

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**JOSHUA E. NNANJI, MD, RESPONDENT**

**File No. 02-97-296**

\*\*\*\*\*

**TERMINATION ORDER**

\*\*\*\*\*

**NOW ON June 9, 2004, BE IT REMEMBERED:**

1. On June 4, 1998, Respondent entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Iowa Board of Medical Examiners. Respondent was charged with engaging in a sexual relationship with a patient in violation of appropriate physician-patient professional boundaries, with engaging in inappropriate prescribing practices and with maintaining pre-signed prescriptions in violation of the laws and rules governing the practice of medicine in Iowa. Under the terms of the Settlement Agreement, Respondent's Iowa medical license was indefinitely suspended.

2. On June 9, 1999, the Board issued an Order reinstating Respondent's Iowa medical license and placing it on probation for a period of five years subject to numerous terms and conditions due to sexual misconduct and inappropriate prescribing practices.

3. On June 9, 2004, Respondent successfully completed the terms of his five year probation.

**THEREFORE IT IS HEREBY ORDERED:** That the restrictions placed upon the Respondent's Iowa medical license are terminated, and Respondent's Iowa medical license is returned to its full privileges free and clear of all restrictions.



---

Bruce L. Hughes, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

June 9, 2004

Date

**BEFORE THE BOARD OF MEDICAL EXAMINERS  
STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES  
AGAINST**

**JOSHUA E. NNANJI, M.D., RESPONDENT**

**PO-97-296**

\*\*\*\*\*

**AMENDED ORDER**

\*\*\*\*\*

NOW ON June 28, 2001 BE IT REMEMBERED:

I. That on June 13, 2001, Joshua E. Nnanji, M.D. (hereafter the Respondent) filed an application with the Iowa Board of Medical Examiners (hereafter the Board), seeking certain amendments to a medical board disciplinary Order issued in the above entitled action on June 9, 1999.

II. That on June 28, 2001, the Board considered the Respondent's application and voted to authorize amendments to the above referenced medical board Order.

THEREFORE IT IS ORDERED that number 12 on page 5 of the above referenced medical board disciplinary Order dated June 9, 1999, a copy of which is attached as Exhibit 1, is hereby deleted.

*Dale R. Holdiman MD*

---

Dale R. Holdiman, M.D., Board Chairperson  
IOWA STATE BOARD OF MEDICAL EXAMINERS  
400 SW 8<sup>th</sup>, Suite C  
Des Moines, Iowa 50309-4686

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

---

IN THE MATTER OF	)	DIA NO: 99DPHMB010
THE STATEMENT OF CHARGES	)	CASE NO: 02-97-296
AGAINST:	)	
	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
JOSHUA E. NNANJI, M.D.	)	DECISION AND ORDER
	)	OF THE BOARD
RESPONDENT	)	

---

TO: JOSHUA E. NNANJI, M.D.

On April 26, 1999 the Respondent filed an Application for Reinstatement of his medical license, pursuant to 653 IAC 12.50(36). On May 18, 1999, an Order was issued scheduling the hearing for May 27, 1999.

The hearing was held before the Iowa Board of Medical Examiners on May 27, 1999 at 10:30 a.m. in a conference room at the Four Points Hotel & Suites, 4800 Merle Hay Road, Des Moines, Iowa. The Respondent appeared and was represented by his counsel, Connie Diekema. The state was represented by Theresa O'Connell Weeg, Assistant Attorney General. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, presided. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1) and 653 IAC 12.50(23)(d). The hearing was recorded by a certified court reporter.

After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f)(1999) to deliberate their decision. A motion approving the application for reinstatement was taken in open session. All eight members of the Board who were present for the hearing voted to reinstate.

THE RECORD

The record includes the Order for Hearing, testimony of the witness, and the following exhibits:

- State Exhibit A: Application for Reinstatement and attachments
- State Exhibit B: Letter dated 5/6/99 (DEA to Board)
- State Exhibit C: Order on Application for Reinstatement, 10/27/98; Combined Statement of Charges, Settlement Agreement, and Final Order, 6/4/98

State Exhibit D: Investigative Report and Attachments A & B

State Exhibit E: "Summary of Evaluation," Gene G. Abel, M.D., Behavioral Medicine Institute of Atlanta, 6/11/98

#### FINDINGS OF FACT

1. The Respondent was issued license number 27692 to practice medicine and surgery in Iowa on July 12, 1990. The Respondent's license was indefinitely suspended by the Board on June 4, 1999, pursuant to a signed settlement. (State Exhibit C)

