

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)
)
)
Franklin Nwoke, M.D.) MBC File # 800-2019-055944
)
)
Physician's & Surgeon's)
Certificate No. A136072)
)

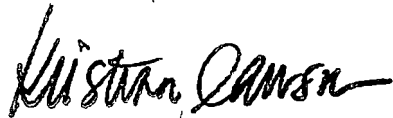
Respondent.)

**ORDER CORRECTING NUNC PRO TUNC
CLERICAL ERROR IN "LICENSE NUMBER" PORTION OF DECISION**

On its own motion, the Medical Board of California (hereafter "Board") finds that there is a clerical error in the "license number" portion of the Decision in the above-entitled matter and that such clerical error should be corrected so that the license number will conform to the Board's issued license.

IT IS HEREBY ORDERED that the license number contained on the Decision Order Page in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as "A136072."

February 13, 2020



Kristina D. Lawson, J.D.
Chair
Panel B

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	
)	
Franklin Nwoke, M.D.)	Case No. 800-2019-055944
)	
Physician's and Surgeon's)	
Certificate No. A136073)	
)	
Respondent)	
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DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 13, 2020.

IT IS SO ORDERED February 12, 2020.

MEDICAL BOARD OF CALIFORNIA

By: 

**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 EMILY L. BRINKMAN
Deputy Attorney General
4 State Bar No. 219400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3374
6 Facsimile: (415) 703-5843
E-mail: Emily.Brinkman@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2019-055944

13 **FRANKLIN NWOKE, M.D.**

14 2767 Olive Hwy
Oroville, CA 95966

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. A**
16 **136072**

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Christine Lally (Complainant) is the Deputy Director of the Medical Board of
23 California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman,
25 Deputy Attorney General.

26 2. Respondent Franklin Nwoke, M.D. (Respondent) is represented in this proceeding by
27 attorney Peter Osinoff, whose address is: Bonne Bridges Mueller O'Keefe & Nichols - Los
28 Angeles, 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071.

1 No. 800-2019-055944 and that he has thereby subjected his Physician's and Surgeon's Certificate
2 No. A 136072 to disciplinary action.

3 10. Respondent agrees that if he ever petitions for early termination or modification of
4 probation, or if an accusation and/or petition to revoke probation is filed against him before the
5 Board, all of the charges and allegations contained in Accusation No. 800-2019-055944 shall be
6 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
7 other licensing proceeding involving respondent in the State of California.

8 CONTINGENCY

9 11. This stipulation shall be subject to approval by the Medical Board of California.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
11 Board of California may communicate directly with the Board regarding this stipulation and
12 settlement, without notice to or participation by Respondent or his counsel. By signing the
13 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
21 signatures thereto, shall have the same force and effect as the originals.

22 13. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 136072 issued
27 to Respondent Franklin Nwoke, M.D. is publicly reprimanded pursuant to California Business
28 and Professions Code section 2227, subdivision (a)(4). This public reprimand is issued in

1 connection with the discipline imposed by the Maryland Medical Board, as set forth in
2 Accusation No. 800-2-19-055944.

3 PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the
4 effective date of this Decision, Respondent shall enroll in a professionalism program, that meets
5 the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent
6 shall participate in and successfully complete that program. Respondent shall provide any
7 information and documents that the program may deem pertinent. Respondent shall successfully
8 complete the classroom component of the program not later than six (6) months after
9 Respondent's initial enrollment, and the longitudinal component of the program not later than the
10 time specified by the program, but no later than one (1) year after attending the classroom
11 component. The professionalism program shall be at Respondent's expense and shall be in
12 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

13 A professionalism program taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
15 or its designee, be accepted towards the fulfillment of this condition if the program would have
16 been approved by the Board or its designee had the program been taken after the effective date of
17 this Decision.

18 Respondent shall submit a certification of successful completion to the Board or its
19 designee not later than 15 calendar days after successfully completing the program or not later
20 than 15 calendar days after the effective date of the Decision, whichever is later.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Peter Osinoff. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 11/7/2019



FRANKLIN NWOKE, M.D.
Respondent

I have read and fully discussed with Respondent Franklin Nwoke, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/7/19



PETER OSINOFF
Attorney for Respondent

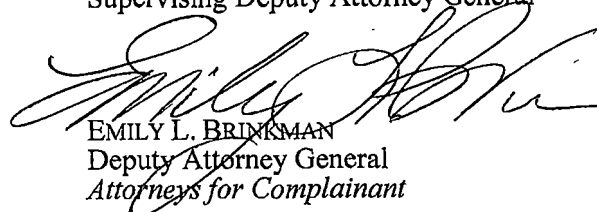
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 11/13/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



EMILY L. BRINKMAN
Deputy Attorney General
Attorneys for Complainant

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XAVIER BECERRA
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JANE ZACK SIMON
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 29 2019
BY *[Signature]* ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2019-055944

Franklin Nwoke, M.D.
2767 Olive Hwy
Oroville, CA 95966

ACCUSATION

**Physician's and Surgeon's Certificate
No. A 136072,**

Respondent.

