

IN THE MATTER OF	*	BEFORE THE
NGOZIKA J. NWANERI, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D23145	*	Case Number: 2220-0181
* * * * *	*	* * * * *

CONSENT ORDER

On March 25, 2021, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged **NGOZIKA J. NWANERI, M.D.** (the "Respondent"), License Number D23145, under the Maryland Medical Practice Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

Specifically, Disciplinary Panel A charged the Respondent with violating the following provisions of Health Occ. § 14-404:

- (a) 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:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section[.]

The act for which the Respondent was disciplined by the Virginia Board of Medicine (the "Virginia Board") would be grounds for disciplinary action under Health Occ. § 14-404(a)(22), which provides:

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical care

and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State[.]

On June 9, 2021, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Disciplinary 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 originally licensed to practice medicine in Maryland on March 15, 1979, under License Number D23145.

2. At all times relevant, the Respondent was also licensed to practice medicine in the Commonwealth of Virginia. The Respondent was originally licensed to practice medicine in Virginia on December 6, 1976, under License Number 0101-027840.

3. The Board initiated an investigation of the Respondent after receiving a notice from the Federation of State Medical Boards advising that on November 22, 2019, the Respondent was disciplined by the Virginia Board with a reprimand for “Conduct/Practice Which Is or Might Be Harmful/Dangerous to the Health of the Patient/Public.”

4. As part of its investigation, the Board obtained a copy of the Virginia Board Order (the “Virginia Order”) in Case Number 184280, issued on November 22, 2019, which included the Virginia Board’s Findings of Fact, Conclusions of Law and Order.

5. In the Virginia Order, the Virginia Board found as a matter of fact that contrary to sound medical judgment, the Respondent proceeded with an elective aneurysm repair on an 84-year-old, bed-bound male (“Patient A”)¹ with advanced dementia, chronic kidney disease, congestive heart failure and contracture in his neck and left lower extremity. Patient A also had a history of peripheral vascular disease with a prior femoral-to-femoral bypass. The Virginia Board found that Patient A’s medical condition placed him at a very high risk for an elective aneurysm repair.

6. The Virginia Board further found that despite prevailing guidelines stating that an elective repair of aortic aneurysm should be considered when an aneurysm reaches 5.5 cm, the Respondent proceeded with the elective procedure when Patient A’s aneurysm measured only 5.43 cm.

7. During the surgery, due to the Respondent’s errant dissection, Patient A’s femoral artery disintegrated, leading to a hemorrhage in the left groin. As a result, Patient A required 23 units of packed red blood cells, 5 units of fresh plasma, 5 units of platelets and 2 units of cryoprecipitate.

8. The Virginia Order further stated that due to the Respondent’s negligent care of Patient A, the health care facility (“Facility A”) in which the surgery took place suspended his privileges, citing his reckless behavior related to operative planning, performing the procedure, managing intraoperative complications and his poor

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this Consent Order.

professional comportment. In November 2018, Facility A restored the Respondent's privileges but required him to complete ten proctored cases, five must be vascular cases, within one year.

9. The Virginia Board concluded as a matter of law that the Respondent's treatment and care of Patient A violated Virginia Code § 54.1-2915(A)(3), which made sanctionable acts of unprofessional conduct, including intentional or negligent conduct in the practice of any branch of the healing arts that caused or is likely to cause injury to a patient or patients.

10. Based on its Findings of Fact and Conclusions of Law, the Virginia Board reprimanded the Respondent.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent was disciplined by a licensing or disciplinary authority of Virginia for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(22), in violation of Health Occ. § 14-404(a)(21).

ORDER

It is thus by Disciplinary Panel A of the Board hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

06/30/2021
Date

Signature on File

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

CONSENT

I, Ngozika J. Nwaneri, M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature on File

June 24th 2021

Date

Ngozika J. Nwaneri, M.D.

NOTARY

STATE OF Maryland

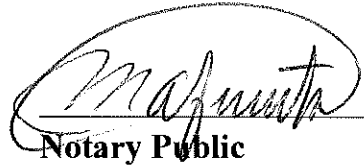
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 24 day of June,

2021, before me, a Notary Public of the State and County aforesaid, personally appeared

Ngozika J. Nwaneri, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My Commission Expires: 06/09/23