, and I ask that the Board grant this Application. I assert and understand that the terms and conditions of this Second Amended Interim Order do not require me to waive my rights pursuant to the Fifth Amendment of the United States Constitution or Article 1 § 6 of the New York State Constitution.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Second Amended Interim 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 7/11/2014


OGEDI A. OHAJEKWE, M.D.
Licensee

The undersigned agree to Licensee's attached Second Amended Interim Order of Conditions and to its proposed terms and conditions.

DATE: 7/11/19


ANTHONY Z. SCHER, ESQ.
Attorney for Licensee

DATE: 7/11/19


LESLIE EISENBERG
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 7/11/19


PAULA BREEN
Acting Director
Office of Professional Medical Conduct