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about May 5, 2015, the Medical Board issued Physician's and Surgeon's Certificate Number A 136072 to Franklin Nwoke, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

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JURISDICTION

1
2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Board deems proper.

9 5. Section 2305 of the Code states:

10 The revocation, suspension, or other discipline, restriction or limitation
11 imposed by another state upon a license or certificate to practice medicine issued by
12 that state, or the revocation, suspension, or restriction of the authority to practice
13 medicine by any agency of the federal government, that would have been grounds for
discipline in California of a licensee under this chapter [Chapter 5, the Medical
Practice Act] shall constitute grounds for disciplinary action for unprofessional
conduct against the licensee in this state.

14 6. Section 141 of the Code states:

15 (a) For any licensee holding a license issued by a board under the jurisdiction of
16 the department, a disciplinary action taken by another state, by any agency of the
17 federal government, or by another country for any act substantially related to the
practice regulated by the California license, may be a ground for disciplinary action
18 by the respective state licensing board. A certified copy of the record of the
disciplinary action taken against the licensee by another state, an agency of the
19 federal government, or another country shall be conclusive evidence of the events
related therein.

20 (b) Nothing in this section shall preclude a board from applying a specific
21 statutory provision in the licensing act administered by that board that provides for
discipline based upon a disciplinary action taken against the licensee by another state,
an agency of the federal government, or another country.

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another Jurisdiction)

23
24 7. On May 9, 2019, the Maryland State Board of Physicians (Maryland Board) issued a
25 Final Order of Revocation (Order) of Respondent's Maryland medical license. The Maryland
26 Board based its Order on Respondent's conduct when he submitted his on-line application for
27 renewal of his Maryland license. On the application Respondent certified that he had complied
28 with the requirement for Criminal History Record Check (CHRC), including the required

1 fingerprinting; however, Respondent did not in fact comply with that requirement. Respondent
2 also failed to respond to the Board when it requested clarification. According to the factual
3 findings in the Order, Respondent fraudulently or deceptively obtained or attempted to obtain a
4 license; he committed unprofessional conduct; he failed to cooperate with the Board's
5 investigation; and he willfully made a false report or medical record when he reapplied for
6 licensure.

7 8. Respondent's conduct and the action of the Maryland Board as set forth in paragraph
8 7, above, and within the actual Maryland Board documents attached as Exhibit A, constitute
9 unprofessional conduct within the meaning of section 2305 and conduct subject to disciplinary
10 action within the meaning of section 141(a).

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Medical Board of California issue a decision:

- 14 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 136072,
15 issued to Franklin Nwoke, M.D.;
- 16 2. Revoking, suspending or denying approval of Franklin Nwoke, M.D.'s authority to
17 supervise physician assistants and advanced practice nurses;
- 18 3. Ordering Franklin Nwoke, M.D., if placed on probation, to pay the Board the costs of
19 probation monitoring; and
- 20 4. Taking such other and further action as deemed necessary and proper.

21
22 DATED: August 29, 2019

23 
24 KIMBERLY KIRCHMEYER
25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California
Complainant

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EXHIBIT A

Maryland State Board of Physicians Final Order of Revocation

IN THE MATTER OF

FRANKLIN C. NWOKE, M.D.

Respondent

License Number: D82569

*

*

*

*

BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2218-0222B

* * * * *

FINAL ORDER OF REVOCATION OF MEDICAL LICENSE

On December 26, 2018 Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") notified FRANKLIN CHUKWUDI NWOKE, M.D. (the "Respondent"), License Number D82569, of its INTENT TO REVOKE the Respondent's license to practice medicine in the State of Maryland. The Notice informed the Respondent that unless the Respondent requested a hearing in writing within 30 days of the date of mailing of the Notice, Panel B intended to sign this Final Order, which was enclosed. More than 30 days have elapsed, and the Respondent failed to request a hearing. Therefore, Panel B hereby revokes the Respondent's license to practice medicine.

The basis for Panel B's action was pursuant to the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-401 *et seq.* (2014 Repl. Vol. and 2017 Supp.), and COMAR 10.32.02.14(A).

The pertinent provisions of the Act provide:

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations –Grounds.