2. Pursuant to the settlement agreement, the Respondent admitted that he had been involved in a long term sexual relationship with a woman who he saw as a patient for a five month period. He also admitted prescribing psychiatric medications and controlled substances for this patient on several occasions and prescribing psychiatric medications and controlled substances to persons, including co-workers, staff persons and family members, without formally establishing a physician-patient relationship, without performing examinations, and without keeping adequate medical records. The Respondent also admitted using pre-signed prescriptions on at least one occasion and failing to maintain controlled substances in the manner required by law. (State Exhibit C)

3. The Respondent agreed to submit to evaluation for professional sexual misconduct at a program pre-approved by the Board and to comply with any recommendations for treatment made by the program. The Respondent also agreed to complete a personalized comprehensive prescribing course approved by the Board. The Respondent has complied with both of these requirements. (Testimony of Respondent; State Exhibits C, A, E)

4. The Respondent filed a previous Application for Reinstatement, which was denied on October 27, 1998. The Board ordered the Respondent to continue his therapy with Dr. Tormey and any follow-up treatment with Dr. Abel; to continue to undergo polygraph examinations every six months; to commence and continue marital therapy counseling; and to successfully complete the Appropriate Prescribing Workshop in Portland Oregon on October 29-30, 1998. The Respondent has complied with all of these requirements. In addition, the Respondent attended the 8th Annual Psychopharmacology Review and Current Clinical Practice in Tucson, Arizona from February 22-26, 1999. (Testimony of Respondent; State Exhibits C, A, E)

5. The Respondent and the U.S. Department of Justice, Drug Enforcement Administration (DEA) have agreed on a civil settlement of the Respondent's violation of federal laws governing prescribing

of controlled substances. On May 6, 1999, the DEA wrote to the Board and made certain recommendations concerning the Respondent's prescription writing privileges if his license to practice medicine is reinstated. The Respondent is willing to comply with these recommendations, but has asked the Board to consider the difficulty that he will have practicing as a child psychiatrist if he cannot prescribe Schedule II controlled substances such as Ritalin. (Testimony of Respondent; State Exhibit B)

6. The Respondent continues in treatment with Dr. Gene G. Abel, M.D. and Dr. Nicholas Tormey, Ph.D. Both have concluded that the Respondent is ready to return to the practice of medicine without posing a threat to his patients. They have made recommendations for restrictions on the Respondent's practice if his license is reinstated. (Testimony of Respondent; State Exhibits A, B, E)

#### CONCLUSIONS OF LAW

The Iowa Administrative Code provides that any person whose license to practice medicine and surgery has been revoked or suspended by the Board may apply to the Board for reinstatement in accordance with the terms and conditions of the order of revocation or suspension. 653 IAC 12.50(36).

If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, an initial application for reinstatement may not be made until one year has elapsed from the date of the director's order or the date of voluntary surrender. 653 IAC 12.50(36)"a".

An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent. 653 IAC 12.50(36)"c".

An order of reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of not fewer than six members of the board. The order for reinstatement shall be published as provided in subrule 12.50(35). 653 IAC 12.50(36)"d".

The preponderance of the evidence established that the Respondent has sufficiently addressed the problems which led to the Board's indefinite suspension of his license. It is in the public interest for his license to be reinstated, subject to terms and conditions.

ORDER

IT IS THEREFORE ORDERED, that the Respondent's Application for Reinstatement of license 27692 is GRANTED.

IT IS FURTHER ORDERED, that license no. 27692, issued to Joshua E. Nnanji, M.D., to practice medicine and surgery in the state of Iowa, is immediately placed on probation for a period of five (5) years, subject to the following terms and conditions:

