

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

JAMES A. JOHNSON, M.D.,

LS9904203MED

RESPONDENT.

Division of Enforcement

98 MED 402

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

*James A. Johnson, M.D.
Wisconsin River Orthopaedics, Ltd.
P.O. Box 8005
420 Dewey St.
Wisconsin Rapids, WI 54495-8005*

*Wisconsin Medical Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by James A. Johnson, M.D., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. James A. Johnson, M.D., Wisconsin River Orthopaedics, Ltd., P.O. Box 8005, 420 Dewey Street, Wisconsin Rapids, Wisconsin, 54495-8005, was born on 11/20/50, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 7/14/78, licensee #21737.
2. Dr. Johnson specializes in the practice of orthopedic surgery.
3. On 8/30/94, James A. Johnson, M.D. performed surgery on C.B.'s left shoulder for repair of a torn left rotator cuff. In the post-operative period, the patient developed symptoms of a probable wound infection at the surgical site including redness, swelling, fluid accumulation and drainage from the incision. Dr. Johnson diagnosed a superficial wound infection and prescribed an antibiotic, Duricef, from 9/12/94 through 10/14/94. Dr. Johnson did not culture the probable wound infection prior to prescribing the Duricef or at any time thereafter. On or about 10/20/94, the patient terminated his physician-patient relationship with Dr. Johnson and obtained follow-up care

from another health care provider.

4. Dr. Johnson's failure to culture the probable wound infection created the unacceptable risk that the infecting organism would be resistant to Duricef and, therefore, could not be effectively treated with the Duricef.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Johnson's conduct in failing to culture the probable wound infection constituted a violation of sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that James A. Johnson, M.D. is REPRIMANDED.

IT IS FURTHER ORDERED that James A. Johnson, M.D., will, within one year of the date of this Final Decision And Order, take and complete 30 hours of category 1 continuing medical education courses in the diagnosis and treatment of wound infections. Each course attended in satisfaction of this Order must be preapproved by the Wisconsin Medical Examining Board or its designee. Dr. Johnson will be responsible for locating courses satisfactory to the Wisconsin Medical Examining Board and for obtaining the required approval of the courses from the Wisconsin Medical Examining Board or its designee. Dr. Johnson will within 60 days of completion of this educational requirement submit an affidavit to the Wisconsin Medical Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance

from the sponsoring organizations. This affidavit and the supporting documentation of attendance will be mailed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Dr. Johnson will be responsible for paying the full cost of attendance at these courses. Dr. Johnson will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his sec. 448.13, Stats., biennial training requirements.

IT IS FURTHER ORDERED that James A. Johnson, M.D. will appear before the Wisconsin Medical Examining Board, if an appearance is requested by the Board, at the conclusion of the educational program to establish that he has complied with all of the terms of this Final Decision And Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. James A. Johnson, M.D. has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Johnson to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 21st day of April, 1999.

Ronald Grossman

WISCONSIN MEDICAL EXAMINING BOARD

Member, Wisconsin Medical Examining Board

