

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CARLA A. JOHNSON, D.O.,
RESPONDENT.

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FINAL DECISION AND ORDER

0002778

Division of Legal Services and Compliance¹ Case No. 12 MED 108

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

Carla A. Johnson, D.O.
N8434 County Road S
Algoma, WI 54201

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Carla A. Johnson, D.O., (dob: September 11, 1948) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 21-40921, first issued on April 23, 1999, and current through February 28, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N8434 County Road S, Algoma, Wisconsin 54201. She was previously licensed in Iowa, and is not certified by any specialty board recognized by the American Osteopathic Association or American Board of Medical Specialties.

2. On several occasions in the fall of 2011, Respondent issued prescription orders for several medications, including schedule II and schedule IV controlled substances, for her

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

adult son, who had been previously diagnosed with conditions for which such medications are appropriate. Respondent was requested by the Board to produce the patient health care records supporting her prescriptions, and informed a Board investigator that she was physically unable to access them, by reason of physical disability caused by multiple sclerosis. She later admitted that she did not have a patient health care record for this patient.

3. When asked to produce other patient health care records, they were not produced in a timely manner. When produced, they did not adequately justify the prescribing of opioid pain medications, in the levels and dosage frequencies prescribed.

4. Respondent represents to the Board that she has largely retired from the active practice of medicine, and is in the process of transitioning her patients to other providers.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Carla A. Johnson, D.O., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(za) and (zc) by failing to keep a patient health care record for a person for whom she was prescribing, making a false statement during an investigation, and failing to produce lawfully requested records.

3. As a result of the above conduct, Carla A. Johnson, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Carla A. Johnson, D.O., is REPRIMANDED.

3. Respondent Carla A. Johnson, D.O., shall not reregister her license (21-40921) to practice medicine and surgery in Wisconsin, and shall instead permit it to expire on February 28, 2014. Respondent shall then not practice medicine or surgery in Wisconsin, and shall not attempt in any manner to reregister her license. Any such attempt shall be denied, and Respondent shall not be entitled to a hearing on the denial.

4. The medicine and surgery license issued to Carla A. Johnson, D.O., (license number 21-40921) is LIMITED as follows:

- a. Respondent shall not accept new patients.
- b. Respondent shall not issue any prescription for any controlled substance.
- c. Respondent shall not provide any medical service to the patient referred to in Finding of Fact 2, above, except in a *bona fide* emergency.

5. Within 30 days from the date of this Order, Carla A. Johnson, D.O., shall pay partial COSTS of this matter in the amount of \$1,000. The balance of the costs in this matter, in the amount of \$1,800, shall be paid before any license is issued under Wis. Stat. chs 440-480.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 timely submit payment of costs as ordered, Respondent's license (21-40921) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

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A Member of the Board

November 20, 2013
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CARLA JOHNSON, D.O.,
RESPONDENT.

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STIPULATION

0002778

Division of Legal Services and Compliance¹ Case No. 12 MED 108

Respondent Carla Johnson, D.O., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent
is represented by Blazkovec, Blazkovec & Downey.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Medical Examining Board (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.

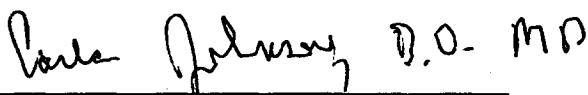
¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



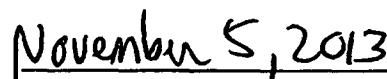
Carla Johnson, D.O., Respondent
N8434 County Road S
Algoma, WI 54201
License no. 21-40921




Date



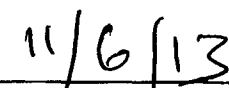
Jacob M. Blazkovec, Attorney for Respondent
Blazkovec, Blazkovec & Downey
409 Steele St
PO Box 98
Algoma, WI 54201-0098



Date



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935



Date