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	)	

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 Lawson

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

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

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

In the Matter of the Accusation Against: **FRANKLIN NWOKE, M.D.** 2767 Olive Hwy Oroville, CA 95966 **Physician's and Surgeon's Certificate No. A 136072** Respondent.	Case No. 800-2019-055944 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

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

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

3. On or about May 5, 2015, the Board issued Physician's and Surgeon's Certificate No. 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 in Accusation No. 800-2019-055944, and will expire on June 30, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-055944 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 29, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-055944 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-055944. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations contained in Accusation

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

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

CONTINGENCY

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

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

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

DISCIPLINARY ORDER

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

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

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

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

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later 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
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
EMILY L. BRINKMAN
Deputy Attorney General
State Bar No. 219400
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3374
Facsimile: (415) 703-5843
E-mail: Emily.Brinkman@doj.ca.gov
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 29, 2019
BY: ANALYST

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

In the Matter of the Accusation Against: **Franklin Nwoke, M.D.** 2767 Olive Hwy Oroville, CA 95966 **Physician's and Surgeon's Certificate No. A 136072,** Respondent.	Case No. 800-2019-055944 **A C C U S A T I O N**

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

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

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

5. Section 2305 of the Code states:

> 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 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.

6. Section 141 of the Code states:

> (a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the 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 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 federal government, or another country shall be conclusive evidence of the events related therein.
>
> (b) Nothing in this section shall preclude a board from applying a specific 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)

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

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

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

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 136072, issued to Franklin Nwoke, M.D.;

2. Revoking, suspending or denying approval of Franklin Nwoke, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Franklin Nwoke, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: August 29, 2019

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Maryland State Board of Physicians Final Order of Revocation

IN THE MATTER OF	*	BEFORE THE
FRANKLIN C. NWOKE, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D82569	*	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 communications[1], 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
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.

Christine A. Farrelly
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