

IN THE MATTER OF  
OLUREMI ILUPEJU, M.D.

Respondent

License Number: D33392

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2016-0764A

\* \* \* \* \*

### CONSENT ORDER

On January 26, 2018, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged **OLUREMI ILUPEJU, M.D.** (the "Respondent"), License Number D33392, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol.).

Specifically, Panel A charged the Respondent with violating the following provision of the Act under Health Occ. II § 14-404:

- (a) *In general.* -- 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:
  - (3) Is guilty of:
    - (ii) unprofessional conduct in the practice of medicine[.]

### **THE AMA CODE OF MEDICAL ETHICS**

The American Medical Association ("AMA") Code of Medical Ethics provides in pertinent part:

#### **Opinion 8.19 – Self-treatment or Treatment of Immediate Family Members**

Physicians generally should not treat themselves or members of their immediate families. Professional objectivity may be compromised when an

immediate family member or the physician is the patient; the physician's personal feelings may unduly influence his or her professional medical judgment, thereby interfering with the care being delivered. Physician may fail to probe sensitive areas when taking the medical history or may fail to perform intimate parts of the physical examination . . . When treating themselves or immediate family members, physician may be inclined to treat problems that are beyond their expertise or training.

. . . Concerns regarding patient autonomy and informed consent are also relevant when physicians attempt to treat members of their immediate family. Family members may be reluctant to state their preferences for another physician or decline a recommendation for fear of offending the physician . . .

. . . Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

On March 14, 2018, a settlement conference was held before Disciplinary Panel A serving as the Disciplinary Committee on Case Resolution ("DCCR"). As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

Disciplinary Panel A makes the following Findings of Fact:

#### **I. BACKGROUND**

1. At all times relevant, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on March 17, 1986, under License Number 33392. The Respondent's license is current until September 30, 2018.

2. At all times relevant, the Respondent was board-certified in obstetrics and gynecology ("OB/GYN") and maintained an office for the practice of medicine at Oluremi

Ilupeju, M.D., P.A., 11120 New Hampshire Avenue, Suite 205, Silver Spring, Maryland, 20904.

## **II. DISCIPLINARY HISTORY**

3. On October 21, 2009, the Board issued disciplinary charges against the Respondent under Board Case Numbers 2004-0577 and 2005-0914 in which it alleged that the Respondent: made misrepresentations in a recommendation letter he submitted to the Board on behalf of an individual who was applying for a medical license in Maryland; and that failed to treat a patient in a timely manner who had a suspected ectopic pregnancy and later inappropriately discharged the patient.

4. The Respondent resolved the Board's charges by entering into a Consent Order (the "Consent Order"), dated April 28, 2010, in which the Board found as a matter of law that the Respondent: was guilty in unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii), when he made misrepresentations in his recommendation letter; and failed to meet quality medical standards, in violation of § 14-404(a)(22), when he failed to meet a patient in a timely manner and inappropriately discharged that patient.

5. Pursuant to the Consent Order, the Board reprimanded the Respondent and ordered that he successfully complete a course in patient-physician communications, submit a detailed corrective action plan and pay a fine of five-thousand (\$5,000.00) dollars.

## **III. CURRENT INVESTIGATION**

6. The Board initiated an investigation of the Respondent after reviewing a written anonymous complaint, dated March 16, 2016, which alleged that "for many years,"

the Respondent prescribed medications to a friend ("Individual A") but failed to coordinate his care and treatment with Individual A's primary care physician and failed to keep medical records for his treatment of Individual A. The complaint further alleged that Individual A later suffered a stroke.

7. As part of its investigation, the Board obtained Individual A's medical records from Individual A's primary care physician and an area health care facility. The Board also conducted a pharmacy survey of all prescription medications the Respondent issued between January 1, 2012, and December 31, 2015.

8. A review of the pharmacy survey revealed that between January 1, 2012, and December 31, 2015, the Respondent issued prescriptions for common medical conditions including:

- a. approximately 199 prescriptions to himself, including four prescriptions for Schedule III and V controlled dangerous substance ("CDS");
- b. approximately eight prescriptions to family members, including two prescriptions for Schedule III CDS; and
- c. approximately 170 prescriptions to Individual A and ten other male individuals, including two prescriptions for Schedule III CDS.

