



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

May 31, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Obinna Nwobi, MD
1000 Executive Drive, Suite 8
Oviedo, Florida 32765

John Thomas Viti, Associate Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
Division of Legal Affairs
90 Church Street, 4th Floor
New York, New York 10007

RE: In the Matter of Obinna Nwobi, MD

Dear Parties:

Enclosed please find the Determination and Order (No. 22-128) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

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

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

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

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

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board.

Six copies of all papers must also be sent to the attention of Judge Carney at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

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

Sincerely,

A solid black rectangular redaction box covering the signature of Dawn MacKillop-Soller.

Dawn MacKillop-Soller
Acting Chief Administrative Law Judge
Bureau of Adjudication

DXM: cmg
Enclosure

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

COPY

**IN THE MATTER

OF

OBINNA NWABI, MD**

**DETERMINATION

AND

ORDER**

BPMC-22-128

A Notice of Referral Proceeding and Statement of Charges dated March 24, 2022, were duly served pursuant to Public Health Law §230(10)(d)(i) upon Obinna Nwobi, MD (Respondent). The Respondent appeared at the hearing held on May 12, 2022, by videoconference and represented himself. (Exhibits 1, 2.) The Respondent’s request for an adjournment, made at the first time at the hearing, was denied due to his acknowledgment that he received notice of the hearing on April 1, 2022 — more than 30 days prior. (Exhibit 2.)

William A. Tedesco, MD, Chairperson, **Mushtaq Sheikh, MD**, and **Gail S. Homick Herrling**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. PHL §230(10)(e). The Department of Health, Bureau of Professional Medical Conduct (Department), appeared by John Thomas Viti, Esq. Dawn MacKillop-Soller served as the Administrative Law Judge. The Hearing Committee examined documents from the Department (Exhibits 1-3). A transcript of the proceeding was made.

The Hearing Committee voted 3-0 to sustain the charge that the Respondent committed professional misconduct as defined in Education Law §6530(9)(d) and determined, pursuant to PHL §230-a, to impose the penalties of censure and reprimand and completion of continuing medical education courses in endovascular intervention and risk management.

JURISDICTION

The Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(d), “having (his) license to practice medicine revoked, suspended or having other disciplinary action taken...” where the conduct upon which the finding resulting in disciplinary action against his medical license would, if committed in New York, constitute professional misconduct under the laws of the state of New York. A licensee charged solely with a violation of Education Law §6530(9) is entitled to a hearing, the scope of which is limited to whether there is a relevant conviction or administrative determination and if so, the nature and severity of the penalty to be imposed. PHL §230(10)(p). Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. The Department has the burden of proving its case by a preponderance of the evidence. PHL §230(10)(f).

FINDINGS OF FACT

The following findings are the unanimous determinations of the Hearing Committee:

1. The Respondent was authorized to practice medicine in New York on June 10, 2008, by the Education Department and was issued license number 249017. (Exhibit 1.)
2. By Final Order dated June 11, 2021, the State of Florida Board of Medicine (Florida Board) approved a Settlement Agreement that the Respondent signed on February 16, 2021, agreeing to a Letter of Concern against his medical license, payment of a \$9,000 administrative fine and costs totaling \$7,340.20, and completion of two three-hour continuing medical education courses in endovascular intervention and risk management. (Exhibit 3.)
3. The Settlement Agreement resulted from the Respondent’s failure to meet the standard of care involving one 83-year-old patient with a non-healing metatarsal wound and comorbidities that included coronary artery disease and hypertension by performing five endovascular interventions within too short a period of 26 days — on January 24, 29, 31, and February 4, 19, 2019. (Exhibit 3.)

DISCUSSION

The Hearing Committee unanimously decided that the treatment the Respondent provided the patient that is the subject of the Florida Board's order, had it occurred here, would have constituted professional misconduct as defined in Educ. Law §6530(9)(d). In the care of one elderly patient, the Respondent performed too many endovascular interventions within an inappropriately short period of 26 days, placing him at risk for unsafe complications due to repeated exposure to anesthesia and radiation. (Exhibit 3.) The Florida Board found that physicians are required to adhere to standards of medical practice that include avoiding performing too many endovascular interventions within a short period to prevent unnecessary and preventable complications. That same standard applies in New York. The Respondent's testimony that he performed these procedures without adverse consequences, which he attributed to his unique approach to endovascular medicine, did not address the Hearing Committee's concern that they nonetheless placed this patient at increased risk of harm. The Hearing Committee concluded that the Respondent's failures, had they occurred in New York, would have constituted negligence on more than one occasion, as defined in Education Law §6530(3).

In considering the full spectrum of penalties under PHL §230-a, the Hearing Committee unanimously agreed with the Department's recommendation to impose the penalty of censure and reprimand. The Hearing Committee also unanimously agreed that the Respondent be required to complete the endovascular intervention and risk management courses ordered by the Florida Board prior to commencing practice in New York State. The Hearing Committee rejected the Department's recommendation of a \$5,000 fine with three years of probation with a practice monitor or, in the alternative, permanent preclusion from registering to practice medicine in New York State. The Hearing Committee considered the Respondent's completion of the courses as addressing the Department's quality of care concerns and his payment of more than \$16,000 for his conduct in Florida

a sufficient financial penalty. The Hearing Committee also viewed the Respondent's ongoing commitment to developing and improving his skills, and the lack of other complaints concerning his medical care in his 12 years practicing vascular medicine in Florida, factors that weigh against imposing greater penalties.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct set forth in the Statement of Charges is SUSTAINED.


2. The Respondent's license to practice medicine in New York State is subject to a censure and reprimand under PHL §230-a(1).

3. Prior to commencing practice in the State of New York, the Respondent is required, pursuant to PHL §230-a(8), to complete the continuing medical education courses in endovascular intervention and risk management as ordered by the Florida Board, and to submit proof of completion thereof satisfactory to the Director of the Office of Professional Medical Conduct.

4. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL §230(10)(h).

DATED: Albany, New York

5/30/, 2022


William A. Tedesco, MD
Chairperson

Mushtaq Sheikh, MD
Gail S. Homick Herrling

To: Obinna Nwobi, MD
1000 Executive Drive, Suite 8
Oviedo, Florida 32765

John Thomas Viti, Associate Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
Division of Legal Affairs
90 Church Street, 4th Floor
New York, New York 10007

IN THE MATTER

OF

OBINNA NWOBI, M.D.

STATEMENT

OF

CHARGES

OBINNA NWOBI, M. D. was authorized to practice medicine in New York State on or about June 10, 2008, by the issuance of license number 249017 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 17, 2021, the State of Florida Board of Medicine (“Board”) issued a Final Order (“Order”) approving a Settlement Agreement based on an Administrative Complaint. The Order issued a letter of concern, imposed \$16,340.20 in fines and penalties and required the Respondent to complete a CME in endovascular intervention and risk management. The Administrative Complaint allege that the Respondent failed to meet the standard of care in the treatment of a patient, over a period of time, in violation of §458.331(1)(t) of the Florida Statutes.

- 1. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to:
 - a) New York Education Law Section 6530(3) (Practicing the profession with negligence on more than one occasion.).

SPECIFICATION OF CHARGES


FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Laws §6530(3) as alleged in the facts of the following:

1. The facts in Paragraph A, A1 and its subparagraphs.

DATE: March 24, 2022
New York, New York



Jeffrey Conklin
Acting Deputy Counsel
Bureau of Professional Medical Conduct