



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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SEP 8 1999

OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

September 2, 1999

Edmunds Olowosuko, Physician  
670 Eastern Parkway  
Brooklyn, New York 11213

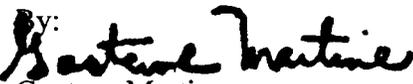
Re: Application for Restoration

Dear Dr. Olowosuko:

Enclosed please find the Commissioner's Order regarding Case No. 99-87-60, which is in reference to Calendar No.16514. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher  
Director of Investigations

By:   
Gustave Martine  
Supervisor

cc: Luke Aneke, Esq.  
Luke Aneke & Issac Okoro, Esqs  
168-36 Jamaica Avenue  
Suite 201  
Jamaica, New York 11432

The University of the State of New York  
Education Department



IN THE MATTER

of the

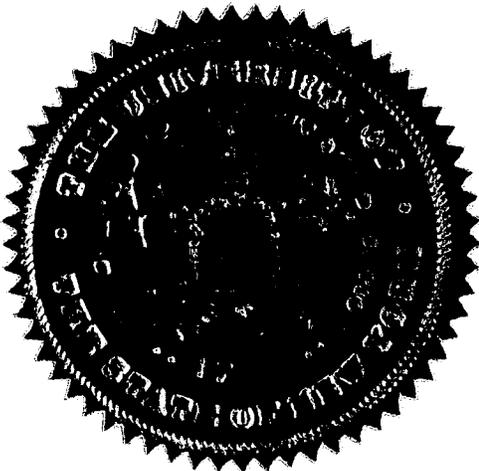
Application of EDMUNDS  
OLOWOSUKO for restoration of  
his license to practice as a physician  
in the State of New York.

Case No. 99-87-60

It appearing that the license of EDMUNDS OLOWOSUKO, 670 Eastern Parkway, Brooklyn, New York 11213, authorizing him to practice as a physician in the State of New York, was revoked by action of the Administrative Review Board for Professional Medical Conduct on November 25, 1992, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on July 16, 1999, it is hereby

ORDERED that the petition for restoration of License No. 089469, authorizing EDMUNDS OLOWOSUKO to practice as a physician in the State of New York, is denied.

IN WITNESS WHEREOF, I, Richard P. Mills,  
Commissioner of Education of the State of New York for  
and on behalf of the State Education Department, do  
hereunto set my hand and affix the seal of the State  
Education Department, at the City of Albany, this 25<sup>th</sup>  
day of August, 1999.



  
Commissioner of Education

Case No. 99-87-60

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VOTED that the petition for restoration of License No. 089469, authorizing EDMUNDS OLOWOSUKO to practice as a physician in the State of New York, be denied.

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions  
Application for Restoration of Physician License

Re: **Edmunds Olowosuko**

Attorney: Luke Aneke

Edmunds Olowosuko, 670 Eastern Parkway, Brooklyn, New York 11213, petitioned for restoration of his physician license. The chronology of events is as follows:

- |          |  |
|----------|--|
| 09/10/62 | Issued license number 089469 to practice medicine in New York State.   |
| 10/26/82 | Charged with professional misconduct by Department of Health.  |
| 01/28/83 | Hearing Committee of State Board for Professional Medical Conduct recommended Censure and Reprimand and fine of \$2,000. |
| 10/14/83 | Commissioner of Health recommended one-year suspension, suspension stayed, probation for one year, and \$2,000 fine.     |
| 01/26/84 | Regents Review Committee recommended Censure and Reprimand and fine of \$2,000.  |
| 02/24/84 | Board of Regents voted one-year suspension, suspension stayed, probation for one year, and \$2,000 fine.                 |
| 03/14/84 | Commissioner's Order effective.  |
| 02/11/91 | Signed Temporary Surrender of License and Registration.  |
| 01/22/92 | Charged with professional misconduct by Department of Health.  |
| 06/04/92 | Hearing Committee of State Board for Professional Medical Conduct recommended revocation.                                |
| 08/06/92 | Administrative Review Board for Professional Medical Conduct remands to Hearing Committee and stays revocation.          |

for Professional Medical Conduct sustained the two specifications and recommended that Dr. Olowosuko's license be revoked. Dr. Olowosuko requested a review of that decision by an Administrative Review Board for Professional Medical Conduct. The Review Board remanded the case back to the Hearing Committee for additional information and stayed the revocation. On September 16, 1992, the Hearing Committee issued its Supplemental Determination, which provided background information to substantiate its original decision and recommendation. The Administrative Review Board sustained the Hearing Committee's determinations of guilt and penalty, and Dr. Olowosuko's license was revoked effective November 25, 1992.