9. On or about July 11, 2017, the Board issued a subpoena to the Respondent for medical records he kept for the treatment he provided to himself, two family members and to eleven male individuals for whom he prescribed medications. On or about July 24, 2017, the Respondent filed a written response to the Board in which he admitted that he

did not keep medical records for any of the individuals specified in the subpoena, including himself.

10. On or about August 24, 2017, Board investigators conducted an interview of the Respondent under oath at the Board's offices. During the interview, the Respondent admitted that of the eleven male individuals, the majority were his friends. He further admitted that he may have issued CDS prescriptions for Individual A. The Respondent also admitted that he sometimes issued prescriptions, including prescriptions for CDS, to two of his family members. The Respondent further admitted that he often self-prescribed medications, including CDS. The Respondent stated that since he was a physician, he thought he could write prescriptions for himself when he was ill. Also, the Respondent confirmed that he did not keep medical records for any of the individuals named in the subpoena, including Individual A, two of his family members or himself.

### **CONCLUSION OF LAW**

Based on the foregoing Findings of Fact, Disciplinary Panel A concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Md. Code Ann., Health Occ. II § 14-404(a)(3)(ii).

### **ORDER**

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

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

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum of **SIX (6) MONTHS** with the following probationary terms and conditions:

- a. Within **six (6) months**, the Respondent shall successfully complete a Board disciplinary panel-approved course in medical ethics related to the issues in this case. The Board disciplinary panel will not accept a course taken over the Internet. The course may not be used to fulfill the continuing medical education credits required for license renewal. The Respondent must provide documentation to the Board that the Respondent has successfully completed the course;
- b. Within **six (6) months**, the Respondent shall pay a fine in the amount of \$1,000.00 by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297-3217 for deposit into the General Fund of Maryland;
- c. The Panel will issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's Controlled Dangerous Substances ("CDS") prescriptions. The administrative subpoena will request of review of the Respondent's CDS prescriptions from the beginning of each quarter;
- d. The Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101 – 14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

**ORDERED** that the Respondent shall not apply for the early termination of probation; and it is further

**ORDERED** that after a minimum of **SIX (6) MONTHS**, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or Panel A. The Respondent may be required to appear before the Board or Panel A to discuss his petition for termination. The Board or Panel A will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

**ORDERED** that if the Respondent allegedly fails to comply with any terms or condition of probation or 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. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

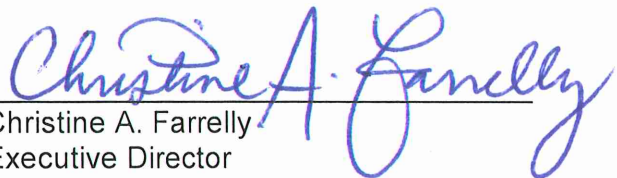
**ORDERED** that after the appropriate hearing, if the Board or Panel A determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel A; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

04/13/2018

  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

**CONSENT**

I, Oluremi Ilupeju, M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

***Signature on File***

March 28, 2018  
Date

\_\_\_\_\_  
Oluremi Ilupeju, M.D.  
Respondent

**NOTARY**

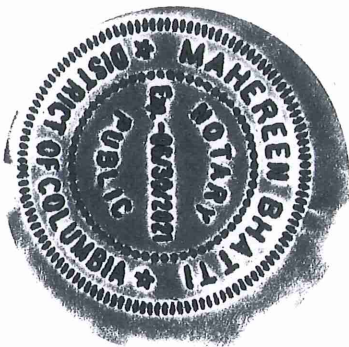
~~STATE OF MARYLAND~~  
~~CITY/COUNTY OF~~ \_\_\_\_\_




District of Columbia

I HEREBY CERTIFY that on this 28<sup>th</sup> day of March, 2018,  
before me, a Notary Public of the foregoing State and City/County personally appear  
Oluremi Ilupeju, M.D., and made oath in due form of law that signing the foregoing  
Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



  
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Notary Public Mahereen Bhatti

My commission expires: June 30, 2021