



**Department  
of Health**

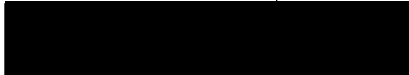
**KATHY HOCHUL**  
Governor

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

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

July 10, 2023

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Benedict O. Okwara, M.D.  


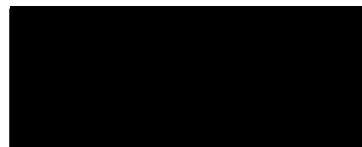
Re: License No. 183096

Dear Dr. Okwara:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 23-147. This order and any penalty provided therein goes into effect July 17, 2023.

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,



David Besser, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Steve Shaber, Esq.  
Poyner Spruill, LLP.  
P.O. Box 1801  
Raleigh, North Carolina 27602

**IN THE MATTER  
OF  
BENEDICT O. OKWARA, M.D.**

BPMC No. 23-147

CONSENT

ORDER

Upon the application of (Respondent) BENEDICT O. OKWARA, 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

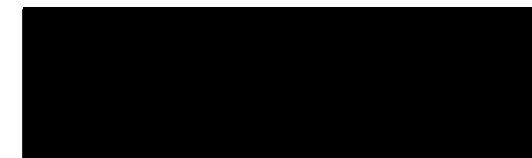
by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 7/07/2023



THOMAS T. LEE, 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  
BENEDICT O. OKWARA, M.D.**

CONSENT  
AGREEMENT

BENEDICT O. OKWARA, M.D., represents that all of the following statements are true:

That on or about July 18, 1990, I was licensed to practice as a physician in the State of New York and issued License No. 183096 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 Statement of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(8), I shall be required to enroll in and successfully complete continuing education as directed by the

Office of Professional Medical Conduct, subject to the Director of OPMC's prior written approval.

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.

Respondent, by making this application, asserts that Respondent does not currently practice medicine in New York State or in any setting or jurisdiction where that practice is predicated upon Respondent's New York State medical license ("New York Practice"). As a Condition of this Order, should Respondent decide to resume practicing medicine in New York, Respondent shall, before beginning such practice, provide 90 days advance written notice to the Director of OPMC. Respondent may not begin practicing medicine in New York until after Respondent receives the Director's written acknowledgment that this Condition has been satisfied, and shall be subject to any further Conditions the Director may impose upon Respondent's New York Practice based on matters underlying this Consent Agreement and/or any circumstances or information known to the Director at the time of Respondent's proposed return to New York Practice. Respondent, by making this Application, stipulates that the Director shall be authorized in the Director's sole discretion to impose whatever further Conditions the Director deems appropriate upon Respondent's return to practice in New York, and

Respondent further stipulates that Respondent's failure to comply with these Conditions shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29). Respondent stipulates that, among other Conditions, the Director shall require the Respondent to engage an independent billing and coding consultant ("Consultant"), approved by the Director, to conduct monthly reviews of Respondent's billing and coding records and record-keeping. The review will determine whether the Respondent's billing practices are conducted in accordance with generally accepted billing standards and practices and, whether Respondent's billing staff receive or have received medical coding training including ICD guidelines in effect at the time of billing. Respondent shall cause Consultant to report quarterly, in writing, to OPMC. Respondent shall cause Consultant to report any perceived deviation in accepted billing, coding and/or record-keeping standards and practices to OPMC within 24 hours. If such errors are perceived, corrective action will be taken within 10 business days and, Consultant shall report the corrective action to OPMC within 10 business days. Within 10 business days of instituting a corrective action, Respondent's staff will be appropriately retrained and, whenever appropriate, repayments will be voluntarily made. Annual training sessions will be conducted by Consultant, with Respondent and any staff, to discuss changes in billing and practice codes. Consultant shall report the completion of such training to OPMC within 10 business days of completing the training. The Respondent stipulates that they shall be

required to engage a Consultant until directed by the Director of OPMC that the Condition has been satisfied.

Respondent shall comply fully with the November 14, 2022 Amended Consent Order of the North Carolina Medical Board and any extension or modification thereof. Respondent shall provide a written authorization for the North Carolina Medical Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the North Carolina Order.

That 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 (except during periods of actual suspension) 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 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 the Licensee's profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to the Licensee's 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 the 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 7/8/2023



BENEDICT O. OKWARA, M.D.  
RESPONDENT

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


DATE: 6/30/23

  
STEVE SHABER, ESQ.  
Attorney for Respondent

DATE: July 5, 2023

  
NATHANIAL WHITE  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 7/7/2023

 For  
SHELLY WANG BANDAGO  
Director  
Office of Professional Medical Conduct

# EXHIBIT A

**IN THE MATTER**  
**OF**  
**BENEDICT O. OKWARA, M.D.**

STATEMENT  
OF  
CHARGES

BENEDICT O. OKWARA, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 18, 1990, by the issuance of license number 183096 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 14, 2022, the North Carolina Medical Board issued an Amended Consent Order that imposed disciplinary action against the Respondent. The Amended Consent Order amended and replaced the terms of a North Carolina Medical Board Consent Order from June 17, 2022. The Amended Consent Order found that, following an agreement between the Respondent and the North Carolina Board that required the Respondent to complete a comprehensive professional assessment in internal medicine and to complete all remediation and recommendations made as a result of the assessment, it was determined that Respondent made significant progress but did not successfully complete the entire remedial education plan. Based on a summary report of the remedial education plan, the North Carolina Medical Board engaged an expert to review the Respondent's care of eight patients where it was determined that Respondent's care of seven patients failed to meet the standard of care in that the Respondent failed to maintain thorough and detailed medical record documentation. The Amended Consent Order concluded that Respondent engaged in unprofessional conduct including, but not limited to, departure from, or failure to conform to, the standards of acceptable and prevailing

medical practice in North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6). The Amended Consent Order required that Respondent shall employ a medical transcriptionist to work with and assist the Respondent with documenting all clinical patient encounters, that Respondent shall utilize an outside healthcare consulting organization to assist with coding, billing, medical records, and medical practice administration, and that Respondent shall be the subject of a follow-up medical record review in or around December 2023.

B. The conduct resulting in the North Carolina disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following section of New York law:

1. New York Education Law section 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

#### **SPECIFICATION OF CHARGES**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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. Law § 6530[32]) as alleged in the facts of the following:

1. Paragraphs A, B, and B.1.

DATE: July 5, 2023  
Albany, New York



Jessie J. Conklin  
Deputy Director  
Bureau of Professional Medical Conduct