

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Alfred Kwasi Foluke, M.D.,	)	NOTICE OF CHARGES AND
	)	ALLEGATIONS; NOTICE OF
	)	HEARING
Respondent.	)	

The North Carolina Medical Board ("Board") hereby prefers the following charges and allegations:

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 to it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. Respondent, Alfred Kwasi Foluke, M.D. ("Dr. Foluke"), is a physician licensed by the Board on or about October 13, 1979, license number 23899.

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

4. Dr. Foluke, a Board-Certified Psychiatrist, has operated Diagnosis and Assessment of Emotions-Health Services, PLLC ("DAE") since 2010 where he primarily practices addiction medicine.

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.

6. On January 27, 2021, the Board received a complaint alleging that Dr. Foluke had pursued a sexual relationship with Patient A while treating and prescribing controlled substances to Patient A. The complainant also alleged that Dr. Foluke had offered Patient A free medical services and to increase her medication if Patient A would engage in a sexual relationship with Dr. Foluke. Further, complainant alleged that while Dr. Foluke was treating Patient A, he also employed her.

7. On February 3, 2021, the Board received a second, similar complaint, alleging that Dr. Foluke and Patient A were now engaged in a sexual relationship, and that they were living at the same residence. The complainant also expressed concerns about Dr. Foluke's treatment and prescribing of controlled substances to Patient A.

8. Patient A confirmed to the Board that she and Dr. Foluke engaged in a sexual relationship on at least one occasion.

9. Dr. Foluke admitted to the Board that he had a relationship with Patient A outside of the physician/patient relationship. Specifically, Dr. Foluke admitted that he employed Patient A to work for his property business and that Patient A had resided at a property he owned. Dr. Foluke further admitted that, during the time Patient A resided at the property he owned, he spent the night at the residence on two occasions.

10. Review of Patient A's medical record revealed that Patient A's record did not contain an informed consent for treatment or a treatment agreement. Dr. Foluke also failed to appropriately monitor Patient A by failing to act on inappropriate findings, including Patient A testing positive for non-prescribed controlled substances or illicit substances.

FIRST CLAIM

11. Paragraphs one through ten are re-alleged and incorporated herein by reference.

12. Dr. Foluke's conduct, as described in paragraphs six through nine, 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, or the committing of any act contrary to honesty, justice, or good morals, 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.

SECOND CLAIM

13. Paragraphs one through ten are re-alleged and incorporated herein by reference.

14. Dr. Foluke's conduct, as described in paragraph ten, constitutes unprofessional conduct, including, but not limited to, a departure from, or the failure to conform to the standards of acceptable and prevailing medical practice, within the meaning of N.C. Gen. Stat. § 90-14(a)(6) 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.

NOTICE TO DR. FOLUKE

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations will be held before the Board, or a panel thereof, on Thursday, October 14, 2021, at 8:00 a.m. or as soon thereafter, at the offices of the Board at 3127 Smoketree Court, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.3, 14.5, 14.6, and 14.7 as well as 21 NCAC 32N .0110 and 21 NCAC 32N .0111. You may appear personally and through counsel, may cross-examine witnesses and present evidence on your own behalf.

You may, if you desire, file written answers to these charges preferred against you within thirty (30) days after the service of this notice.

Unless otherwise permitted by the Presiding Officer, all exhibits shall be provided to the Board electronically.

All preliminary motions, including motions for continuances, shall be received at the office of the Board no later than fourteen (14) days prior to the date of the hearing.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5) and 21 NCAC 32N .0110(c), it is further ordered that the parties shall arrange a pre-hearing conference. A pre-hearing stipulation, if agreed to by the parties, shall be submitted to the undersigned prior to the pre-hearing conference.

The identity of Patient A is being withheld from public disclosure pursuant to N.C. Gen. Stat. § 90-8. However, this information will be provided to you upon your request.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d) or N.C. Gen. Stat. § 90-14.2(b), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event, the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 6th day of July, 2021.

NORTH CAROLINA MEDICAL BOARD

By:

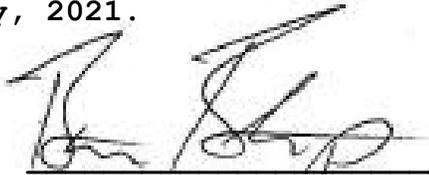
  
\_\_\_\_\_  
Venkata Jonnalagadda, M.D.  
President

CERTIFICATE OF SERVICE

I, the undersigned attorney for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing NOTICE OF CHARGES AND ALLEGATIONS; NOTICE OF HEARING on Respondent by depositing a copy with the United States Postal Service, certified mail, return receipt requested and by electronic mail to the following:

Alfred Kwasi Foluke, M.D.  
P.O. Box 12068  
New Bern, NC 28561  
Email: dae-2010@live.com

This the 6th day of July, 2021.



---

Brian Blankenship  
Deputy General Counsel  
North Carolina Medical Board  
P.O. Box 20007  
Raleigh, NC 27619-0007  
1.800.253.9653, ext. 239