1. The Respondent shall practice only in a group setting with other licensed physicians. His practice shall be monitored by another licensed physician in the same group practice. Prior to resuming the practice of medicine, the Respondent shall submit a monitoring plan to the Board and obtain approval of the plan.
2. The Respondent shall prescribe controlled substances only via a written prescription. The Respondent shall maintain sequentially numbered duplicate prescriptions. The Respondent shall not purchase, administer, or dispense any controlled substances, including controlled substance samples.
3. Prior to prescribing any controlled substances, the Respondent shall submit a proposal for Board approval which designates a named staff member to review all charts of patients receiving prescriptions for controlled substances from the Respondent and all duplicate controlled substance prescriptions to ensure that they are in conformance with each other. Any discrepancies shall be reported directly to the Board by the designated staff member.
4. The Respondent shall maintain adequate records of all controlled substance prescriptions written by him to include:  
a) The patients name, b) the patient's address, c) the date of issuance of the prescription to the patient, and d) the drug, strength and quantity prescribed. The Respondent shall maintain all of the above records separately from patient files or any other documents so that these records are readily retrievable. The Respondent shall submit copies of these prescribing records on a quarterly basis to the Board for their review.
5. The Respondent shall not take possession of controlled substances that he prescribes to patients or any medications prescribed to his patients by other physicians. The Respondent shall not give any prescriptions, whether blank or filled out, to any patient to fill for him, or anyone else other than the patient.

6. The Respondent shall not prescribe, dispense, or administer controlled substances and or controlled substance samples to any members of his immediate family, including siblings, nieces or nephews, blood relatives or relatives by marriage, former relatives or former spouses, or any other individual with whom he has not established a "doctor-patient relationship."

7. The Respondent shall not sign blank prescriptions for anyone.

8. The Respondent shall allow state or federal investigators to enter his office at any time during regular business hours, without prior notice, to verify compliance. The Respondent shall allow entry of the investigators without an Administrative Inspection Warrant or other means of entry. He shall provide the investigators with all copies of records mentioned in paragraph 4.

9. The Respondent shall promptly notify the Board of any change in the status of his Iowa state controlled substance registration.

10. The Respondent shall promptly notify the Board of any change of employment or employment status, or prior to transferring his state licenses to another address. This notification also applies if the Respondent seeks employment in another state.

11. The Respondent shall continue his therapy with Dr. Tormey and follow-up treatment with Dr. Abel at the frequency which they recommend.

a) The Respondent shall have all patients fill out a Patient/Patient's Family Satisfaction Survey and every three months shall forward to Dr. Tormey all surveys filled out by patients during a one week interval.

b) The Respondent shall have Staff Surveillance Forms completed by three individuals on his staff who are familiar with his sexual misconduct, and shall forward these forms to Dr. Tormey once a month.

c) The Respondent shall provide all of his patients with a copy of the Principles of Medical Practice.

d) The Respondent shall continue to undergo polygraph examinations every six months.

12. The Respondent shall continue marital therapy counselling at the frequency recommended by his counselor.



13. The Respondent shall submit quarterly written reports to the Board, under penalty of perjury, stating that there has been compliance with all of the conditions in this Order.

14. The Respondent shall make a personal appearance before the Board upon request. The Respondent shall be given reasonable notice of the date, time, and place for the appearances.

15. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

16. The Respondent shall notify the Board of any change of employment or address within one week of said change.

17. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Order, the Board will initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code sections 148.6 and 272C.3(2)(a).

18. Upon full compliance with the terms and conditions set forth in this Order, and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of probation.

Dated this 9<sup>th</sup> day of June, 1999.

Dale R. Holdiman MD  
Dale Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
1209 East Court Avenue  
Des Moines, IA. 50319-0180

cc: Theresa O'Connell Weeg, Assistant Attorney General  
Connie Diekema, Attorney for Respondent

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

IN THE MATTER OF	)	DIA NO: 99DPHMB010
THE STATEMENT OF CHARGES	)	CASE NO: 02-97-296
AGAINST:	)	
	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
JOSHUA E. NNANJI, M.D.	)	DECISION AND ORDER
	)	OF THE BOARD
RESPONDENT	)	

TO: JOSHUA E. NNANJI, M.D.

On April 26, 1999 the Respondent filed an Application for Reinstatement of his medical license, pursuant to 653 IAC 12.50(36). On May 18, 1999, an Order was issued scheduling the hearing for May 27, 1999.

The hearing was held before the Iowa Board of Medical Examiners on May 27, 1999 at 10:30 a.m. in a conference room at the Four Points Hotel & Suites, 4800 Merle Hay Road, Des Moines, Iowa. The Respondent appeared and was represented by his counsel, Connie Diekema. The state was represented by Theresa O'Connell Weeg, Assistant Attorney General. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, presided. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1) and 653 IAC 12.50(23)(d). The hearing was recorded by a certified court reporter.

After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f)(1999) to deliberate their decision. A motion approving the application for reinstatement was taken in open session. All eight members of the Board who were present for the hearing voted to reinstate.

