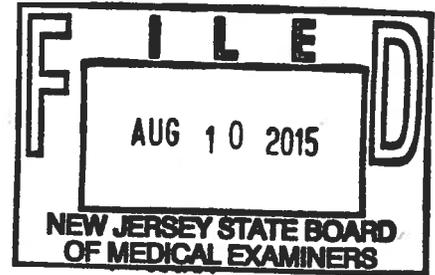


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Nunc Pro Tunc July 10, 2015

STATE OF NEW JERSEY
DEP'T OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF AN INQUIRY INTO
THE PROFESSIONAL PRACTICE OF : ADMINISTRATIVE ACTION

KWAKU BOAMAH, M.D.
LICENSE NO. 25MA06448200

PRACTICING MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY : VOLUNTARY INTERIM AGREEMENT
OF TEMPORARY CESSATION
OF PRACTICE
AND CONSENT ORDER

This matter was presented to the State Board of Medical Examiners by the Attorney General of New Jersey, by Joan D. Gelber, Deputy Attorney General, on inquiry into the professional practice of Kwaku Boamah, M.D. Dr. Boamah is represented by Michael R. Ricciardulli, Esq.

Dr. Boamah is Board-certified in obstetrics and gynecology, and currently practices at 185 Kennedy Blvd., Jersey City, NJ 07305. He currently holds privileges at Jersey City Medical Center and formerly held privileges at Christ Hospital in Jersey City.

On April 24, 2015, Dr. Boamah appeared before the Medical Practitioner Review Panel, established by the State Board of Medical Examiners pursuant to N.J.S.A. 45:9-19.8. Among the specified statutory duties of the Panel is the receipt and investigation of notices of medical malpractice claim settlements.

CERTIFIED TRUE COPY

Two such reports of settlements by Dr. Boamah were received by the Panel: patient Mrs. K.A. (death of infant) and patient Ms. N.A. (death of mother and baby). Dr. Boamah appeared with counsel to address his practice and issues in each of the cases. Dr. Boamah is aware that his responses to Panel questions regarding interpretation of electronic fetal monitoring, regarding treatment of pregnant patients with diabetes, and recordkeeping were of significant concern to the Panel.

Pursuant to N.J.S.A. 45:9-19.9(c)1, if the Panel has reasonable cause to believe that a practitioner represents an imminent danger to his patients, the review panel shall immediately notify the State Board of Medical Examiners and the Attorney General and recommend the initiation of an application before the Board to temporarily suspend or otherwise limit the practitioner's license pending further proceedings.

Dr. Boamah has been made aware that the filing of disciplinary proceedings was imminent. He is also aware that investigative costs have been incurred, which are now deferred but which may later be assessed against him, along with disciplinary sanctions for the prior conduct, at the discretion of the Board.

Having conferred with his counsel, and without admitting or denying any professional negligence, has determined that it is in his best interest to voluntarily enter into a temporary cessation of his practice pending further Board review. In the interests of amicable interim resolution, Dr. Boamah acknowledges the concerns raised, and fully understands the terms of the proposed interim Agreement and Order and their meaning and effect and consents to be bound by the same.

The Board, in reliance upon Dr. Boamah's representations, and finding the within disposition adequately protective of the public health, safety and welfare at this time, and it appearing that good

cause exists for entry of the within Order:

IT IS, therefore, on this 10 Day of JULY 2015

ORDERED that:

1. The Voluntary Interim Agreement of Temporary Cessation of Practice of Dr. Kwaku Boamah, on the terms herein stated in this Consent Order, is hereby accepted. The Temporary Cessation of practice shall commence no later than August 12, 2015.

2. Dr. Boamah shall not accept new patients as of the filing date of this Order. He shall promptly commence the process of transferring his current patients and shall make his treatment record available to each such patient and to a subsequent treating physician as needed. Dr. Boamah shall notify the Department of each hospital at which he maintains privileges of the entry of this interim Order.

3. Dr. Boamah shall assure that his prescription pads, all Controlled Drugs and prescription drugs shall be secured in a safe and locked location reported to the Board office and to the Drug Control Unit and the Director of the Division of Consumer Affairs. He shall deliver his license and current registration to the custody of his attorney pending Board approval of his return to practice.

4. Dr. Boamah has agreed to begin a voluntary cessation of practice, during which time he shall promptly undertake a Board-approved in-person program of instruction and evaluation by an organized and independent program, recognized in advance as acceptable to the Board, in the interpretation of electronic fetal monitoring, and a program in the interpretation of laboratory studies and clinical management of diabetes in pregnant patients. He shall also take a Board-approved course in medical recordkeeping for in-office and for hospital charting.¹ Any continuing medical

¹ The Board's Medical Consultant has recommended, and Dr. Boamah has agreed to arrange such instruction with the Drexel University College of Medicine, Office

education credits earned from such programs shall be in addition to those required for biennial registration by N.J.A.C. 13:35-6.15. Dr. Boamah is responsible for the costs of the program(s).

