

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

AARON E. JOHNSON, M.D., RESPONDENT

FILE No. 02-15-050

**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and Aaron E. Johnson, M.D., (Respondent), on August 28, 2015, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 38012 on August 27, 2008.
2. Respondent's Iowa medical license is active and will next expire on March 1, 2017.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery disciplined by a licensing authority of another state. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who practices family medicine in Blue Earth, Minnesota.

6. **Minnesota Disciplinary Action:** Respondent entered into a Stipulation and Order with the Minnesota Board of Medical Practice (Minnesota Board) on November 8, 2014. The Minnesota Board received a complaint that alleged that Respondent failed to properly care for a female patient during labor and delivery. The complaint alleged that Respondent failed to properly induce labor and failed to obtain an appropriate consultation for intervention in the case. Respondent received a Reprimand and agreed to complete additional education for medical records management; management of labor and delivery in high-risk pregnancy; interpretation of fetal heart rate tracings and ultrasound, and submit a paper describing what he learned from the education. Respondent also agreed to meet on a monthly basis with a Minnesota Board-approved supervising obstetrician to review his patient care during pregnancy, management of labor and delivery and interpretation of fetal heart tracings. See Attachment A.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Minnesota Board for allegations that he failed to properly care for a female patient during labor and delivery. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine in the future may result in further disciplinary action against his Iowa medical license.

8. **MINNESOTA DISCIPLINARY ORDER:** Respondent shall fully comply with the terms and conditions established in the Stipulation and Order that he entered into with the Minnesota Board on November 8, 2014.

9. Respondent voluntarily submits this Order to the Board for consideration.

10. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

11. This Order constitutes the resolution of a contested case proceeding.

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

13. Respondent understands that by entering into this order, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

14. Respondent understands that by entering into this Order, he has the right to legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

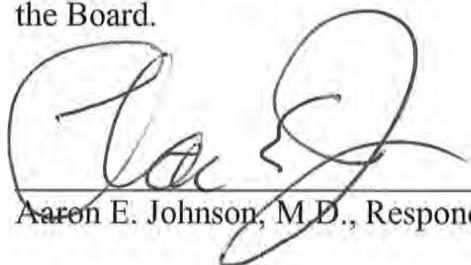
15. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

16. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

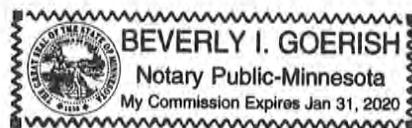
17. Respondent understands that this Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

18. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

19. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Aaron E. Johnson, M.D., Respondent



Subscribed and sworn before me on 7-31, 2015.

Notary Public, State of MINNESOTA.

BEVERLY I GOERISH
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COMMISSION expires 1-31-2020

This Order is approved by the Board on August 28, 2015.



Hamed H. Tewfik, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

**TRUE AND EXACT
COPY OF ORIGINAL****BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Aaron E. Johnson, M.D.
Year of Birth: 1971
License Number: 52,254

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Aaron E. Johnson, M.D., and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Gina M. Kastel, Faegre Baker Daniels, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, Minnesota 55402, telephone (612) 766-7000. The Committee was represented by Jennifer R. Coates, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on September 12, 2009.

b. In January 2013, the Board received a complaint alleging that Respondent failed to properly care for a female patient during labor and delivery, which resulted in a stillborn birth. The complaint alleged that Respondent failed to properly induce labor for the patient and failed to obtain an appropriate consultation for intervention in the case.

c. The Board initiated an investigation into Respondent's care of the patient, which revealed that Respondent did not recognize that the fetal heart rate was abnormal during delivery and did not adequately respond to the complications in labor and delivery; Respondent did not have ultrasound coverage available and did not order or perform an ultrasound test to confirm an active fetal heartbeat and viability of the baby during difficult labor; Respondent did not place an intrauterine pressure catheter prior to authorizing a dose of Pitocin for the patient during labor; and Respondent did not contact an obstetrician or surgeon in time for delivery of the infant by cesarean section. Respondent did not document all his decision making process during the various states of the patient's labor and delivery.

d. On May 9, 2014, Respondent met with the Complaint Review Committee and acknowledged that the patient was experiencing difficulty with labor. Respondent also acknowledged his uncertainty in interpreting the fetal heart tracings and attempted to reach the on-call obstetrician to provide feedback on the tracings, but Respondent was unable to reach the obstetrician during the over-night hours. About two hours later, Respondent again attempted to reach the on-call obstetrician without immediate success. About 90 minutes later, the on-call obstetrician appeared in the delivery room and assisted with delivery of the baby, which was stillborn. Respondent stated that an autopsy of the baby showed evidence of possible placental abruption or maternal fetal hemorrhage, which may have been the cause of the blood loss and fetal demise. Respondent expressed regret for the adverse outcome in the case.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1 (k) (unprofessional conduct), and (o) (failure to maintain adequate medical records) (2012), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further Order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an Order conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

a. Respondent is **REPRIMANDED**.

b. Respondent shall successfully complete the following coursework, approved in advance by the Complaint Review Committee or its designee, within one year of the date of this Order:

- (1) Medical records management.
- (2) Management of labor and delivery in high-risk pregnancy.
- (3) Interpretation of fetal heart rate tracings.
- (4) Ultrasound.

Successful completion shall be determined by the Board or its designee.

c. Within 30 days of completing the above-referenced coursework, Respondent shall write and submit, for Committee review and approval, a paper describing what

he has learned from the coursework and how he has implemented this knowledge into his practice.

d. Respondent shall meet on a monthly basis with a supervising obstetrician, approved in advance by the Committee, to review his patient care during pregnancy, management of labor and delivery, and interpretation of fetal heart tracings. The supervising obstetrician shall submit quarterly reports to the Board and specifically note any questions or concerns regarding Respondent's practice. Respondent is responsible for ensuring timely submission of all required reports.

e. This Stipulation and Order shall remain in effect for a minimum of two years. At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any

period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, including timely submission of required reports, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

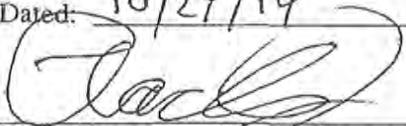
At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will

assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: 10/27/14


AARON E. JOHNSON, M.D.
Respondent

Dated: Nov. 8 2014


FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 8th day of November, 2014.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

AFFIDAVIT OF SERVICE BY MAIL

**Re: In the Matter of the Medical License of Aaron E. Johnson, M.D.
License Number: 52,254**

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

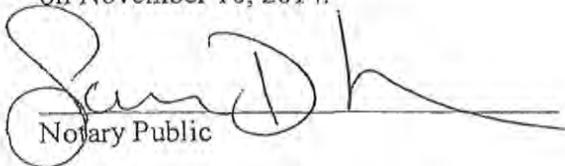
LYNNE ZIMMERMAN, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on November 10, 2014, she caused to be served the FINAL STIPULATION AND ORDER, by depositing the same in the United States mail at said city and state, true and correct copy thereof, properly enveloped with prepaid first class postage, and addressed to:

Gina M. Kastel, Esq.
Faegre Baker Daniels
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402


LYNNE ZIMMERMAN

Subscribed and sworn to before me
on November 10, 2014.


Notary Public

