

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250



Telephone: (504) 524-6763
FAX: (504) 568-8893
Writer's Direct Dial.

(504) _____

-----X

IN THE MATTER OF:	:	Inv. No.
	:	01-I-034
NONYELU A. CHUKWUOGO, M.D.	:	
(Certificate No. 12303R),	:	CONSENT ORDER
<i>Respondent.</i>	:	_____

-----X

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information that Nonyelu A. Chukwuogo, M.D.'s privileges at North Monroe Hospital were revoked.

Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations ("Investigating Officer") for the Board. The information, records and documents obtained and reviewed by the Investigating Officer reveal that in September of 2000, Dr. Chukwuogo was involved in the medical care of an inpatient at North Monroe Hospital. During this hospitalization, Dr. Chukwuogo performed exploratory surgery on this patient. The patient was in ICU prior to and post surgery. Approximately two (2) days later, Dr. Chukwuogo left the Monroe area and the State of Louisiana for the weekend on personal business. When Dr. Chukwuogo left town, the above-described patient, who was critically ill, remained in ICU. Dr. Chukwuogo failed to arrange for surgical coverage of his practice, and more specifically, for the above-described patient during his absence. While he was out of town, the patient's infectious disease consulting physician sought a surgical evaluation but could not locate or reach Dr. Chukwuogo. As a result, the attending physician consulted with the Medical Director of Critical Care at North Monroe Hospital, who was on call, and advised him that Dr. Chukwuogo could not be reached. The Medical Director of Critical Care consulted with the

Chief of Staff, who in turn requested that the Medical Director of Critical Care take over the surgical care of this patient. He evaluated this patient and felt that she needed surgical intervention. So he prepped, assessed and performed surgery on this patient the following day.

The Investigating Officer's analysis established to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Chukwuogo, charging him with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §§ 37:1285A(13)¹ and (17).²

As evidenced by his subscription hereto, without admitting the accuracy of the information described hereinabove, or any violation of the Louisiana Medical Practice Act, Dr. Chukwuogo acknowledges that the information developed by the Board's investigation constitutes probable cause for the institution of administrative proceedings against his medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate, pursuant to La. Rev. Stat. §§ 37:1285A(13) and (17).

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegation or charge, pursuant to La. Rev. Stat. §§ 49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Chukwuogo, nonetheless, hereby waives his right to 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. Chukwuogo 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 him by law. Further Dr. Chukwuogo 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. Chukwuogo, furthermore, hereby authorizes the

¹ Pursuant to La. Rev. Stat. § 37:1285A(13), the Board may take action against the license of a physician as a result of '[U]nprofessional conduct.'

² Pursuant to La. Rev. Stat. § 37:1285A(17), the Board may take action against the license of a physician as a result of '[A]bandonment of a patient.'

Investigating Officer designated by the Board with respect hereto, as well as any legal counsel assisting the Investigating Officer 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 Dr. Chukwuogo waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Chukwuogo expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer, or his legal counsel, shall be without prejudice to the Investigating Officer's authority to file or proceed with 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.

On the basis of the information provided to the Board, the Board is persuaded that the public interest would be properly protected and served by allowing Dr. Chukwuogo to maintain his Louisiana license, subject to appropriate specified terms and conditions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure 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.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of Nonyelu A. Chukwuogo, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 03407R, be and the same is hereby, effective as of the date hereof, **OFFICIALLY REPRIMANDED**.

IT IS FURTHER ORDERED that Dr. Chukwuogo shall pay a fine of \$3,000.00, to be paid in full to the Board within three (3) months of the effective date of this Consent Order.

IT IS FURTHER ORDERED that any violation by Dr. Chukwuogo of, or failure of strict compliance by him with, any of the terms, conditions or restrictions set forth by this Order, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of his license to practice medicine in the State of

Louisiana, as well as any right to renewal and/or reinstatement thereof, 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**.

Effective Date. This Consent Order shall take effect as of the date that it is dated and signed by the Board President.

New Orleans, Louisiana, this 19th day of February, 2002.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:


ELMO J. LABORDE, M.D.
PRESIDENT

**ACKNOWLEDGMENT
AND CONSENT**

Having been duly advised by my legal counsel as to the meaning, scope and effect of the foregoing Consent Order,

I, Nonyelu A. Chukwuogo, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order by the Louisiana State Board of Medical Examiners, this 12th day of February, 2002.

N. Chukwuogo

Nonyelu A. Chukwuogo, M.D.

WITNESSES:

Sharon Stevens

Signature

Sharon Stevens

Typed Name

1038 North 9th, Monroe, LA
Address

Jessica Caples

Signature

Jessica Caples

Typed Name

1038 North 9th, Monroe, LA
Address

Sworn to and subscribed before me at Monroe Louisiana, this 12th day of February, 2002 in the presence of the two stated witnesses.

Jedric E. Ali

Notary Public

My commission expires at death.