Dr. Olowosuko submitted an application for restoration of his physician license on August 7, 1995.

**Recommendation of the Peer Committee.** (See attached Report of the Peer Committee.) The Peer Committee (Counos; Cordice, Jr.; Santiago) met on August 6, 1997. In its report dated April 7, 1998, the Committee recommended unanimously that Dr. Olowosuko's application for restoration be denied.

**Recommendation of the Committee on the Professions.** On March 9, 1999, the Committee on the Professions (Duncan-Poitier, Ahearn, Muñoz) met with Dr. Edmunds Olowosuko to consider his application for restoration. Mr. Luke Aneke, his attorney, accompanied him. Dr. Olowosuko presented the Committee with a written statement he had prepared and an Affirmation in Support and Furtherance of Application for Restoration of Petitioner prepared by his attorney.

The Committee asked Dr. Olowosuko to explain why he lost his license. With the Committee's permission, he read from the prepared statement. In this statement, Dr. Olowosuko said:

In 1991, my license was suspended. I voluntarily and temporarily surrendered my license to practice medicine. As a requisite for the voluntary temporary surrender, my license was also suspended or placed in inactive status. In 1995, there occurred a revocation of my license. This has placed me in a shameful status. I regret my actions or inactions which contributed to both the suspension and revocation of my license. I further regret that for the past eight years, I have not been able to practice medicine, and to serve my patients. This is a loss both to me and my patients and I regret it deeply. It is a lesson learned, though in a hard way.

However, my fate stands in your power of discretion and judgment. Your decision would either rekindle or extinguish my hope and aspiration of returning to the practice of medicine. It is a very vital decision to be made bearing upon the public safety interest and my restoration. As you deliberate, I pray you for a fair consideration. I am aware of my past conducts. I implore you to accept my prayer that I am determined to do better and that I must do better. The conducts or other such misconduct

Committee asked Dr. Olowosuko why patients were coming to his office if he was not practicing and no other doctor was there. Mr. Aneke answered for Dr. Olowosuko and said that patients came because the office was on the first floor of a three-story building where Dr. Olowosuko lived. Mr. Aneke indicated that Dr. Olowosuko was "doing everything to tell what had happened. He was not doing anything to bring in patients." Mr. Aneke reported that the office is still set up for the practice of medicine.

The Committee asked Dr. Olowosuko about his being found guilty of practicing without a license. He replied that one time an undercover lady came and that it was very close to the time he voluntarily surrendered his license. He told the Committee that many policemen came to his office for treatment. Dr. Olowosuko said, "One guy came, a policeman, and said that I had treated his mother." He reported that this person said he had a backache and "just wanted something" for the pain. Dr. Olowosuko said that even if it was only one time, he knows it was wrong.

The Committee asked Dr. Olowosuko if there was anything else he'd like to tell them. He replied, "What I did, it was wrong and I am very, very sorry. I allowed it to happen after so many years of practice. I've lost so many years of my life. I want to do something with the rest of my life." He told the Committee that the practice of medicine was the only thing he knew how to do.

The overarching concern in all restoration cases is the protection of the public. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that licensure should be granted in the face of misconduct that resulted in the loss of licensure. There must be a clear preponderance of evidence that the misconduct will not recur and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. The Committee believes it is not its role to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a determination based upon the entire record.