THE RECORD

The record includes the Order for Hearing, testimony of the witness, and the following exhibits:

- State Exhibit A: Application for Reinstatement and attachments
- State Exhibit B: Letter dated 5/6/99 (DEA to Board)
- State Exhibit C: Order on Application for Reinstatement, 10/27/98; Combined Statement of Charges, Settlement Agreement, and Final Order, 6/4/98

JAN 10 1999  
OFFICE OF THE CLERK  
STATE OF IOWA

State Exhibit D: Investigative Report and Attachments A & B

State Exhibit E: "Summary of Evaluation," Gene G. Abel, M.D., Behavioral Medicine Institute of Atlanta, 6/11/98

#### FINDINGS OF FACT

1. The Respondent was issued license number 27692 to practice medicine and surgery in Iowa on July 12, 1990. The Respondent's license was indefinitely suspended by the Board on June 4, 1999, pursuant to a signed settlement. (State Exhibit C)

2. Pursuant to the settlement agreement, the Respondent admitted that he had been involved in a long term sexual relationship with a woman who he saw as a patient for a five month period. He also admitted prescribing psychiatric medications and controlled substances for this patient on several occasions and prescribing psychiatric medications and controlled substances to persons, including co-workers, staff persons and family members, without formally establishing a physician-patient relationship, without performing examinations, and without keeping adequate medical records. The Respondent also admitted using pre-signed prescriptions on at least one occasion and failing to maintain controlled substances in the manner required by law. (State Exhibit C)

3. The Respondent agreed to submit to evaluation for professional sexual misconduct at a program pre-approved by the Board and to comply with any recommendations for treatment made by the program. The Respondent also agreed to complete a personalized comprehensive prescribing course approved by the Board. The Respondent has complied with both of these requirements. (Testimony of Respondent; State Exhibits C, A, E)

4. The Respondent filed a previous Application for Reinstatement, which was denied on October 27, 1998. The Board ordered the Respondent to continue his therapy with Dr. Tormey and any follow-up treatment with Dr. Abel; to continue to undergo polygraph examinations every six months; to commence and continue marital therapy counseling; and to successfully complete the Appropriate Prescribing Workshop in Portland Oregon on October 29-30, 1998. The Respondent has complied with all of these requirements. In addition, the Respondent attended the 8th Annual Psychopharmacology Review and Current Clinical Practice in Tucson, Arizona from February 22-26, 1999. (Testimony of Respondent; State Exhibits C, A, E)

5. The Respondent and the U.S. Department of Justice, Drug Enforcement Administration (DEA) have agreed on a civil settlement of the Respondent's violation of federal laws governing prescribing

of controlled substances. On May 6, 1999, the DEA wrote to the Board and made certain recommendations concerning the Respondent's prescription writing privileges if his license to practice medicine is reinstated. The Respondent is willing to comply with these recommendations, but has asked the Board to consider the difficulty that he will have practicing as a child psychiatrist if he cannot prescribe Schedule II controlled substances such as Ritalin. (Testimony of Respondent; State Exhibit B)

6. The Respondent continues in treatment with Dr. Gene G. Abel, M.D. and Dr. Nicholas Tormey, Ph.D. Both have concluded that the Respondent is ready to return to the practice of medicine without posing a threat to his patients. They have made recommendations for restrictions on the Respondent's practice if his license is reinstated. (Testimony of Respondent; State Exhibits A, B, E)

#### CONCLUSIONS OF LAW

The Iowa Administrative Code provides that any person whose license to practice medicine and surgery has been revoked or suspended by the Board may apply to the Board for reinstatement in accordance with the terms and conditions of the order of revocation or suspension. 653 IAC 12.50(36).

If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, an initial application for reinstatement may not be made until one year has elapsed from the date of the director's order or the date of voluntary surrender. 653 IAC 12.50(36)"a".

An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent. 653 IAC 12.50(36)"c".

An order of reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of not fewer than six members of the board. The order for reinstatement shall be published as provided in subrule 12.50(35). 653 IAC 12.50(36)"d".

The preponderance of the evidence established that the Respondent has sufficiently addressed the problems which led to the Board's indefinite suspension of his license. It is in the public interest for his license to be reinstated, subject to terms and conditions.

ORDER

IT IS THEREFORE ORDERED, that the Respondent's Application for Reinstatement of license 27692 is GRANTED.

