

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Alfred Kwasi Foluke, M.D.,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
)	AND ORDER OF DISCIPLINE
Respondent.)	

The North Carolina Medical Board ("Board") heard this matter on April 21-22, 2022. Board members present were John W. Rusher, M.D., J.D., Board President and Presiding Officer; Micheaux R. Kilpatrick, M.D., Ph.D.; Christine Khandelwal, D.O.; Melinda Privette, M.D., J.D.; Damian F. McHugh, M.D.; Shawn P. Parker, J.D., MPA; Devdutta G. Sangvai, M.D., MBA; William M. Brawley; and Sharona Y. Johnson, Ph.D., FNP-BP. The Honorable Fred M. Morelock, Independent Counsel, assisted the Board. Brian Blankenship, Deputy General Counsel, represented the Board. Respondent, Alfred Kwasi Foluke, M.D. ("Dr. Foluke"), did appear before the Board and was represented by counsel. Counsel for Dr. Foluke was Timothy P. Lehan. Pursuant to N.C. Gen. Stat. § 90-14.7, the Board proceeded with the hearing in this matter.

Based upon the evidence presented and arguments of counsel, the Board enters the following:

FINDINGS OF FACT

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. Dr. Foluke is a physician licensed by the Board on or about October 13, 1979, license number 23899.

3. At the times relevant herein, Dr. Foluke practiced psychiatry in New Bern, North Carolina.

4. Dr. Foluke, a Board-Certified Psychiatrist, operated Diagnosis and Assessment of Emotions-Health Services, PLLC ("DAE") since 2010 where he primarily practiced addiction psychiatry. In addition to practicing medicine, Dr. Foluke also owns and operates Select Properties, a property management company.

5. Dr. Foluke treated Patient A for opioid use disorder from March 2020 until February 2021, during which time he prescribed Patient A Suboxone, a Schedule III Controlled Substance, along with other medications.

6. On December 31, 2020, at approximately 11:30 pm, police officer J.R. Leggett, was dispatched to an alleged assault. The male suspect was the father of Patient A's daughter. Dr. Foluke reported that he was assaulted by the father of Patient A's daughter. According to Dr. Foluke, he and Patient A had just returned from one of his properties and when he pulled into his

office, the father of Patient A's daughter opened the door and punched him multiple times on the head. After Patient A and Dr. Foluke were interviewed by the Officer Leggett, Dr. Foluke proceeded to the hospital.

7. Officer Leggett visited the hospital on three occasions to check on Dr. Foluke's condition. On the three occasions Officer Leggett visited Dr. Foluke in the hospital, Patient A was present, sitting next to Dr. Foluke on the hospital bed and either holding his hand and/or his arm.

8. In late 2020, Dr. Foluke offered Patient A a job at his property management company. Patient A was employed by Dr. Foluke for several months during which time Dr. Foluke continued to treat Patient A.

9. While treating and employing Patient A, Dr. Foluke rented a single-family house that he owned to Patient A.

10. During the time Patient A resided at the house owned by Dr. Foluke, he stayed overnight at the house on two nights. Dr. Foluke stayed at the house because he, like Patient A, had concerns about her safety. Dr. Foluke stayed in the same room as Patient A on the nights he stayed at the residence. The room where Dr. Foluke and Patient A stayed had a sofa and mattress on the floor.

11. For several months, Dr. Foluke was Patient A's treating physician, employer, and landlord.

12. In August 2021, the Board received a handwritten letter from Patient A. In the letter, Patient A wrote, in part, "[Board Investigator], Dr. Foluke showed me the letter sent to him by the Medical Board accusing him of sexual misconduct with me and I was shocked to see that." Dr. Foluke had not treated Patient A as a patient since approximately April 2021. Additionally, Patient A had not worked for Dr. Foluke since approximately February 2021.

13. The return address on the letter sent to the Board by Patient A in August 2021 was a house owned by Dr. Foluke. Patient A did not live in the house at the address listed as the return address on the letter. Patient A used the return address because she and Dr. Foluke were concerned that any response to the letter that was mailed to Patient A where she was currently living could cause problems for her with the father of Patient A's daughter. Dr. Foluke told Patient A that she could use the address reflected on the letter sent to the Board in August 2021.

14. During the hearing, the parties stipulated that it was not the Board's position, nor would the Board argue, that there were any sexual relations between Patient A and Dr. Foluke.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Dr. Foluke and the subject matter of this case.

2. Dr. Foluke's conduct regarding his patient/physician relationship with Patient A violated N.C. Gen. Stat. § 90-14(a)(6),

and constitutes unprofessional conduct, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), including, but not limited to, a departure from, or the failure to conform to the ethics of the medical profession, which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Foluke's license to practice medicine or to deny any application he may make in the future.

3. Dr. Foluke's treatment of Patient A violated N.C. Gen. Stat. § 90-14(a)(6), and constitutes unprofessional conduct, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), including, but not limited to, a departure from, or the failure to conform to the standards of acceptable and prevailing medical practice, which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Foluke's license to practice medicine or to deny any application he may make in the future.

ORDER OF DISCIPLINE

Dr. Foluke's North Carolina medical license is hereby INDEFINITELY SUSPENDED.

Dr. Foluke shall not apply for reinstatement of his North Carolina medical license until such time that:


1. Dr. Foluke takes and successfully completes the Professional/Problem-Based Ethics ("ProBE") course, an education course offered by the Center for Personalized

Education for Professionals ("CPEP"). Dr. Foluke shall submit evidence of the successful completion of the ProBE course to the Board's Compliance Coordinator at compliance@ncmedboard.org. To register for the ProBE course, Dr. Foluke should contact CPEP at 303.577.3232 (Denver, CO office), 919.238.6436 (Raleigh, NC office), or visit their website, www.cpepdoc.org.

2. Dr. Foluke shall schedule and complete a comprehensive examination to determine Dr. Foluke's competency to practice medicine with a reasonable degree of skill and safety for patients, at an assessment center approved in advance by the Board's Office of the Medical Director by contacting the Board's Compliance Coordinator at compliance@ncmedboard.org.
3. Dr. Foluke shall complete continuing medical education ("CME") on Suboxone prescribing and substance abuse treatment to be approved by the Board's Office of the Medical Director. Dr. Foluke shall submit evidence of completion of the approved CME to the Board's Compliance Coordinator at compliance@ncmedboard.org.

By Order of the North Carolina Medical Board this the 20th
day of May, 2022.

NORTH CAROLINA MEDICAL BOARD

By: 
John W. Rusher, M.D., J.D.
President