The Committee on the Professions (COP) concurs with the conclusion of the Peer Committee that Dr. Olowosuko has not met the burden of presenting compelling evidence to warrant the restoration of his license. The Peer Committee provided a detailed summary of their reasons for reaching their conclusion, and the COP finds no evidence to refute their findings. The COP finds that Dr. Olowosuko did not demonstrate any clear understanding of the roots, nature, or seriousness of the misconduct that resulted in the revocation of his license. Further, the COP notes that Dr. Olowosuko evidenced problems understanding the questions COP members posed and gave responses to unrelated questions that sounded like the same answer. Additionally, Dr. Olowosuko's responses were extremely slow and he displayed a very muted affect. The COP noted that Dr. Olowosuko's attorney would often have to repeat simple questions posed by the Committee to Dr. Olowosuko in different words before responses were given. Similarly, his attorney had to make Dr. Olowosuko aware that the meeting had concluded, and lead him from the room. These facts raised, in COP's view, unanswered questions about whether Dr. Olowosuko continues to have a



# The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL RESPONSIBILITY  
STATE BOARD FOR MEDICINE

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In the Matter of the Application of

EDMUNDS OLOWOSUKO, D.O.

REPORT OF  
THE PEER  
COMMITTEE  
CAL. NO. 16514

for the restoration of his license to  
practice as a physician in the State of  
New York.

-----X

Petitioner, EDMUNDS OLOWOSUKO, was authorized to practice as a  
physician in the State of New York by the New York State Education  
Department by the issuance to him of license No.089469.

## PRIOR DISCIPLINARY PROCEEDINGS

By notice of hearing dated December 7, 1982 petitioner was  
charged with unprofessional conduct (First through Fourth and  
Seventh specifications), and practicing the profession while his  
ability to practice is impaired by drug or alcohol (Fifth and Six  
specifications).

On January 10, 1983 a hearing was held before a hearing  
committee of the State Board for Professional Medical Conduct.  
Petitioner appeared at the hearing and was represented by an  
attorney.

EDMUNDS OLOWOSUKO (16514)

be fined \$500 upon each of the first four specifications of which petitioner was found guilty.

On February 24, 1984 the Board of Regents voted to accept the findings of fact of the hearing committee of the State Board for Professional Medical Conduct; that the conclusions of the hearing committee as to the question of guilt of the petitioner be accepted; that the recommendation of the hearing committee as to the measure of discipline be modified; that the recommendation of the Commissioner of Health as to the findings of fact of the hearing committee be accepted; that the recommendation of the Commissioner of Health as to the conclusions of the hearing committee as to the question of guilt of the petitioner be accepted; that the recommendation of the Commissioner of Health as to the measure of discipline recommended by the hearing committee be accepted as hereafter set forth; that the recommendations of the Regents Review Committee be accepted except that, in agreement with the recommendation of the Commissioner of Health, the recommendation of the Regents Review Committee as to the measure of discipline be modified; that petitioner is guilty of the first through fourth specifications of the charges and not guilty of the fifth through seventh specifications of the charges; that petitioner's license to practice as a physician in the State of New York be suspended for one year upon each specification of the charges for which petitioner was found guilty, said suspensions to run concurrently; that execution of said suspensions be stayed at

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By notice of hearing dated February 13, 1992 and statement of charges dated January 23, 1992 petitioner was charged with practicing the profession of medicine with an inactive license and having a psychiatric condition which impairs the ability to practice.

On March 16, and April 6, 1992 a hearing was held before a hearing committee of the Office of Professional Medical Conduct. Petitioner appeared and was represented by an attorney.

In a written report dated June 4, 1992 hearing committee unanimously found that petitioner was guilty of the first and second specifications and determined and ordered that petitioner's license to practice as a physician in the State of New York be revoked.

By Administrative Review Board Determination and Order No. BPMC-92 48-A the Administrative Review Board for Professional Medical Conduct remanded the above-referenced matter to the hearing committee and directed the hearing committee to issue a Supplemental Determination setting out its reasons for imposing the revocation penalty.

Pursuant to said Order of Remand the hearing committee issued a supplemental determination dated September 16, 1992.

After reviewing the Supplemental Determination of the hearing committee and in consideration of the entire record the Administrative Review Board ordered that petitioner's license to practice medicine in the State of New York be revoked.

PEER PANEL MEETING

On August 6, 1997 this Peer Panel met to consider the instant petition. Petitioner appeared and was represented by Jack Deitch, Esq. The Office of Professional Discipline was represented by Ronald Bloomfield, Esq., of the Office of Prosecutions. Gegory C. Schulte, Esq., of the Office of Legal Services, appeared as counsel to the Peer Panel.