IT IS FURTHER ORDERED, that license no. 27692, issued to Joshua E. Nnanji, M.D., to practice medicine and surgery in the state of Iowa, is immediately placed on probation for a period of five (5) years, subject to the following terms and conditions:

1. The Respondent shall practice only in a group setting with other licensed physicians. His practice shall be monitored by another licensed physician in the same group practice. Prior to resuming the practice of medicine, the Respondent shall submit a monitoring plan to the Board and obtain approval of the plan.
2. The Respondent shall prescribe controlled substances only via a written prescription. The Respondent shall maintain sequentially numbered duplicate prescriptions. The Respondent shall not purchase, administer, or dispense any controlled substances, including controlled substance samples.
3. Prior to prescribing any controlled substances, the Respondent shall submit a proposal for Board approval which designates a named staff member to review all charts of patients receiving prescriptions for controlled substances from the Respondent and all duplicate controlled substance prescriptions to ensure that they are in conformance with each other. Any discrepancies shall be reported directly to the Board by the designated staff member.
4. The Respondent shall maintain adequate records of all controlled substance prescriptions written by him to include:  
a) The patients name, b) the patient's address, c) the date of issuance of the prescription to the patient, and d) the drug, strength and quantity prescribed. The Respondent shall maintain all of the above records separately from patient files or any other documents so that these records are readily retrievable. The Respondent shall submit copies of these prescribing records on a quarterly basis to the Board for their review.
5. The Respondent shall not take possession of controlled substances that he prescribes to patients or any medications prescribed to his patients by other physicians. The Respondent shall not give any prescriptions, whether blank or filled out, to any patient to fill for him, or anyone else other than the patient.

6. The Respondent shall not prescribe, dispense, or administer controlled substances and or controlled substance samples to any members of his immediate family, including siblings, nieces or nephews, blood relatives or relatives by marriage, former relatives or former spouses, or any other individual with whom he has not established a "doctor-patient relationship."

7. The Respondent shall not sign blank prescriptions for anyone.

8. The Respondent shall allow state or federal investigators to enter his office at any time during regular business hours, without prior notice, to verify compliance. The Respondent shall allow entry of the investigators without an Administrative Inspection Warrant or other means of entry. He shall provide the investigators with all copies of records mentioned in paragraph 4.

9. The Respondent shall promptly notify the Board of any change in the status of his Iowa state controlled substance registration.

10. The Respondent shall promptly notify the Board of any change of employment or employment status, or prior to transferring his state licenses to another address. This notification also applies if the Respondent seeks employment in another state.

11. The Respondent shall continue his therapy with Dr. Tormey and follow-up treatment with Dr. Abel at the frequency which they recommend.

a) The Respondent shall have all patients fill out a Patient/Patient's Family Satisfaction Survey and every three months shall forward to Dr. Tormey all surveys filled out by patients during a one week interval.

b) The Respondent shall have Staff Surveillance Forms completed by three individuals on his staff who are familiar with his sexual misconduct, and shall forward these forms to Dr. Tormey once a month.

c) The Respondent shall provide all of his patients with a copy of the Principles of Medical Practice.

d) The Respondent shall continue to undergo polygraph examinations every six months.

12. The Respondent shall continue marital therapy counselling at the frequency recommended by his counselor.

13. The Respondent shall submit quarterly written reports to the Board, under penalty of perjury, stating that there has been compliance with all of the conditions in this Order.

14. The Respondent shall make a personal appearance before the Board upon request. The Respondent shall be given reasonable notice of the date, time, and place for the appearances.

15. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

16. The Respondent shall notify the Board of any change of employment or address within one week of said change.

17. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Order, the Board will initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code sections 148.6 and 272C.3(2)(a).

18. Upon full compliance with the terms and conditions set forth in this Order, and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of probation.

Dated this 9<sup>th</sup> day of June, 1999.

Dale R. Holdiman MD  
Dale Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
1209 East Court Avenue  
Des Moines, IA. 50319-0180

cc: Theresa O'Connell Weeg, Assistant Attorney General  
Connie Diekema, Attorney for Respondent

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

---

IN THE MATTER OF THE	) DIA NO. 98DPHMB-19
APPLICATION FOR REINSTATEMENT	) CASE NO. 02-97-296
FILED BY:	)
	)
JOSHUA E. NNANJI, M.D.	) FINDINGS OF FACT,
	) CONCLUSIONS OF LAW,
Respondent	) DECISION AND ORDER
	)

---

On June 4, 1998, the Iowa Board of Medical Examiners (Board) issued a Final Order which encompassed the combined statement of charges, settlement agreement and final order issued to Joshua E. Nnanji, M.D. (Respondent). On August 24, 1998, the Respondent filed an Application for Reinstatement with the Board. On September 28, 1998, an Order for Hearing was issued which set a hearing on the Application for Reinstatement for October 8, 1998.

