

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 |
| THOMAS C. JOHNSON, M.D., | : | LS0909162MED |
| RESPONDENT. | : | |

[Division of Enforcement Case # 09 MED 106]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Thomas C. Johnson, M.D.
200 Palm Boulevard
Isle of Palms, SC 29451

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Thomas C. Johnson, M.D., date of birth August 27, 1962, is currently licensed and registered to practice medicine and surgery in the State of Wisconsin pursuant to license number 41591, which was first granted on August 27, 1999. Respondent is also licensed in the state of Georgia (license # 47225) and currently practices in Georgia.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 200 Palm Boulevard, Isle of Palms, South Carolina 29451.

3. Respondent has not practiced medicine and surgery in the state of Wisconsin for several years and has no intention of returning to the state of Wisconsin to practice. At all times relevant to this action, Respondent was working as a radiologist at Red Hills Radiology in Thomasville, Georgia.

4. Respondent was initially licensed to practice in Georgia on May 5, 1999, under a Public Consent Order due to his 1997 treatment for cocaine dependency. Respondent's Georgia license became unrestricted November 3, 2000 following his demonstrated sobriety.

5. On October 28, 2007, Respondent was the driver in a single-vehicle accident in the City of Isle of Palms in South Carolina and was charged with the misdemeanor offenses of reckless driving, leaving the scene of an accident, hindering, and possession of marijuana. Pursuant to a plea agreement on March 5, 2009, Respondent pled guilty to and was

convicted of reckless driving and the other charges were dismissed.

6. From October 28, 2008 through January 24, 2009, Respondent underwent chemical dependency treatment at Talbott Recovery Campus. Respondent had agreed on November 20, 2008 not to practice medicine until further order of the State of Georgia Composite State Board of Medical Examiners ("Georgia Board").

7. On March 18, 2009, the Georgia Board issued a Public Consent Order which permitted Respondent to return to medical practice under probationary terms and conditions which required continuing chemical dependency treatment, random drug testing, a workplace supervising physician, a treating physician to continue therapeutic care, and quarterly reports from both his workplace supervising physician and his treating physician. Respondent may petition for termination of probation after five years of continuous sobriety.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter, pursuant to Wis. Stat. §448.02(3), and authority to enter into this stipulated resolution, pursuant to Wis. Stat. §§ 227.44(5) and 448.02(5).

2. Respondent, by having his license granted by another state to practice medicine and surgery or treat the sick subject to adverse action by that state licensing authority, has committed unprofessional conduct as defined by Wis. Adm. Code § Med 10.02(2)(q) and is subject to discipline pursuant to Wis. Stat. § 448.02(3)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Thomas C. Johnson, M.D., shall not practice medicine and surgery under his Wisconsin license, in Wisconsin or elsewhere, until such time as:

a) Respondent has appeared before the Wisconsin Medical Examining Board.

b) Respondent has provided the Board with evidence sufficient to the Board to prove that Respondent can practice with reasonable skill and safety to patients.

c) The Board has placed whatever LIMITATIONS on Respondent's Wisconsin license that are appropriate at that time to insure that the public is protected.

2. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of \$225.00 dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Gene Musser MD
 A Member of the Board

9/16/09
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST :

STIPULATION

THOMAS C. JOHNSON, M.D.,
RESPONDENT.

:

:

LS _____ MED

[Division of Enforcement Case # 09 MED 106]

It is hereby stipulated by Thomas C. Johnson, M.D., Respondent; Frances E. Cullen, attorney for Respondent; and John R. Zwieg, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Thomas C. Johnson, M.D.
200 Palm Blvd.
Isle of Palms, SC 29451

Date

Frances E. Cullen
Frances Cullen, P.C.
Attorneys for Respondent
127 Peachtree Street, Suite 905
Atlanta, GA 30303

Date

John R. Zwieg, Attorney
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date