

FILED OF RECORD

NOV - 6 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2064

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY OGOCHUKWU OKPALA, M.D., LICENSE NO. 54046, 785 SUDBURY ROAD, ATLANTA, GEORGIA 30328

AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel A, and OGOCHUKWU OKPALA, M.D. (hereafter “the licensee”), and, based upon the licensee’s request to resume the practice of medicine, hereby ENTER INTO the following **AMENDED AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Amended Agreed Order:

1. At all relevant times, Ogochukwu Okpala, M.D. (“the licensee”), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Obstetrics/Gynecology.
3. The licensee is also licensed by the North Carolina Medical Board (“the North Carolina Board”).
4. On or about July 25, 2022, the licensee entered into a Consent Order with the North Carolina Board regarding the medical license held by the licensee.
5. The North Carolina Board found that the licensee violated North Carolina Statutes in the following manner:
 - a. Patient A presented to Dr. Okpala in June 2021 for a gynecological consult. In July 2021, Dr. Okpala performs a gynecological surgery on Patient A and seven days later sees Patient A for a routine follow-up postoperative care.

- b. In late July 2021, Dr. Okpala engaged in an intimate relationship with Patient A's husband ("Husband A"). By Dr. Okpala's and Husband A's reports, the affair began sometime after Patient A's last visit with Dr. Okpala. Though Dr. Okpala never saw Patient A again after her relationship with Husband A began, Dr. Okpala never formally discharged Patient A as her patient.
6. The North Carolina Consent Order imposed the following conditions:
 - a. Dr. Okpala's North Carolina license to practice medicine in hereby indefinitely suspended effective September 30, 2022.
 - b. This Consent Order shall take effective immediately upon its execution by both Dr. Okpala and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.
7. The licensee timely reported the disciplinary action taken by the North Carolina Board on July 29, 2022 and provided the Board with a copy of the Consent Order.
8. On or about August 26, 2022, the licensee entered into an Agreed Order to resolve the pending investigation in which she agreed to not perform any act within the Commonwealth of Kentucky which would constitute the "practice of medicine or osteopathy," as that term is defined by KRS 311.550(10).
9. On or about August 5, 2023, Dr. Okpala entered into a Non-Disciplinary Consent Order with the North Carolina Medical Board in which her license to practice medicine in North Carolina was reinstated. Dr. Okpala had not practiced medicine in North Carolina since September 2022. Per the Consent Order, she is required to follow all laws, rules and regulations and is subject to investigative interviews and review at the North Carolina Medical Board's discretion.
10. Pursuant to the Agreed Order, the licensee requested reinstatement of her ability to practice medicine in the Commonwealth of Kentucky.

11. The licensee now enters into this Amended Agreed Order to reinstate her ability to practice medicine in the Commonwealth of Kentucky under certain terms and conditions.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Amended Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(17). Accordingly, there are legal grounds for the parties to enter into this Amended Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Amended Agreed Order.

AMENDED AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AMENDED AGREED ORDER:**

1. The license to practice medicine in the Commonwealth of Kentucky held by OGOCHUKWU OKPALA, M.D., is hereby reinstated and PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation to become effective immediately upon the filing of this Amended Agreed Order.

2. During the effective period of this Amended Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS until further order of the Board:
 - a. The licensee SHALL comply with all terms and conditions of the August 8, 2023 North Carolina Non-Disciplinary Consent Order;
 - b. The licensee SHALL report within (10) days, any noncompliance with or any amendments to the August 8, 2023 North Carolina Non-Disciplinary Consent Order; and
 - c. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if she should violate any term or condition of this Amended Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Amended Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Amended Agreed Order.

4. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 31st day of OCTOBER, 2023.

FOR THE LICENSEE:




OGOCHUKWU OKPALA, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A



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AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and OGOCHUKWU OKPALA, M.D., (hereafter "the licensee"), and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Ogochukwu Okpala, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Obstetrics/Gynecology.
3. The licensee is also licensed by the North Carolina Medical Board ("the North Carolina Board").
4. On or July 25, 2022 the licensee entered into a Consent Order with the North Carolina Board regarding the medical license held by the licensee.
5. The North Carolina Board found that the licensee violated North Carolina Statutes in the following manner:
 - a. Patient A presented to Dr. Okpala in June 2021 for a gynecological consult. In July 2021, Dr. Okpala performs a gynecological surgery on

Patient A and seven days later sees Patient A for a routine follow-up postoperative care.

b. In late July 2021, Dr. Okpala engaged in an intimate relationship with Patient A's husband ("Husband A"). By Dr. Okpala's and Husband A's reports, the affair began sometime after Patient A's last visit with Dr. Okpala. Though Dr. Okpala never saw Patient A again after her relationship with Husband A began, Dr. Okpala never formally discharged Patient A as her patient.

6. The North Carolina Consent Order imposed the following conditions:

a. Dr. Okpala's North Carolina license to practice medicine in hereby indefinitely suspended effective September 30, 2022.

b. This Consent Order shall take effective immediately upon its execution by both Dr. Okpala and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

7. The licensee timely reported the disciplinary action taken by the North Carolina Board on July 29, 2022 and provided the Board with a copy of the Consent Order.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.

2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.

3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. The license to practice medicine in the Commonwealth of Kentucky held by OGOCHUKWU OKPALA, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Agreed Order;
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS until further order of the Board:
 - a. The licensee SHALL NOT perform any act within the Commonwealth of Kentucky which would constitute the "practice of medicine or osteopathy," as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities," unless and until approved to do so by the Panel;
 - b. The Panel SHALL NOT consider a request by the licensee to resume the practice of medicine unless and until the Board has received documentation showing reinstatement of the licensee's ability to practice medicine in the state of North Carolina;
 - c. If two (2) or more years have passed since the licensee last practiced medicine, the licensee SHALL complete a clinical skills assessment at either Center for Personalized Education for Professionals ("CPEP"), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232 Fax: (303) 577-3241 or LifeGuard, 400 Winding Creek Boulevard, Mechanicsburg, Pennsylvania, 17050, Tel. (717) 909-2590 and

submit an assessment report to the Panel for consideration with her request to resume practice;

- d. The licensee understands and agrees that if the Panel should grant her request to resume the practice of medicine within the Commonwealth of Kentucky, it may do so pursuant to an Amended Agreed Order which may contain any conditions deemed necessary by the Panel at that time; and
 - e. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 22nd day of AUGUST, 2022.


FOR THE LICENSEE:


OGOCHUKWU OKPALA, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


WAQAR A. SALEEM, M.D.
CHAIR, INQUIRY PANEL A


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