The reinstatement hearing was held before ten members of the Board on October 8, 1998 at approximately 11:00 a.m. at the Four Points Hotel & Suites, 4800 Merle Hay Road, Des Moines, Iowa. The Respondent appeared in person and was represented by Attorney Connie Diekema. Theresa O'Connell Weeg, Assistant Attorney General, appeared for the state of Iowa. John Priester, an administrative law judge from the Iowa Department of Inspections and Appeals, presided and was later instructed to prepare this Order of the Board. The hearing was recorded by a certified court reporter. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1)(1997), at the written request of the Respondent.

After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f)(1997) to deliberate their decision. A motion was taken in open session.

THE RECORD

The record includes the Order for Hearing, the testimony of the Respondent, and the following exhibits:

Exhibit A: Combined Statement of Charges, Settlement Agreement and Final Order, 6/4/98

Exhibit B: Disciplinary Committee Action Report, 3/11/98; including Investigative Report, 2/25/98



- Exhibit C: Summary of Evaluation of Respondent by Gene G. Abel, M.D., 6/11/98
- Exhibit 1: Patient Satisfaction Survey
- Exhibit 2: Staff Surveillance Form
- Exhibit 3: Principles of Medical Practice Form

#### FINDINGS OF FACT

1. The Respondent was issued license number 27692 to practice medicine and surgery in Iowa on July 12, 1990. The Respondent's license was indefinitely suspended by the Board on June 4, 1998, pursuant to a signed settlement. (Exhibit A)
2. The Board found that the Respondent had committed unethical conduct and an act contrary to good morals when he engaged in a 4 year sexual relationship with a patient/employee. The Respondent also improperly prescribed psychiatric medications and controlled substances and he maintained pre-signed prescriptions. (Exhibit A)
3. In its Decision and Order, the Board stated that the Respondent would be required to undergo an evaluation for professional sexual misconduct at a facility approved by the Board and to cooperate with any recommendations of the evaluator, before his license would be reinstated. The Respondent has complied with this requirement. (Testimony of Respondent; Exhibit C)
4. From June 12th to August 7, 1998, the Respondent participated in treatment at the Behavioral Medicine Institute of Atlanta. This is a facility approved by the Board. The Respondent participated in 98 treatment sessions while in treatment with Dr. Abel. (Testimony of Respondent, Exhibit C)
5. The Board also required that the Respondent successfully complete a personalized, comprehensive prescribing course pre-approved by the Board. The Respondent testified that he has enrolled in a program entitled Appropriate Prescribing Workshop in Portland, Oregon, on October 29 and 30th. (Testimony of Respondent, Exhibit A)
6. The Respondent has also begun therapy with Dr. Nicholas Tormey in West Des Moines. (Testimony of Respondent)

#### CONCLUSIONS OF LAW

The Iowa Administrative Code provides that any person whose license to practice medicine and surgery has been revoked or suspended by the Board may apply to the Board for reinstatement in accordance

with the terms and conditions of the order of revocation or suspension. 653 IAC 12.50(36).

If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, an initial application for reinstatement may not be made until one year has elapsed from the date of the director's order or the date of voluntary surrender. 653 IAC 12.50(36)"a."

An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent. 653 IAC 12.50(36)"c."

An order of reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of not fewer than six members of the board. The order of reinstatement shall be published as provided in subrule 12.50(35). 653 IAC 12.50(36)"d."

The preponderance of the evidence established that the Respondent has not sufficiently addressed the violations which were the basis for the indefinite suspension of his license. It is not in the public's interest for his license to be reinstated as of yet.

The Respondent's license has only been suspended for a little over 4 months. While the Respondent has made progress in fulfilling the Board's requirements for reinstatement, the Board believes that the Respondent must establish a more extensive track record of treatment before he is to be reinstated.

