

STATE OF NEW YORK ; DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER ; DETERMINATION
OF ; AND
EDMUNDS OLOWOSUKO, D.O. ; ORDER
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ORDER NO. BPMC-92-48

Conrad Rosenberg, M.D., Chairman, Elizabeth A.M. Frost, M.D. and Lynne Hennecke, Ph.D. duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Michael P. McDermott, Esq., Administrative Law Judge, served as the Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this Determination and Order.

SUMMARY OF THE PROCEEDING

Notice of Hearing Dated:	February 13, 1992
Statement of Charges Dated:	January 22, 1992
Hearing Dates:	March 16, 1992 April 6, 1992
Place of Hearing:	NYS Department of Health 5 Penn Plaza New York, NY
Deliberations Held:	May 28, 1992

Petitioner appeared By: Peter J. Millock, Esq.
General Counsel
NYS Department of Health
By: Dianne Abeloff, Esq.
Associate Counsel

Respondent appeared By: Martin Paul Solomon, Esq.
286 Fifth Avenue
New York, N.Y. 10001

MOTIONS: On April 6, 1992, the Petitioner made a motion to amend the dates specified in paragraph A1 of the Statement of Charges from October 1991 through November 1991 to May 1991 through February 1992.

MOTION GRANTED

WITNESSES

For the Petitioner:

1. Stephan Sorrell, M.D.
2. Sheldon Itzkowitz, Ph.D.
3. George Hartoularos
4. Cathy Gonsalves

For the Respondent:

NONE

STATEMENT OF CHARGES

The Statement of Charges essentially charges the Respondent with practicing medicine with an inactive license and having a psychiatric condition which impairs the ability to practice.

The charges are more specifically set forth in the Statement of Charges, a copy of which is attached hereto and made a part hereof.

FINDINGS OF FACT

Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee Findings were unanimous unless otherwise specified.

GENERAL FINDING

1. The Respondent was licensed to practice medicine in the State of New York under license No. 89469 issued by the State Education Department (Pet's. Ex. 2).

FINDINGS AS TO THE RESPONDENT'S PRACTICE OF MEDICINE

2. On February 11, 1991, the Respondent signed a "Temporary Surrender of License and Registration". Paragraph 8 of this document reads, "I understand that unless and until my license is restored to me, my licensure status is "inactive" and I am not authorized to practice medicine in the State of New York (Pet's. Ex. 2).

3. Stephan Sorrell, M.D. was retained by the

Respondent and his former attorney to determine the extent of the Respondent's dependency problem and to recommend treatment (Tr. 15).

4. On October 29, 1991 the Respondent signed "Patient Consent for Disclosure of Information", permitting the Committee for Physician's Health, Medical Society of the State of New York to disclose any relevant information pertaining to his license status to the Office of Professional Medical Conduct (Pet's. Ex. 3).

5. Sometime late in April 1991, Dr. Sorrell phoned the Respondent to schedule a urine sample. A woman answered the telephone and said "doctor's office". This pattern was repeated and for the first time or two Dr. Sorrell just asked for the Respondent and didn't think anything further. However, when he phoned the Respondent at the end of April, he asked the woman who answered the telephone whether the doctor was seeing patients and whether he could make an appointment. The woman answered "yes" to both questions (Tr. 28).

6. When the Respondent subsequently came to Dr. Sorrell to provide a urine sample, in April or May 1991, Dr. Sorrell told the Respondent about the telephone calls. He reminded the Respondent that he had surrendered his license and could not practice medicine. The Respondent replied that he needed to earn money to continue to exist, that he was educated, that this was his trade, this is what he did

for a living; and if there was legal things about it, he would not stop his practice (Tr. 28-29).

7. Sometime at the end of June 1991 or early July 1991, Dr. Sorrell phoned the Respondent to make an appointment for the Respondent to come to the hospital to meet with him and Dr. Itzkowitz to discuss the findings of Dr. Itzkowitz's examination of the Respondent. Again the phone was answered "doctor's office" and again Dr. Sorrell ascertained that he could make an appointment. The same scenario was repeated again in November 1991 (Tr. 30-31).

8. On October 14, 1991, an investigator with the New York State Department of Health visited the Respondent's office at 670 Eastern Parkway, Brooklyn, New York. The investigator used the alias "Anthony Johnson" and complained of a sore throat. The Respondent saw "Mr. Johnson", gave him a prescription and charged him \$50.00 for professional services and provided a receipt (Pet's. Exs. 7, 8 and 9; Tr. 220-224).

9. During his visit of October 14, 1991, the investigator noted five other patients already in the waiting room and a sixth person was at the receptionist's desk. He also saw a hand written note prominently displayed in the receptionist's work area instruction the receptionist as to the procedure to be followed if the Respondent was contacted by the Office of Professional Medical Conduct. In such a case, the receptionist was instructed not to give out

any information, but to call the Respondent, and if he was not available, the receptionist was to call "Kern, Augustine, Conroy & Isele, P.C. (Pet's. Ex.7).

10. On February 19, 1992, Cathy Gonsalves, an investigator with the Office of Professional Medical Conduct went to the Respondent's office at 670 Eastern Parkway, Brooklyn, New York to serve charges upon the Respondent. During her visit, she observed a receptionist and six people seated in the waiting area (Tr. 157-159).