- (a) *In general.* – Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee,

place any licensee on probation, or suspend or revoke a license if the licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

...
(2) Is guilty of:

...
(ii) Unprofessional conduct in the practice of medicine;

...
(33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;

...
(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;

...
(42) Fails to submit to a criminal history records check under § 14-308.1 of this title[.].

Health Occ. § 14-308.1. Criminal history records check through Central Repository.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.

(c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central

Repository and the Director of the Federal Bureau of Investigation;

- (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
- (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

The pertinent provisions of the Board's regulations under COMAR 10.32.02 provide:

.14 Proposed Orders; . . .

- A. Nothing in this chapter prohibits the issuance of a charging document with a proposed order which will go into effect if the respondent fails to request a hearing.

INVESTIGATIVE FINDINGS

Panel A finds the following:

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed on November 2, 2016, under license number D82569. The Respondent's license is presently active and is scheduled to expire on September 30, 2019.
2. On or about August 14, 2017, the Respondent submitted an online application (the "application") for license renewal using the Board's online license renewal process.
3. When a licensee applies online to renew their license, a notice appears that informs the licensee that the Board may not renew a license if it has not

received the licensee's Criminal History Record Check ("CHRC") information. This requires the licensee's submission of their fingerprints to Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.

4. The Respondent then continued with the application by clicking the button which reads "Yes, I acknowledge that I have submitted my fingerprints to CJIS BEFORE attempting to complete my renewal application." This dialog box provides that if the applicant has not already submitted their fingerprints, they should exit the application process until this requirement is satisfied.
5. The Respondent did not exit the application, but instead continued and completed it indicating that he had submitted his fingerprints for CHRC. The application was electronically signed by the Respondent and dated August 14, 2017. The Respondent's signed application states, "Failure to submit to a criminal history record check may result in disciplinary action."
6. On or about January 16, 2018, the Board sent a letter to the Respondent indicating that it had not received a response to previous communications¹, and that a preliminary investigation had been opened based upon the Respondent's failure to obtain a CHRC. The Respondent did not respond.
7. The Board's investigation determined that the Respondent failed to submit fingerprints to CJIS in compliance with the CHRC process, as set forth in

¹ In addition to a letter sent via USPS, the Board attempts to make email contact with all licensees for whom the Board has not received CHRC results.

Health Occ. § 14-308.1, and misrepresented to the Board in the application that the Respondent had met these requirements.

8. The Respondent's actions including failure to complete the CHRC, as outlined in pertinent part above constitute, in whole or in part, a violation of Health Occ. § 14-404(a)(42), failing to submit to a criminal records history check under § 14-308.1 of this title.
9. The Respondent's misrepresentation to the Board on the application that the Respondent completed the CHRC, and failure to cooperate with the Board's investigation, as outlined in pertinent part above, constitute, in whole or in part, a violation of one or more of the following provisions of the Act: Health Occ. § 14-404(a)(1), Fraudulently or deceptively obtaining or attempting to obtain a license for the applicant, licensee, or for another; Health Occ. § 14-404(a)(3)(ii), Is guilty of: (ii) Unprofessional conduct in the practice of medicine; Health Occ. § 14-404(a)(33), Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel; and Health Occ. § 14-404(a)(36), Willfully makes or files a false report or record in the practice of medicine.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated Health Occ. §§ 14-404(a) (1), (3ii), (33), (36) and (42).

ORDER

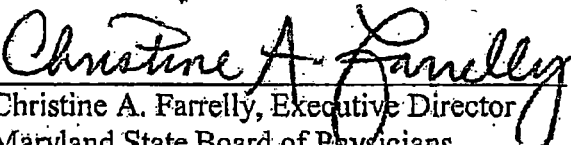
It is, on the affirmative vote of a majority of the quorum of Panel B, hereby:

ORDERED that the license of **FRANKLIN CHUKWUDI NWOKE, M.D.**, is **REVOKED**; and it is further

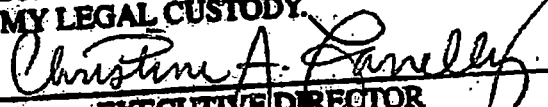
ORDERED that the Respondent may apply for reinstatement of the Respondent's license to practice medicine after a minimum of one (1) year from the date of this Order; and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2017 Supp.).

05/09/2019
Date


Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

**I HEREBY ATTEST AND CERTIFY UNDER
PENALTY OF PERJURY ON 05/30/2019
THAT THE FORGOING DOCUMENT IS A
FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE AND
IN MY LEGAL CUSTODY.**


**EXECUTIVE DIRECTOR
MARYLAND BOARD OF PHYSICIANS**

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 14-408, the Respondent has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Noreen M. Rubin, Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201