

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: ANTHONY A. DUNKWU, M.D.
License No.: 0101-035063

ORDER

In accordance with Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Anthony A. Dunkwu, M.D., on July 12, 2001, in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: Cedric B. Rucker, Chairman; Robert J. Bettini, M.D.; and Robert P. Nirschl, M.D. Dr. Dunkwu appeared personally and was not represented by legal counsel. The purpose of the informal conference was to inquire into allegations that Dr. Dunkwu may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated April 13, 2001.

FINDINGS OF FACT

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact:

1. Dr. Dunkwu was issued License No. 0101-035063 to practice medicine and surgery in the Commonwealth of Virginia on January 27, 1983. His license will expire on August 31, 2002, unless renewed.
2. On or about March 17, 2000, Patient A presented to Dr. Dunkwu at his office in Alexandria, Virginia, for a pregnancy test and checkup. Patient A reported her last known menstrual period was December 1, 1999, when she "past (*sic*) blood." Dr. Dunkwu performed a pelvic examination and estimated Patient A to be approximately ten (10) weeks pregnant. Dr. Dunkwu failed to perform, or cause to be performed, a sonogram to confirm the gestational age of the fetus.
3. Patient A indicated to Dr. Dunkwu she wanted to proceed with an abortion. On or about March 21, 2000, in his office, Dr. Dunkwu began the termination procedure with Patient A under local anesthesia. During the procedure, Dr. Dunkwu was unable to retrieve a satisfactory amount of tissue and encountered a significant amount of bleeding. Additionally, the dilators Dr. Dunkwu inserted proceeded to approximately the entire length, leading Dr.

Dunkwu to believe he perforated the uterus. Dr. Dunkwu terminated the procedure, and a member of his staff transported Patient A to INOVA Alexandria Hospital, Alexandria, Virginia (“Alexandria Hospital”) for completion of the procedure under general anesthesia. Upon reexamination of Patient A in Alexandria Hospital, Dr. Dunkwu estimated her pregnancy at twelve (12) to thirteen (13) weeks. By his own admission, Dr. Dunkwu could feel a separate mass, which he identified as a fibroid. Dr. Dunkwu performed a laparotomy and the mass that he originally thought was a fibroid was in fact Patient A’s uterus. Dr. Dunkwu then performed a hysterotomy and removed a lifeless fetus weighing approximately 1200 grams.

4. At the time of delivery Dr. Dunkwu estimated the fetus to be twenty (20) to twenty-two (22) week size. An autopsy performed on or about April 14, 2000, revealed a male fetus with no phenotypic abnormalities, of a gestational age of thirty (30) weeks by weights and measures, which was stillborn secondary to termination of pregnancy procedure. As a result of this incident, Dr. Dunkwu’s clinical privileges at Alexandria Hospital were placed on probation for twenty-nine (29) days. The conditions of his probation included the requirement that Dr. Dunkwu submit written criteria for the use of ultrasound to the Chairman of Obstetrics and Gynecology; perform an ultrasound prior to all termination procedures; document the use of sonography on all patients seeking termination of pregnancy during his probation period; and make available for review records of all terminations Dr. Dunkwu performed at the hospital or in his office.

5. Dr. Dunkwu admitted to the Committee that he made an unintentional mistake in his assessment of Patient A, and as a result, has changed his office protocol to include sonograms for more patients considering pregnancy termination.

6. Dr. Dunkwu’s failure to order a sonogram for Patient A according to his own protocol was grossly careless.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Dunkwu has violated Section 54.1-2915.A(4) of the Code.

ORDER


WHEREFORE, based upon the foregoing findings of fact and conclusions of law, it is hereby ORDERED that the Anthony A. Dunkwu, M.D., be, and hereby is, issued a REPRIMAND.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2919 of the Code, Dr. Dunkwu may, not later than 5:00 p.m., on August 16, 2001, notify William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, Richmond, Virginia 23230, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on August 16, 2001, unless a request for a formal administrative hearing is received as described above.

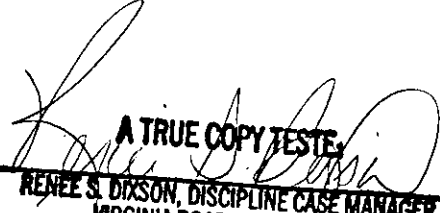
FOR THE BOARD



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

Entered: July 13, 2001

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RENEE S. DIXON, DISCIPLINE CASE MANAGER
VIRGINIA BOARD OF MEDICINE