FINDINGS AS TO THE RESPONDENT'S PSYCHIATRIC CONDITION

11. Sheldon H. Itzkowitz, Ph.D. is a psychologist on the facility of St. Lukes-Roosevelt Hospital Center where he supervises psychologists and internists in psychotherapy and the administration and reporting on psychological tests. (Pet's. Ex. 5; Tr. 55).

12. Dr. Itzkowitz examined the Respondent on June 8, 22 and 29, 1991 and prepared a psychological evaluation report (Pet's. Ex. 6; Tr. 57-58).

13. Dr. Itzkowitz's psychological evaluation report on the Respondent contains the following SUMMARY, CONCLUSION and RECOMMENDATIONS:

SUMMARY: Dr. Edmunds Olowosuko is a 62 year old Osteopathic physician who was born in Nigeria and immigrated to the United States at the age of 19. He received both his College and Medical School education in this country and has been living here for over forty years. Currently Dr. Olowosuko

falls in the Low Average range of intellectual functioning and displays serious impairment in the executive functions of abstract reasoning , concept formation and problem solving skills indicating frontal lobe involvement. It is highly likely that this current level of functioning is indicative of a fair degree of intellectual deterioration. There is evidence of significant memory problems for both Verbal and Visual information but more so for words and narrative sequences. These data suggest bilateral temporal lobe involvement but particularly in the left hemisphere. Auditory discrimination problems substantiate left temporal lobe involvement.

Problems in visual analysis and visual sequencing skills were noted as well as bilateral parietal lobe involvement. Bilateral motor strip involvement was found as well as a right sided upper extremity weakness; fine motor coordination falls within normal limits. Finally as a person Dr. Olowosuko appears to be conventional, conservative and moralistic man who is worried and mildly depressed. He is likely to be a sociable, likeable, friendly person.

CONCLUSION: The results of the current evaluation suggests several areas of serious cognitive dysfunction including a fair amount of intellectual deterioration, if in fact Dr. Olowosuko has never had an alcohol or drug problem. The current findings strongly suggest serious cortical dysfunction as no serious psychopathology was noted.

RECOMMENDATIONS: Dr. Olowosuko should be referred to a Neurologist for a complete neurological examination to help further assess and diagnose the very real likelihood of organic brain pathology (Pet's. Ex. 6).

CONCLUSIONS

The Petitioner's witnesses were knowledgeable and credible and their testimony was uncontroverted. The Respondent and his attorney were present during the entire hearings but the Respondent did not testify nor were any

witnesses called to testify on his behalf.

Based upon the entire record of this case the Hearing Committee concludes as follows:

1). The Respondent practiced the profession of medicine when his license to practice was inactive.

2). The Respondent has a psychiatric condition which impairs his ability to practice medicine.

VOTE OF THE HEARING COMMITTEE

(All votes were unanimous unless otherwise specified)

FIRST SPECIFICATION (Practicing Medicine with an inactive license): - SUSTAINED

SECOND SPECIFICATION (Having a psychiatric condition which impairs the ability to practice): - SUSTAINED

DETERMINATION

The Hearing Committee determines unanimously (3-0) that the Respondent's license to practice medicine should be REVOKED.

ORDER

ORDERED, that the Respondent's license to practice medicine in the State of New York is REVOKED.

DATED: New York, New York

June 4th, 1992


CONRAD ROSENBERG, M.D.
Chairman

ELIZABETH A.M. FROST, M.D.
LYNNE HENNECKE, PH.D.

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

-----X

IN THE MATTER : STATEMENT
OF : OF
EDMUNDS OLOWOSUKO, D.O. : CHARGES

-----X

EDMUNDS OLOWOSUKO, D.O., the Respondent, was authorized to practice medicine in New York State on September 10, 1962 by the issuance of license number 089469 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 from 670 Eastern Parkway, Brooklyn, New York.

FACTUAL ALLEGATIONS

A. On or about February 18, 1991, Respondent temporarily surrendered his license to practice medicine. From that date forward and including the present, Respondent's license to practice medicine has been inactive and Respondent has not been permitted to practice medicine.

1. From at least the beginning of ^{MAY} ~~October~~ 1991 through ^{FEBRUARY 1992} ~~November 1991~~, Respondent practiced

medicine from his office located at 670 Eastern
Parkway, Brooklyn, New York.

- B. From at least on or about June 8, 1991, and continuing through the present, Respondent has demonstrated signs of intellectual deterioration, particularly in the areas of the executive function of the brain, i.e. abstract reasoning, concept formation and problem solving skills.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING MEDICINE WITH AN INACTIVE LICENSE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law sec. 6530 (12) (McKinney Supp. 1992) in that he practiced the profession of medicine when his license to practice was inactive as defined in subdivision thirteen of section two hundred thirty of the public health law, in that the Petitioner charges:

1. The facts in Paragraphs A and A 1.


SECOND SPECIFICATION
HAVING A PSYCHIATRIC CONDITION WHICH IMPAIRS THE ABILITY TO
PRACTICE

Respondent is charged with professional misconduct by reason of having a psychiatric condition which impairs the license's ability to practice within the meaning of N.Y. Educ. Law Sec. 6530 (8)(McKinney Supp. 1992), in that the Petitioner charges:

2. The facts in paragraph B.

DATED: New York, New York

January 22, 1992


Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct