

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

IN THE MATTER
OF
EZEKIEL AKANDE, M.D.

STATEMENT
OF
CHARGES

Ezekiel Akande, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 17, 2002, by the issuance of license number 225132 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On three occasions during the approximate period of April 2015 through April 2016, the Kentucky Board of Medical Licensure ("Kentucky Board") issued orders restricting Respondent's privilege to practice medicine in the Commonwealth of Kentucky. The conduct resulting in these orders would constitute misconduct under the laws of New York State, pursuant to New York Education Law Sections 6530(3) (Practicing the profession with negligence on more than one occasion); 6530(4) (Practicing the profession with gross negligence on a particular occasion); 6530(7) (Practicing the profession while impaired by alcohol, drugs, physical disability, or mental impairment); and/or 6530(32) (Failing to maintain a record for each patient which accurately reflects the care and treatment of the patient).

1. On or about April 22, 2016, the Kentucky Board by an Emergency Order of Suspension ("Kentucky Emergency Order"), after having opened an investigation into the conduct and medical practice of Respondent, suspended Respondent's license to practice medicine in the Commonwealth of Kentucky. The Kentucky Emergency Order was predicated on the fact that probable cause existed to believe that

Respondent had violated terms of prior orders placing him on probation (the Kentucky Amended Order and/or the Kentucky Order as set forth below) and/or that the Respondent's practice constituted a danger to the health, welfare and safety of his patients or the general public.

2. On or about March 7, 2016, the Kentucky Board by Amended Agreed Order ("Kentucky Amended Order"), after having opened an investigation into the conduct and medical practice of Respondent, Restricted/Limited for an Indefinite Period of Time Respondent's license to practice medicine in the Commonwealth of Kentucky. The Kentucky Amended Order was predicated on the Kentucky Order (as set forth below) and the fact that Respondent acknowledged, while denying any wrongdoing, that the Board could conclude that Respondent had engaged in conduct which violated KRS 311.595(8), (9) and (13), as illustrated by KRS 311.597(3) and (4) for engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof for engaging in a serious act, or a pattern of acts committed during the course of his medical practice which, under the attendant circumstances, would be deemed to be gross incompetence, gross ignorance, gross negligence, or malpractice and been unable or is unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition including but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills, or by reason of an extended absence from the active practice of medicine.
3. On or about April 7, 2015, the Kentucky Board of Medical Licensure by Agreed Order ("Kentucky Agreed Order"), after having opened an investigation into the conduct and medical practice of Respondent,

Restricted/Limited for an Indefinite Period of Time Respondent's license to practice medicine in the Commonwealth of Kentucky. The Kentucky Agreed Order was predicated on the fact that Respondent acknowledged, while denying any wrongdoing, that based on the Kentucky Agreed Order's Stipulation of Facts the Board could conclude that Respondent had engaged in conduct which violated KRS 311.595(9) as illustrated by KRS 311.597(3) and (4) for engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof for engaging in a serious act, or a pattern of acts committed during the course of his medical practice which, under the attendant circumstances, would be deemed to be gross incompetence, gross ignorance, gross negligence, or malpractice.

- B. On or about March 1, 2016, the Medical Board for the State of California ("CA Board") by Default Decision and Order ("CA Order"), after having opened an investigation into the conduct and medical practice of Respondent, revoked Respondent's Physician's and Surgeon's Certificate for the State of California. The CA Order was predicated on the Kentucky Agreed Order cited in Paragraph A3, above. The CA Board determined that Respondent's conduct and the action of the Kentucky Board constituted discipline within the meaning of California's Business and Professions Code §2305 and/or 141, in that the revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agent of the federal government, that would have been grounds for discipline in California of a license under this chapter, should constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

1. The conduct resulting in the CA Order would constitute misconduct under the laws of New York State, pursuant to New York Education Law Section 6530(3) (Practicing the profession with negligence on more than one occasion); 6530(4) (Practicing the profession with gross negligence on a particular occasion); and/or 6530(32) (Failing to maintain a record for each patient which accurately reflects the care and treatment of the patient.)

C. On or about October 27, 2015, the State Board of Medicine for the Commonwealth of Pennsylvania ("PA Board") by Order ("PA Order"), approved and adopted a Consent Agreement ("PA Consent Agreement"), after having opened an investigation into the conduct and medical practice of Respondent, issued a public reprimand and indefinitely and actively suspended Respondent's license to practice medicine in the Commonwealth of Pennsylvania. The PA Order was predicated on the Kentucky Agreed Order cited in Paragraph A3, above. Respondent acknowledged that he violated the Medical Practice Act §41(4), 63 P.S. §422.41(4), in that Respondent had a license or other authorization to practice the profession suspended, revoked, refused or otherwise disciplined by the proper licensing authority of another state, territory, possession or country, or branch of the federal government.

1. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to New York Education Law Section 6530(3) (Practicing the profession with negligence on more than one occasion); 6530(4) (Practicing the profession with gross negligence on a particular occasion); and/or 6530(32) (Failing to maintain a record for each patient which accurately reflects the care and treatment of the patient).

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATIONS

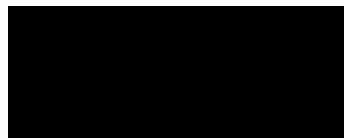
HAVING HAD DISCIPLINARY ACTION TAKEN

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. Law §6530(3), (4), (7) and/or (32) as alleged in the facts of the following:

1. The facts in Paragraph A and its subparagraphs.
2. The facts in Paragraph B and its subparagraphs.
3. The facts in Paragraph C and its subparagraphs.

DATE: ^{Sept} August 1, 2016

New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct