

BEFORE THE  
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

-----

In the Matter Of	:	
	:	
Ifeanyi Okpalobi, M.D.	:	CONSENT ORDER
(CERTIFICATE NO. 03923R)	:	
	:	
Respondent.	:	DOCKET NO. 93-I-051-X
	:	
	:	

-----

Ifeanyi Okpalobi, M.D. ("Dr. Okpalobi"), is, as of the date hereof, a physician licensed to practice medicine in the State of Louisiana and principally engaged in the practice of Obstetrics and Gynecology in the Parish of Orleans, New Orleans, Louisiana, where he has continuously maintained a practice since the year 1977. Predicated upon apparently reliable information, the Board undertook an investigation of Dr. Okpalobi's malpractice complaints, and Hospital privilege applications, and Obstetrical and Gynecological patient care, spanning the years 1986 through 1998. The results of such investigation indicate that Dr. Okpalobi may have misrepresented to the Board and area Hospitals the occurrence, status and results of malpractice complaints filed against him by failing to report same as he was legally required to do, constituting deceptive and unprofessional conduct and may have demonstrated professional and/or medical incompetency in his inability to provide timely and appropriate care to his patients, including but not limited to risk assessment, pre-natal and post-natal management, determination of uterine size and gestational age and testing and evaluation related to pregnancy termination.

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal administrative complaint be filed against Dr. Okpalobi, charging him with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. Ann. §37:1285A(3), (10), (12) and (13).

---

<sup>1</sup> La. Rev. Stat. §37:1285A(3) provides that the Board may take action against the license of an individual licensed to practice medicine in the State of Louisiana, as the result of "Fraud, deceit or perjury in obtaining any diploma, license or permit pertaining to this Part;" La. Rev. Stat. §37:1285A(10) further authorizes the Board to take action against the license of a physician where there are "Efforts to deceive or defraud the public;" Pursuant to La. Rev. Stat. §37:1285A(12), the Board may take action as a result of "Professional or medical incompetency;" La. Rev. Stat §37:1285A(13) authorizes the Board to take action against the license of an individual licensed to practice medicine in the State of Louisiana, as a result of "Unprofessional conduct".

As evidenced by his subscription hereto, Dr. Okpalobi acknowledges that such information, if accurate, would constitute sufficient cause under the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261-92,<sup>2</sup> for the Board to revoke or suspend his license to practice medicine in the State of Louisiana or to take such other action against his license to practice as the Board might deem appropriate, pursuant to La. Rev. Stat. Ann. §37:1285A(3), (10), (12) and (13).<sup>3</sup>

On the basis of the information provided to and received by the Board and with Dr. Okpalobi's knowledge and consent, however, the Board is persuaded that he may maintain his license to practice medicine in the State of Louisiana, *provided, however,* that he strictly observes and complies with appropriate restrictions on and conditions to maintenance of such licensure. In consideration of this finding, accordingly, and on the recommendation of the Board's Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this State against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice of allegations and charges asserted against him to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Okpalobi, nonetheless, hereby waives his right to notice of allegations and formal charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Okpalobi further acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or to which otherwise may be afforded to him by law. Further, Dr. Okpalobi specifically waives his rights to contest the Board's investigation, as well as his agreement to, or the force and effect of this document in any court or other forum. Dr. Okpalobi, furthermore, hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Okpalobi expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer or his

---

<sup>2</sup> La. Rev. Stat. Ann. §37:285A (3), (10), (12) and (13)

<sup>3</sup> See *Supra* text accompanying note 1.

counsel shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that the license of Ifeanyi Okpalobi, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 03923R, be, and the same is hereby placed on *Suspension* for a period of three (3) months subject to a three (3) year probationary period with monitoring from the effective date of May 1, 1999; and Dr. Okpalobi's medical licensure and his continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(a) *Indefinite Prohibition of Obstetrical Practice.* Dr. Okpalobi is prohibited for an indefinite period from practicing Obstetrical Medicine. This prohibition shall survive the term of suspension ordered herein and remain in effect, so long as Dr. Okpalobi shall hold any formal license or permit to practice medicine in the State of Louisiana. The right to reapply to the Board for reinstatement of his obstetrical privileges is reserved unto Dr. Okpalobi.

(b) *Additional Training.* Dr. Okpalobi shall participate in and complete a mini-residency program in Obstetrics and Gynecology at a facility approved by the Board, within the three (3) month suspension period. The training shall specifically include updates in the testing and evaluation related to pregnancy termination, as well as methods for accurate assessment of uterine size and gestational age, which should include training in the use of ultrasound. At the end of this training, Dr. Okpalobi shall have a report sent to the Board by his monitoring physician evaluating his performance and including a recommendation for further training.

(c) *Appointment of Monitoring Physician.* During the first year of the probationary period of this Order, Dr. Okpalobi's gynecological practice shall be with monitoring by a physician approved by the Board. The monitoring physician shall report Dr. Okpalobi's progress to the Board on a quarterly basis, that is every third month from the date of signing of this Order, and at the

end of the first year of this probationary period a final report shall be made by the monitoring physician approved by the Board to the Board evaluating Dr. Okpalobi's testing and evaluation related to pregnancy termination, including a recommendation for further training. Should the monitoring physician's final report be satisfactory, indicating that no further training is necessary, this monitoring period shall end. Should the monitoring physician's report not be satisfactory, the said monitoring and probationary period shall continue until further orders from the Board.

(d) *Continuing Medical Education.* Dr. Okpalobi shall obtain not less than fifty (50) credit hours per year for each of the three (3) years of his probationary period as set forth hereinabove of continuing medical education credits ("CME") through attendance at and participation in CME programs in his specialty accredited by and qualifying for the Physicians Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the effective date hereof. On or before April 1st of each year during the term of probation ordered hereby, Dr. Okpalobi shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(e) *Community Service.* Dr. Okpalobi shall perform fifty (50) hours of medical community service during the first two (2) years of the term of probation ordered herein. Such a service shall be delivered in a facility, clinic, practice setting or with an organization equipped and designed to, provide medical services to needy or medically under-served patients. Prior to his return to practice after the suspension period imposed herein, Dr. Okpalobi's proposal for the medical community service ordered herein shall be submitted to the Board in writing for approval.

(f) *Cooperation with Board's Probation and Compliance Officer.* Dr. Okpalobi shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order, including relinquishment of obstetrical practice, community service requirements, evidence of the CME credits described hereinabove, and including payment of the fine described hereinbelow, to the attention of the Probation and Compliance Officer,

with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

(g) *Report Of Any Pending Or Additional Malpractice Claims Or Suits.* Dr. Okpalobi shall immediately report any pending or additional malpractice claims or suits in which he is named, which have occurred or may occur during the three (3) year period identified hereinabove. Moreover, Dr. Okpalobi shall provide the Board with a detailed explanation of his involvement in and/or treatment of any patient made the basis of such malpractice claim or suit, annual reports on such claims and the final outcome thereof.

(h) *Certification of Compliance With Probationary Terms/Personal Appearance Before the Board.* At Least sixty (60) days prior to the conclusion of the period of probation imposed herein, Dr. Okpalobi shall provide the Board with an affidavit, certifying that he has complied with each of the terms of probation imposed upon him by this Order, and he shall contact the Board and arrange for a personal appearance before the Board or its designee to consider his compliance with this Order.

(i) *Absence from State.* Should Dr. Okpalobi absent himself from the State of Louisiana, or relocate to or take up residence in another state or country, such absence shall not relieve the Louisiana medical license of Dr. Okpalobi of any of its terms, conditions or restrictions imposed by this Consent Order.

(j) *Fine.* Within one year of his resumption of practice, Dr. Okpalobi shall pay a fine in the amount of Five Thousand Dollars (\$5,000.00) to the Louisiana State Board of Medical Examiners

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions and restrictions of this Order as set forth hereinabove, shall be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of the medical licensure of Ifeanyi Okpalobi, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and

shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective on this 24<sup>th</sup>  
day of March, 1999.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY: Mary Lou Applewhite, M.D.  
Mary Lou Applewhite, M.D.  
President

ACKNOWLEDGMENT  
AND CONSENT

I, IFEANYI OKPALOBI, M.D., HEREBY ACKNOWLEDGE, APPROVE,  
ACCEPT AND CONSENT to entry of the above and foregoing Order, this  
24<sup>th</sup> day of March, 1999.

Ifeanyi Okpalobi, M.D.  
Ifeanyi Okpalobi, M.D.

Chet H. [Signature]  
WITNESS