

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

KENNETH CHINEDU ONUOHA, D.O.  
License No. 51-01-019040

Complaint No. 51-17-145236

\_\_\_\_\_/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Osteopathic Medicine and Surgery on August 22, 2017, charging Kenneth Chinedu Onuoha, D.O. (Respondent) with having violated sections 16221(a) and (b)(i) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated section 16221(a) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a minimum period 1 day not to exceed 1 year, commencing on the effective date this order. Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within 1 year. If Respondent fails to complete any term or condition of probation as set forth in this order within 1 year of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code.

The terms and conditions of the probation are as follows:

A. CONTINUING EDUCATION CREDITS. Within 1 year of the effective date of this Order, Respondent shall successfully complete 5 hours of continuing education credits in the areas of communication and osteopathic patient examination. These credit hours shall not count toward the number of credit hours required for license renewal. Respondent may satisfy this requirement through attendance at the June 7-10, 2018 Regional Osteopathic Medical Education, Southeast Conference provided he submits proof of attendance at the following sessions addressing examination and patient communication:

- Overuse Injuries: Imagining and Management (1 hr)
- OMM (1.5 hrs)
- Out Patient Procedures for the Primary Care Physician (2 hrs)
- Mastering the Art of Effective Communication in Health Care (1 hr)
- Motivational Interviewing: Equipping Patients to Make Sustainable Lifestyle Changes (1 hr)
- Elder Abuse (1 hr)

If Respondent is unable to attend the ROME Conference, he must seek and obtain advance approval of comparable continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for approval of a course and proof of successful completion of a course to the Department at the address set forth below.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$1500.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 51-17-145236 clearly indicated on the check or money order), and shall be payable within 90 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs Bureau of Professional Licensing, Legal Affairs Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall direct any other communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

Count II of the complaint, alleging a violation of section 16221(b)(i) of the Public Health Code, is DISMISSED.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 6/17/18

MICHIGAN BOARD OF  
OSTEOPATHIC MEDICINE and  
SURGERY

By Shen Thompson  
Chairperson, Disciplinary  
Subcommittee

#### STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

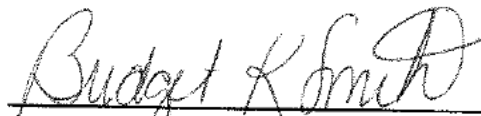
3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Kathleen Kudray, D.O. Dr. Kudray or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Kudray and the parties considered the following factors in reaching this agreement:

- A. During the compliance conference, Respondent acknowledged that he could have communicated his intentions in examining L.S. better. Although he denied any ill-intent, he expressed remorse that his examinations caused L.S. any discomfort.
- B. During the compliance conference, Respondent stated that moving forward he would have a female staff member present whenever he was examining a female patient in order to avoid any future miscommunication or patient discomfort.
- C. Respondent has been licensed since 2012 and has no additional allegations against his license.

By signing this stipulation, the parties confirm that they have read,  
understand and agree with the terms of the consent order.

AGREED TO BY:



Bridget K. Smith (P71318)  
Assistant Attorney General  
Attorney for Complainant

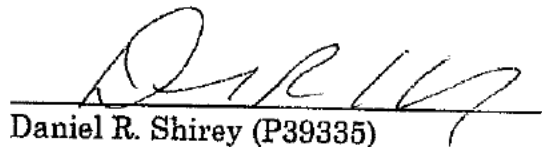
Dated: 4/3/18

AGREED TO BY:



Kenneth Chinedu Onuoha, D.O.  
Respondent

Dated: 3/29/18



Daniel R. Shirey (P39335)  
Attorney for Respondent

Dated: 4/3/18

LP: 2017-0181496-B\Onuoha, Kenneth Chinedu, D.O., 145236\Pleading - Consent Order - Health -- 2018-03-22

STATE OF MICHIGAN  
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In the Matter of

KENNETH CHINEDU ONUOHA, D.O.  
License No. 51-01-019040

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Complaint No. 51-17-145236

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Bridget K. Smith, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this complaint against Kenneth Chinedu Onuoha, D.O. (Respondent), alleging upon information and belief as follows:

1. The Board of Osteopathic and Medical Surgery, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.
2. Respondent is licensed to practice as a physician pursuant to the Public Health Code. At all times relevant to this complaint, Respondent practiced at Family Care Practice, in East Lansing, Michigan.

3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice as a massage therapist.

4. Section 16221(b)(i) of the Code authorizes the DSC to take disciplinary action against Respondent for incompetence, which is defined at section 16106(1) of the Code as a “departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs.”

5. Section 16226 of the Code authorizes the DSC to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

### **ALLEGATIONS**

6. Respondent began treating L.S. (initials used to protect patient confidentiality) in February 2016.

7. During a February 17, 2016 physical Respondent asked L.S. if she had ever been checked for cancer. When L.S. indicated she had not, Respondent had her take off her shirt and bra while he was in the room without providing her a gown to



cover-up with. Respondent then performed a breast examination in a manner that L.S. felt was aggressive.

8. On January 17, 2017, L.S. saw Respondent for a possible compression fracture/low back injury.

9. During an examination, Respondent asked L.S. to stand and, abruptly pulled down her pants and underwear without warning or explanation.

10. L.S. reported the incident to Family Care's office manager and refused to return to Respondent for additional treatment following the incident.

11. Shortly after the incident, the office manager, receptionist, medical assistant, and another physician at the practice had a meeting with Respondent to discuss complaints they had received regarding Respondent's conduct, including his conduct with L.S.

#### COUNT I

12. Respondent's conduct as described above constitutes negligence and failure to exercise due care in violation of section 16221(a) of the Code.

#### COUNT II

13. Respondent's conduct as described above constitutes incompetence in violation of section 16221(b)(i) of the Code.

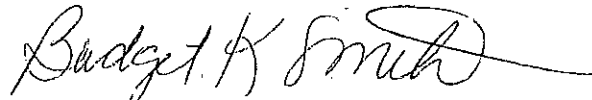
THEREFORE, Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced

pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from the receipt of this Complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in the transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

BILL SCHUETTE  
Attorney General

A handwritten signature in black ink, appearing to read "Bridget K. Smith", with a long horizontal flourish extending to the right.

Bridget K. Smith (P71318)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, Michigan 48909  
(517) 373-1146

Dated: August 22, 2017