Petitioner's appearance and presentation before the instant panel was substantially a reiteration and elaboration upon his previously submitted written petition.

In response to questioning by his attorney petitioner agreed that the revocation of his medical license by the New York State Education Department was proper and acknowledged that "[he] knew it was the responsibility to (sic) the panel to protect the public... [and that he was] sorry for that it did happen and [he] regret[s] it." Petitioner further stated that "... this type of thing will never happen... again." When asked by his attorney if, petitioner had continued to see patients after the temporary surrender of his medical license in 1991, petitioner who acknowledged maintaining an office, responded:

No. I would say no to that. In reality, one of the... one undercover man came to my office. He came to my office. Just got very close to the (sic) all these problems started. He asked me, first, 'Give me license, surrender license.' I have not been tried. I give it to them. Then they sent to my office this policeman. He asked me to write for him something for sore throat and I wrote one antibiotic. That's all.

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was] an alcoholic." After being shown the document bearing petitioner's signature, entitled Temporary Surrender of Licensure in which paragraph 3 read: "I am at present incapacitated of the active practice of medicine due to alcoholism," petitioner again denied recalling said admission to alcoholism.

Petitioner eventually acknowledged that he had signed said document but that he had only done so as a result of a "Plea-bargain" that his lawyer had made him accept.

When asked by the prosecuting attorney, Mr. Bloomfield, what petitioner had meant when he had used the word "regret" in his direct testimony, petitioner replied:

I said according to the allegation against me, I said, I regret that such an allegation should be directed towards me. And since it was directed towards me, I said, 'I'm sorry,' I used that word. I have remorse to that.

Upon re-examination by Mr. Deitch, Esq. petitioner testified that he regretted having practiced while his "... license was under suspension."

#### RECOMMENDATION

Professional licensure is a privilege granted to those who agree to adhere to, and abide by, certain statutory and regulatory standards of conduct. Said standards of conduct are a necessary and essential element in developing and maintaining the public's trust and confidence in the licensed professional.

Furthermore, through the enforcement of said standards of conduct the Board of Regents of the State of New York and the new

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contention that [he] is innocent of the charges in order to be readmitted to his profession", Melone v. New York Education Department, 182 A.D.2d 875, 581 N.Y.S.2d 894, 896, we can and do dispute the credibility of petitioner's statements that the record was insufficient to support the charges of which he was convicted.

While it is not within the mandate of the instant peer panel to compel petitioner to admit guilt to, or show remorse for, acts to which he maintains his innocence it is also not within the mandate of the instant panel to present a forum for the relitigation of previously litigated matters, whether they were criminal, civil or administrative. The instant peer panel is obligated to accept such prior determinations as matters of fact.

Furthermore, the paramount issue before the instant panel is petitioner's current fitness for restoration of licensure. Given the prior underlying record before us we find petitioner's attempt to minimize his prior proven professional misconduct to be without merit, incredible and based, solely, upon petitioner's unsubstantiated speculations. We further find that in any determination of fitness to practice the profession of medicine the issue of credibility is a fair and appropriate factor to be considered by a sitting peer panel.

It is clear that in Melone, the court found "the Board's determination irrational and unreasonable and [to constitute] an abuse of discretion", the court noted that the Board not only ignored petitioner's right to maintain his innocence, but that it

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substantial and credible evidence than was presented to the instant panel.

As to the issue of petitioner's current professional competency, while we note and have considered the continuing education credits that petitioner has provided, we unanimously find, especially in light of petitioner's aforementioned lengthy absence from a New York medical practice, that petitioner has failed to convince the instant panel of his readiness to resume the practice of medicine.

As indicated above it is the burden of a petitioner seeking restoration of licensure to present evidence which would compel a sitting peer panel to find in petitioner's behalf.

Overall, we find the instant petition for restoration seriously deficient. We find this particularly troubling in light of the serious nature of petitioner's adjudicated offenses. It is the unanimous opinion of the instant panel that petitioner has made only the most perfunctory of efforts in seeking restoration and that in the particular areas of rehabilitation and reeducation said petition is particularly inadequate.

Therefore, and for the above reasons, we unanimously recommend to the Board of Regents that his application for restoration of licensure to practice as a physician in the State of New York be denied.