5. Within ten days of the entry of this Order, Dr. Boamah shall provide the Board, and the Deputy on behalf of the Acting Attorney General, with documentation confirming the scheduling of the courses and evaluation and assessment. The Attorney General will provide relevant documents to the program, with copy to Dr. Boamah, to indicate the basis for Board concerns.

6. The Board and the Attorney General will have full and complete access to any communications between Dr. Boamah and the retraining programs, and any reports, recommendations or evaluations issued by the programs or any consultant recommended by such programs, including but not limited to the release of the retraining and evaluation report, and any recommendations for professional education or restrictions on practice, if any, simultaneously to the Board and the Attorney General and to Dr. Boamah. Any communications to the programs by the Board or the Attorney General will be made in writing with a copy to Dr. Boamah's counsel, or by telephonic conference arranged between the program, the Board's Medical Director, the Attorney General, and Dr. Boamah/counsel. Any recommendations, evaluations or reports issued by the evaluator may be introduced into the public record, in the event of any future disciplinary proceedings.

7. Dr. Boamah agrees that none of the persons proposed and/or designated as instructors, monitors, supervisors, or consultants in any remedial program have or shall incur any liability to him as a result of their good faith performance of their instructional, supervisory, or consultant service.

of Continuing Medical Education with regard to training in fetal monitoring and diabetes care. A list of approved remedial courses or medical recordkeeping is available from the Board office.

8. Prior to an application for vacating the terms of this interim Voluntary Temporary Cessation of Practice and Consent Order, Dr. Boamah shall cause to be submitted to the Board records of participation in and satisfactory completion of the programs, with no reservations, set forth in the program(s) written report deemed by the Board to adequately describe the composition and auspices of the education/evaluation program, the sources of information considered by the program, the topics addressed, Dr. Boamah's responses thereto, and the program's evaluation, conclusions and recommendations.

9. Failure to substantially comply with the terms of this Voluntary Agreement and Consent Order or with the retraining program's recommendations or requirements with regard to evaluation, practice restrictions or education, will constitute a failure to cooperate with a Board investigation, a violation of N.J.A.C. 13:45C-1.1 et seq. and shall be deemed to constitute professional misconduct in violation of N.J.S.A. 45:1-21(e).

10. Within 30 days after submission of proofs of satisfactory completion of the approved programs, Dr. Boamah shall be scheduled to appear, on notice, before a designated Committee of the Board and shall be prepared to demonstrate compliance with this Consent Order and readiness to practice medicine in a manner consistent with the public health, safety and welfare. If the remedial programs have recommended a need for continuing education, the Board reserves the right to require a period of practice under supervision with reports to the Board. The Committee's recommendation shall be submitted to the Board at the next available meeting.

11. The Attorney General reserves the right to file formal disciplinary proceedings in the event of additional evidence, or non-compliance with this Order, or in the event that additional protections to the public are warranted.

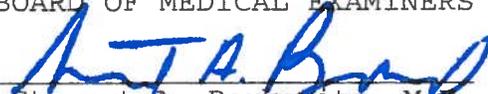
12. During the period of Temporary Cessation of Practice and until the vacating of the conditions, Dr. Boamah shall comply with the attached Disciplinary Directives incorporated herein.

13. The parties hereby stipulate that the entry of this interim Voluntary Cessation of Practice and Consent Order shall not limit the authority of the Acting Attorney General, the Drug Control Unit or the Director of the Division of Consumer Affairs, or any other jurisdiction, nor shall the Order limit any other person or other agency to initiate any further action permitted by law in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction.

14. The Board shall retain jurisdiction to enforce the terms of this Consent Order and Agreement.

THIS ORDER SHALL BE EFFECTIVE UPON ENTRY, EXCEPT THAT THE TEMPORARY CESSATION OF PRACTICE SHALL COMMENCE ON AUGUST 12, 2015.

STATE BOARD OF MEDICAL EXAMINERS

By: 
Stewart A. Berkowitz, M.D.
President

I have read the within Order and understand its terms. I consent to the filing of the Order by the Board of Medical Examiners.

Kwaku Boamah, M.D.

Date: _____

Witness:

Michael R. Ricciardulli, Esq.
Counsel to Dr. Boamah

M.D.

President

I have read the within Order and understand its terms. I consent to the filing of the Order by the Board of Medical Examiners.

Kwaku Boamah, M.D.
Kwaku Boamah, M.D.

Date: 7/9/2015.

Witness:

/s/
Michael R. Ricciardulli, Esq.
Counsel to Dr. Boamah

DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent

at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture,

a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of an Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to

records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license;
- (2) Which censures, reprimands or places on probation;
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.