The Respondent has completed a course of treatment at a facility approved by the Board. This facility has also completed a comprehensive evaluation of the Respondent. The facility's director provided the Board with a number of recommendations for safeguards and conditions, if the Respondent is allowed to resume the practice of medicine. The Board determined that in order to be considered for reinstatement, the Respondent must provide documentation that he has made satisfactory progress with the following requirements:

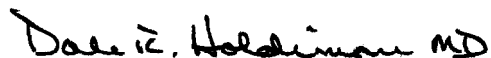
1. The Respondent must continue his therapy with Dr. Tormey and any follow-up treatment with Dr. Abel;
2. The Respondent must continue to undergo polygraph examinations every six months;
3. The Respondent must commence and continue marital therapy counseling;

4. Successfully complete the Appropriate Prescribing Workshop in Portland, Oregon from October 29-30th.

ORDER

IT IS THEREFORE ORDERED, that the Respondent's Application for Reinstatement is hereby DENIED. The Respondent shall not apply for reinstatement until 6 months have lapsed from the date of this order.

Dated this 27 day of October , 1998.



---

Dale Holdiman, M.D.  
Chairperson  
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg  
Connie Diekema

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of the board's order.

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

---

IN THE MATTER OF THE	)	NO. 02-97-296
COMPLAINT AND STATEMENT	)	
OF CHARGES AGAINST	)	
	)	
JOSHUA E. NNANJI, M.D.,	)	<b>COMBINED STATEMENT OF CHARGES,</b>
	)	<b>SETTLEMENT AGREEMENT</b>
RESPONDENT.	)	<b>AND FINAL ORDER</b>

---

COMES NOW the Iowa Board of Medical Examiners (hereafter the Board) and Joshua E. Nnanji, M.D. (hereafter the Respondent), and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (1997), file this Combined Statement of Charges, Settlement Agreement and Final Order.

**STATEMENT OF CHARGES**

1) The Respondent was issued license number 27692 to practice medicine and surgery in the State of Iowa on July 12, 1990. The Respondent's license is current and will next expire on February 1, 2000.

2) The Board has jurisdiction over the parties and the subject matter pursuant to Iowa Code Chapters 147, 148, and 272C (1997).

**COUNT I**

3) The Respondent is charged under Iowa Code section 147.55 (1997) and 653 Iowa Administrative Code 12.4(3) with engaging in unethical conduct when he engaged in a sexual relationship with a patient.

**COUNT II**

4) The Respondent is charged under Iowa Code sections 148.6(2)(c) (1997) and 653 IAC 12.4(9), with violating a law of

this state which relates to the practice of medicine when he engaged in sexual conduct with a patient, in violation of Iowa Code section 709.15(1)(f)(3) (1997).

**COUNT III**

5) The Respondent is charged under Iowa Code section 148.6(2)(g) (1997) and 653 IAC 12.4(13) and 12.4(19) with repeatedly departing from, or failing to conform to, the minimal standards of acceptable and prevailing practice of medicine and surgery when he improperly prescribed psychiatric medications and controlled substances.

**COUNT IV**

(6) The Respondent is charged under Iowa Code sections 147.55(3) and 272C.10(3) (1997), and 653 IAC 12.4(3)(e), when he engaged in practice harmful or detrimental to the public when he on several occasions engaged in the practice of maintaining pre-signed prescriptions.

**COUNT V**

(7) The Respondent is charged under Iowa Code section 148.6(2)(c) (1997) with violating a law of this state which relates to the practice of medicine when he on numerous occasions failed to comply with the provisions of Iowa Code Chapter 124 (1997) relating to the administration, dispensing, and prescribing of controlled substances.

**CIRCUMSTANCES**

(8) R is a psychiatrist practicing in Clinton, Iowa.

(9) In May of 1993, the Respondent entered into a sexual relationship with Patient No. 1. This relationship ended in September of 1997. During this time period the Respondent on several occasions prescribed psychiatric medications and controlled substances to Patient No. 1, and saw Patient No. 1 as a patient in his office for a five-month period.

(10) The Respondent prescribed psychiatric medications and controlled substances to persons, including co-workers, staff persons and family members, without formally establishing a physician-patient relationship, without performing an examinations, and without keeping adequate medical records.

(11) On at least one occasion the Respondent engaged in the practice of using pre-signed prescriptions.

(12) The Respondent on numerous occasions failed to maintain controlled substances in the manner required by law.

**SETTLEMENT AGREEMENT**

(13) The Board has jurisdiction over the parties and subject matter herein.

(14) The Respondent admits the allegations contained in the Statement of Charges.

