

**IN THE MATTER OF
MICHEEL KWAKYE, PA-C**

Respondent.

License No. C04243

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case No. 7719-0065**

* * * * *

ORDER AFTER SHOW CAUSE HEARING

On January 29, 2019, Micheel Kwakye, PA-C entered into a Consent Order with Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”). One of the conditions of the Consent Order required Ms. Kwakye to complete a Panel-approved ethics course within six months of the Consent Order. On November 13, 2020, Panel A issued a Violation of Consent Order and Notice to Show Cause, charging Ms. Kwakye with failure to complete the Panel-approved ethics course, in violation of the January 29, 2019 Consent Order. On December 2, 2020, Panel A held a show cause hearing where Ms. Kwakye had the opportunity to argue why her license should not be subject to further discipline.

FINDINGS OF FACT

Background and Disciplinary Charges

On August 30, 2019, Panel A charged Ms. Kwakye based on the reciprocal discipline imposed by the Texas Board for failing to meet the standards of care for pain management and her failure to disclose on her 2017 license renewal application that she had been disciplined by the Texas Board. Health Occ. § 15-314(a)(1), (3)(ii), (21), and (36).

January 29, 2019 Consent Order

To resolve the disciplinary charges against her, Ms. Kwakye agreed to enter into a Consent Order with Panel A, wherein Panel A concluded that Ms. Kwakye fraudulently or deceptively obtained or attempted to obtain a license, in violation of Health Occ. § 15-314(a)(1), was guilty of

unprofessional conduct in the practice of medicine, in violation of Health Occ. § 15-314(a)(3)(ii), was disciplined by a licensing or disciplinary authority for an act that would be grounds for disciplinary action in Maryland, in violation of Health Occ. § 15-314(a)(21), and willfully made a false representation when seeking or making application for licensure, in violation of Health Occ. § 15-314(a)(36). Panel A imposed a reprimand, prohibited her from prescribing and administering Controlled Dangerous Substances until permitted to do so by the Texas Board, placed her on probation for a minimum of two years, subject to certain terms and conditions, including requirements that she pay a civil fine of \$5,000.00 and take a Panel-approved course in ethics within six months of the date of the Consent Order.

The Consent Order further stated:

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent[.]

Violation of January 29, 2019 Consent Order

On January 31, 2019, Board staff sent a letter with the Board-approved course list to Ms. Kwakye. On March 12, 2019, Ms. Kwakye submitted documentation of CME credits that she earned in Texas, but the CMEs were not on the Board-approved course list and were not approved

by the Board. On March 14, 2019, Board staff notified Ms. Kwakye that the CMEs were not approved and sent her another copy of the Board-approved course list.

On May 31, 2019, Board staff sent Ms. Kwakye a letter reminding her that the ethics course was required to be completed by July 29, 2019. On June 5, 2019, Board staff received correspondence from Ms. Kwakye that she planned to take the PBI Medical Ethics and Professionalism course. Board staff notified Ms. Kwakye that the course was approved and that there was an upcoming session on June 21-22, 2019 in California. On June 25, 2019, Board staff received notification from Ms. Kwakye that she was unable to take the course because her daughter was born earlier than expected on June 20, 2019. Ms. Kwakye informed the Board that she planned on taking another session of the PBI Medical Ethics course and the Board granted an extension until November 3, 2019 for Ms. Kwakye to complete the course. In the letter granting the extension, Board staff asked Ms. Kwakye to provide documentation that she had enrolled in the course and Ms. Kwakye was informed that her failure to complete the course by November 3, 2019 may constitute a violation of the Consent Order. Ms. Kwakye did not provide documentation that she enrolled in the course and Board staff verified that Ms. Kwakye did not attend the ethics course.

On November 4, 2019, Board staff sent a letter to Ms. Kwakye requesting a response to her failure to complete the ethics course by the extended due date of November 3, 2019. Ms. Kwakye responded and explained that she failed to take the course because she was caring for her two ill children. She did not state that she would take another course to satisfy the requirement or provide documentation that she had enrolled in a different course that would satisfy the requirements of the Consent Order. On December 4, 2019, Panel A voted to issue a Notice to Show Cause to Ms. Kwakye.

Show Cause Hearing – December 2, 2020

On November 13, 2020, Panel A sent Ms. Kwakye a Violation of Consent Order and Notice of Show Cause Hearing based on this alleged violation by first class mail to her address of record. The Notice was not returned as undeliverable. The Violation of Consent Order and Notice of Show Cause Hearing notified Ms. Kwakye that a show cause hearing was scheduled for December 2, 2020. Prior to the hearing, Board staff sent Ms. Kwakye several emails notifying Ms. Kwakye that the hearing would be conducted by the Zoom teleconference platform and inviting Ms. Kwakye to participate in test calls. Board staff also sent Ms. Kwakye three emails with the Zoom conference information for the hearing scheduled for December 2, 2020 at 1:00 pm. The emails instructed Ms. Kwakye to sign in 10 to 15 minutes prior to the scheduled time of the hearing. Board staff sent a final email on December 2, 2020 at 12:55 pm stating “please sign in now for your scheduled hearing.” Ms. Kwakye did not participate in any of the test calls or respond to any of the emails from Board staff.

On December 2, 2020, at 2:09 pm, Panel A commenced the show cause hearing. The administrative prosecutor assigned to the case appeared and represented the State. Ms. Kwakye did not attend the hearing, nor did counsel appear on her behalf. The Board received no request for postponement or communications from Ms. Kwakye on the day of the hearing or in the days leading up to the hearing. The administrative prosecutor presented the case against Ms. Kwakye regarding her violation of the January 29, 2019 Consent Order for failing to complete the required ethics course. The State recommended that the Panel order the revocation of Ms. Kwakye’s license to practice as a Physician Assistant in the State of Maryland.

CONCLUSIONS OF LAW

Panel A concludes that Ms. Kwakye violated the terms and conditions of the January 29, 2019 Consent Order by failing to complete the required ethics course.

ORDER

It is, on an affirmative vote of a majority of a quorum of Disciplinary Panel A, hereby

ORDERED that the license of Micheel Kwakye, PA-C, license number C04243, to practice as a Physician Assistant in the State of Maryland, is **REVOKED**; and it is further

ORDERED that this is a **PUBLIC DOCUMENT**. See Md. Code Ann., Health Occ. §§ 1-607 and 14-411.1, and Gen. Prov. § 4-333(b).

01/26/2021
Date

Signature on File

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