

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL K. JOHNSON, D.O., RESPONDENT

FILE No. 03-12-126

TERMINATION ORDER

Date: December 30, 2014.

1. Respondent was issued Iowa medical license no. 02939 on June 24, 1995.
2. Respondent's Iowa medical license is active and will next expire on June 1, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. **PRACTICE SETTING:** Respondent is an Iowa-licensed physician who practices family medicine in Indianola, Iowa.
5. **STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT:** On August 8, 2014, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with pre-signing prescription blanks and allowing his nurse to fill out the remainder of the prescription blanks on multiple occasions between 2008 and 2012. The Board issued Respondent a Citation and Warning and ordered him to pay a \$5,000 civil penalty and successfully complete a Board-approved professional ethics program and a Board-approved prescribing course.

6. **COMPLIANCE WITH BOARD ORDER:** Recently, Respondent successfully completed the terms of the August 8, 2014, combined Statement of Charges and Settlement Agreement:

- A. Respondent paid the \$5,000 civil penalty in a timely manner;
- B. Respondent successfully completed a Board-approved professional ethics program; and
- C. Respondent successfully completed a Board-approved prescribing course.

THEREFORE IT IS HEREBY ORDERED: that Respondent has successfully completed the terms and conditions of the August 8, 2014, combined Statement of Charges and Settlement Agreement and his Iowa medical license is returned to its full privileges, free and clear of all restrictions.

IOWA BOARD OF MEDICINE



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

December 30, 2014

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL K. JOHNSON, D.O., RESPONDENT

FILE No. 03-12-126

STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)

COMES NOW the Iowa Board of Medicine (Board) and Michael K. Johnson, D.O., (Respondent), on August 8, 2014, 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 to resolve a pending disciplinary matter.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 02939 on June 24, 1995.
2. Respondent's Iowa medical license is active and will next expire on June 1, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Pre-signed Prescriptions:** Respondent is charged pursuant to Iowa Code section 148.6(2)(c) and 653 IAC 23.1(10) and 23.1(29) with utilizing pre-signed prescriptions in violation of the laws or rules governing the practice of medicine in Iowa.

COUNT II

5. **Practice Harmful and Detrimental to the Public:** Respondent is charged pursuant to Iowa Code section 147.55(3) and 272C.10(3) and 653 IAC 23.1(3) with engaging in practice harmful or detrimental to the public. Practice harmful or detrimental to the public includes, but is not limited to, the failure of a physician to possess and exercise that degree of skill, learning and care expected of a reasonable, prudent physician acting in the same or similar circumstances in this state.

STATEMENT OF MATTERS ASSERTED

6. **Practice Setting:** Respondent is an Iowa-licensed physician who practices family medicine in Indianola, Iowa.

7. **Violation of the Laws and Rules Governing the Practice of Medicine:** Respondent pre-signed prescription blanks and allowed his nurse to fill out the remainder of the prescription blanks on multiple occasions between 2008 and 2012. The nurse obtained numerous controlled substances by altering the prescriptions to allow for refills and/or by calling in prescriptions that were not authorized by Respondent for family members and a family friend between 2008 and 2012. The nurse voluntarily surrendered her Iowa nursing license on June 10, 2012.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the laws and rules governing the practice of medicine in Iowa when he inappropriately pre-signed prescription blanks and allowed his nurse to fill out the remainder of the prescription blanks on multiple occasions between 2008 and 2012. The nurse inappropriately obtained numerous controlled substances by altering the prescriptions to allow for refills, and by calling in prescriptions for family members and a family friend, that were not authorized by Respondent, between 2008 and 2012. Respondent is hereby **WARNED** that violating the laws and rules governing the practice of medicine in Iowa in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

10. **PRESCRIBING COURSE:** Respondent shall successfully complete a Board-approved prescribing course within ninety (90) days of the date of this order. Respondent is responsible for all costs associated with the course.

11. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall complete the Professional/Problem Based Ethics (PROBE) program offered by the Center for Personalized Education for Physicians (CPEP), (303-577-3232) within ninety (90) days of the date of this order. Respondent is responsible for all costs associated with the program.

12. Respondent shall submit a written statement to the Board which demonstrates that Respondent has shared a copy of this order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of this order.

13. Respondent shall submit a written statement to the Board which demonstrates that Respondent has shared a copy of this order with all hospitals and clinics where Respondent practices medicine within thirty (30) days of the date of this order.

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

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

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

17. Respondent understands that by entering into this Order, he has a right to be represented by legal counsel, 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.

18. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, 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.

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

20. 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.

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

22. 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.

23. 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.

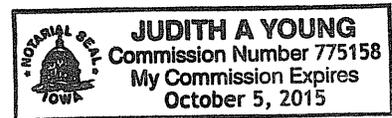
24. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Michael K. Johnson, D.O., Respondent

Subscribed and sworn to before me on July 31, 2014.

Notary Public, State of Iowa.



This Order is approved by the Board on August 8, 2014.



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