(15) Immediately upon the Board's approval of this Combined Statement of Charges and Settlement Agreement, the Respondent's

medical license shall be indefinitely suspended. In order to reinstate his medical license, the Respondent shall be subject to the license reinstatement provisions of 148.9 and 653 IAC 12.50(36).

(16) Prior to filing a petition seeking reinstatement of licensure, the Respondent shall:

(a) submit to evaluation for professional sexual misconduct at a program pre-approved by the Board. The Respondent shall comply with any recommendations for treatment made by that program, and with any recommendations following treatment made by that program.

(b) <sup>Agree to</sup> successfully complete <sup>, within a prescribed period of time,</sup> a personalized, comprehensive prescribing course pre-approved by the Board. This course shall address, inter alia, appropriate prescribing practices and compliance with the laws governing prescribing, administering, and dispensing of controlled substances. The Respondent shall provide documentation to the Board upon completing this course that his knowledge and skill in prescribing medications meets the minimum standard of care.

(17) In the event the Board determines the Respondent's medical license shall be reinstated, the Board shall have discretion to impose appropriate restrictions, a term of probation, and conditions of probation.

(18) In addition, the following restrictions and provisions

shall be included in any reinstatement order filed by the Board:

(a) A permanent restriction from prescribing controlled or non-controlled substances to any family members within the third degree of consanguinity or affinity.

(b) A permanent restriction from prescribing controlled or non-controlled substances to any person unless a formal physician-patient relationship has been established and appropriate medical records are maintained.

(c) A permanent restriction from the use of pre-signed prescriptions.

(d) A provision that Respondent agrees to fully comply with all state and federal laws governing the administering, dispensing, or prescribing of controlled substances.

(19) In the event Respondent violates or fails to comply with any of the terms or provisions of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline as authorized in Iowa Code Sections 148.6 and 272C.3(2)(a).

(20) This Combined Statement of Charges, Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement, Respondent waives all rights to a contested case hearing, and waives any objection to this Settlement Agreement.

(21) This Combined Statement of Charges, Settlement Agreement

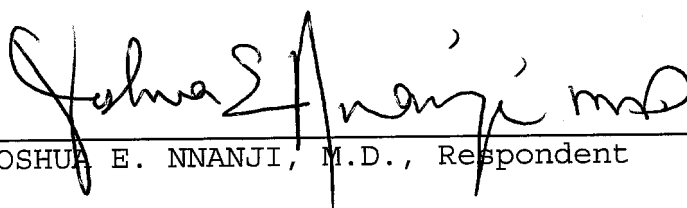


Combined Statement of Charges,  
Settlement Agreement and Final Order  
Joshua E. Nnanji, M.D.  
Page 6

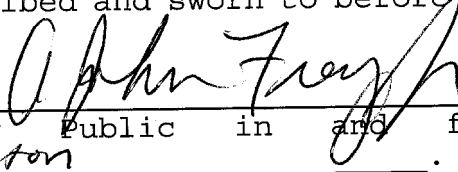
and Final Order is voluntarily submitted by Respondent to the Board  
for its consideration.

(22) This Combined Statement of Charges, Settlement Agreement  
and Final Order must be approved by the Board. If the Board fails  
to approve this Combined Statement of Charges, Settlement Agreement  
and Final Order it shall be of no force or effect to either party.

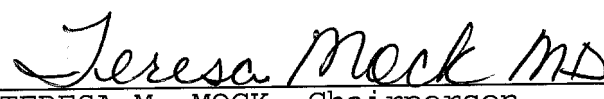
(23) The Board's approval of this Settlement Agreement and  
Final Order shall constitute a **FINAL ORDER** of the Board.

  
JOSHUA E. NNANJI, M.D., Respondent

Subscribed and sworn to before me this 15<sup>th</sup> day of June, 1998.

  
Notary Public in and for the state or county of  
Clinton.

This Settlement Agreement and Final Order is approved by the  
Board on June 4, 1998.

  
TERESA M. MOCK, Chairperson  
Iowa Board of Medical Examiners

Combined Statement of Charges,  
Settlement Agreement and Final Order  
Joshua E. Nnanji, M.D.  
Page 7

Copies to:

A. John Frey, Jr.  
**FREY, HAUF & CURRENT, P.L.C.**  
408 South Second Street  
Clinton, Iowa 52732

Theresa O'Connell Weeg  
Assistant Attorney General  
2nd Floor, Hoover State Office Building  
Des Moines, Iowa 50319