

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE:

BENIAH NWANKWO, M.D.

License No.: MTL003608

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2009). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia and, in doing so, the Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C.1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C.1989). And the HORA “was designed to ‘address modern advances and community needs with the paramount consideration of protecting the public interest.’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Respondent has been licensed to practice medicine in the District of Columbia since August 24, 2012, as a medical training licensee. Following his graduation from Howard

University School of Medicine in May, 2009, Respondent served in the United States Army as a field surgeon and general medical officer at Walter Reed Army Medical Center from June, 2009, until November 2010, and in the same capacity at Brooke Army Medical Hospital from November, 2010, until June, 2012. Thereafter, Respondent was employed as a staff intern at York Hospital in York, Pennsylvania, where he was licensed to practiced medicine.

While serving in the United States Army, Respondent had a disciplinary matter, which was ultimately resolved in his favor; Respondent was exonerated from all allegations and Respondent received an honorable discharge from the United States Army at the rank of captain. Following his discharge, Respondent applied for and received a license to practice medicine in Pennsylvania. Apparently, because of the favorable resolution of his army matter, Respondent did not disclose to the Pennsylvania Board of Medicine (the "Pennsylvania Board") the army disciplinary history and its ultimate favorable outcome. Based on his failure to disclose the army disciplinary history with the favorable outcome, the Pennsylvania Board determined that Respondent obtained his Pennsylvania license fraudulently, thereby revoking his license to practice medicine in Pennsylvania. The Pennsylvania Board revoked Respondent's license in May, 2016, and reported the revocation to the National Practitioner Data Bank. Respondent has informed the Board that he is currently in the process of resolving the Pennsylvania revocation with the Pennsylvania Board. Until then, however, Respondent's Pennsylvania license remains in revoked status.

Upon discovering Respondent's revoked status in Pennsylvania, the D.C. Department of Health (the "Department") summarily suspended Respondent's license. Respondent appealed the summary suspension, but subsequently determined to enter into the instant Consent Order. Therefore, the hearing on the summary suspension has been canceled, and the D.C. Office of

Administrative Hearings dismissed the appeal with prejudice. Following the summary suspension by the Department, the Board determined to issue a Notice of Intent to Take Disciplinary Action (“NOI”). The NOI was not issued because Respondent has agreed to enter into this Consent Order. The Board considered the Pennsylvania revocation and the underlying reasons for the revocation, as well as the exoneration of the army disciplinary allegations. The Board has determined that while Respondent resolves the Pennsylvania revocation reciprocal action with respect to Respondent’s District of Columbia medical license is warranted. Accordingly, the D.C. Board voted to issue the instant Consent Order to Respondent.

Conclusions of Law

The D.C. Board is authorized, pursuant to D.C. Official Code § 3-1205.14(a)(3), to take reciprocal action when a Respondent has been disciplined by a licensing authority of another jurisdiction for conduct that would be grounds for Board action. In pertinent part, D.C. Official Code § 3-1205.14(a)(3) states:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions...against any person permitted by this subchapter to practice a health occupation regulated by the board in the District who is **disciplined by a licensing or disciplinary authority...of any jurisdiction for conduct that would be grounds for disciplinary action under this section.** (emphasis added)

Also, under D.C. Official Code, an applicant for a medical license must disclose all material information, including all disciplinary history, whether or not that history resolved in the applicant’s favor. Otherwise, obtaining a license without fully disclosing all material past information may be fraudulent. *See* D.C. Official Code §§ 3-1205.14(a)(1). Respondent’s failure to disclose his army disciplinary history when applying for his Pennsylvania license, had it occurred in the District, may be a violation of §3-1205.14(a)(1).

Accordingly, Respondent's conduct has provided the D.C. Board with a basis in law and fact to take reciprocal action against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3). In the event Respondent resolves the revocation matter in Pennsylvania, based on his exoneration from all charges in the army, this Board may reconsider the merits of the instant Consent Order upon petition by Respondent.

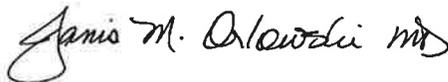
ORDER

Based upon the foregoing, it is this by the District of Columbia Board of Medicine hereby,

ORDERED, that Respondent is hereby **INDEFINITELY SUSPENDED** from the practice of medicine in the District of Columbia; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE



8/18/16
Date

By: Janis M. Orłowski, M.D., M.A.C.P.
Chairperson

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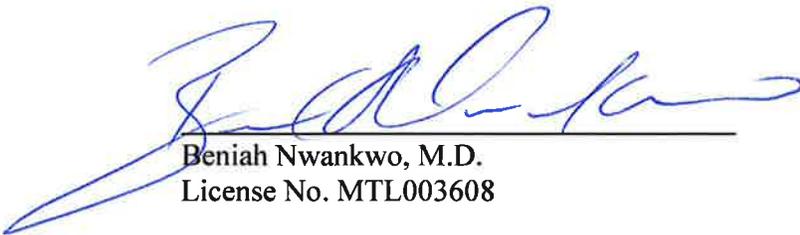
CONSENT OF RESPONDENT

- My signature on the foregoing Consent Order signifies my acceptance of the terms and conditions of the Consent Order and my agreement to be bound by its provisions. BN
(initial)
- I acknowledge the validity of this Consent Order, as if made after a 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 due process protections provided by the laws of the District of Columbia and the United States of America. BN (initial)
- I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. BN (initial)
- I expressly acknowledge that by signing this Consent Order, I am voluntarily waiving my right to require the Board to charge me through a notice of intent to take disciplinary action with a violation of this agreement and to require the government to prove such violation by a preponderance of the evidence before suspending my license based upon the failure to satisfactorily fulfill the terms of the Consent Order. BN (initial)
- I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. BN (initial)
- I further expressly acknowledge that by signing this Consent Order, I am waiving my right to appeal this Consent Order, as well as waiving any and all rights, whatsoever, I would have to challenge or appeal that Board's decision to suspend my license based on the failure to satisfactorily fulfill the terms of the Consent Order. BN (initial)

• I acknowledge that in the event that the Board suspends my license based on the failure to satisfactorily fulfill the terms of the Consent Order, my sole remedy and recourse will be to respond within the time period set forth in this Consent Order with proof of my compliance and that if I fail to do so, my sole remedy and recourse will be to comply with the terms of this Consent Order to the satisfaction of the Board. BN (initial)

• I have had an opportunity to review this document and to consult with my own legal counsel. I choose willingly to sign this Consent Order, and I understand its meaning and effect. BN (initial)

8/18/16
Date


Beniah Nwankwo, M.D.
License No. MTL003608

Signed in the presence of Counsel to the Board of Medicine on this ^{18th} day of August, 2016.


Brian G. Kim
Counsel, D.C. Board of Medicine

This Consent Order shall be deemed a public document and shall be distributed as appropriate.