

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
TAMMY A. JOHNSON, M.D., :
RESPONDENT. :

0004662

Division of Legal Services and Compliance Case No. 15 MED 439

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

Tammy A. Johnson, M.D.¹
5666 Steeplechase Drive
Waunakee, WI 53597-8605

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

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 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 Tammy A. Johnson, M.D., (DOB May 7, 1972) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 41555-20, first issued on August 6, 1999, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5666 Steeplechase Drive, Waunakee, WI 53597-8605.

2. On December 14, 2015, the Department opened the investigation of this matter upon receiving a complaint filed pursuant to Wis. Stat. § 448.115.

¹ Respondent is also known as Tammy A. Pierner, M.D.

3. The Department investigated the allegations in the complaint, at times in conjunction with the United States Drug Enforcement Administration (DEA) which conducted its own investigation into Respondent's prescribing of controlled substances. The Department's investigation included the same prescribing concerns, but also addressed additional conduct.

4. The Department's investigation has shown that Respondent engaged in conduct which raises significant concerns about her mental health.

5. The Department's investigation has shown that Respondent engaged in conduct which raises significant concerns about her personal use of alcohol and prescription drugs.

6. The Department's investigation has shown that Respondent engaged in conduct which raises significant concerns about her prescribing of controlled substances.

7. The Department's investigation has shown that Respondent failed to report a prior conviction for operating a motor vehicle while intoxicated, under circumstances substantially related to the practice of medicine.

8. The Department's investigation has shown that Respondent practiced medicine without a valid Wisconsin medical license between November 1, 2015 and December 9, 2015.

9. On March 31, 2016, Respondent voluntarily surrendered her DEA registration and with it her ability to prescribe controlled substances.

10. Respondent has chosen to voluntarily suspend her practice of medicine due to medical and personal reasons, but may wish to return to the practice of medicine and therefore consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over 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. Respondent Tammy A. Johnson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(a) by practicing or attempting to practice under any license when unable or unwilling to do so with reasonable skill and safety.

3. Respondent Tammy A. Johnson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(b) by departing from or failing to conform to the standard of minimally competent medical practice which created an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person.

4. Respondent Tammy A. Johnson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(2)(c) by prescribing, ordering, dispensing, administering, supplying, selling, giving, or obtaining any prescription medication in any manner that is inconsistent with the standard of minimal competence.

5. Respondent Tammy A. Johnson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery become subject to an adverse determination by any federal agency or authority.

6. Respondent Tammy A. Johnson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(h) by failing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.

7. Respondent Tammy A. Johnson, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(i) by violating or being convicted of any laws or rules of this state, or of any other state, or any federal law or regulation that is substantially related to the practice of medicine and surgery.

8. Respondent Tammy A. Johnson, M.D., violated Wis. Stat. § 448.03(3) by practicing medicine and surgery without a valid license.

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

ORDER

1. The Stipulation of the parties is accepted.

2. The Wisconsin medicine and surgery license issued to Respondent Tammy A. Johnson, M.D., (license number 41555-20) is INDEFINITELY SUSPENDED.

3. The suspension may be fully or conditionally lifted, stayed, or continued at the sole discretion of the Wisconsin Medical Examining Board upon a petition for reinstatement by Respondent Tammy A. Johnson, M.D., which complies with the terms of this Order.

4. Any petition for reinstatement shall include:

Mental Health/AODA

a. A report or reports of an evaluation or evaluations conducted by a professional or professionals who are pre-approved by the Board's designee and are qualified to determine whether or not Respondent is affected by a mental health condition and/or an AODA condition which renders Respondent unable to safely practice medicine and surgery.

i. The evaluation or evaluations shall take place no more than ninety (90) days prior to being submitted with the petition for reinstatement.

- ii. Request for evaluator pre-approval shall be submitted to the Department Monitor and shall include a current CV and copies of all professional licenses and board certifications held by each evaluator.
- iii. The evaluator(s) must be licensed and board certified in a relevant field of practice. At the discretion of the Board's designee, additional experience in a relevant field of practice may be substituted for board certification. At the discretion of the Board's designee, alternate recognitions, such as fellowships, may also be substituted for board certification.
- iv. The evaluator(s) must have had no previous personal or professional relationship with Respondent, and may not have previously evaluated or treated Respondent.
- v. The evaluator(s) shall have had a minimum of ten (10) years of experience in their field of practice, and may not have been previously disciplined by any credentialing authority.
- vi. Each evaluator is responsible for the final evaluation, but may delegate testing or other components of their evaluation to other licensed professionals who the evaluator(s) deems competent to perform the delegated task.
- vii. Evaluation methods are within the discretion of the evaluator(s), but must include a comprehensive interview of Respondent, and must be generally recognized and accepted in their field of practice.
- viii. In the report(s) the evaluator(s) shall identify restrictions on the nature of practice or practice setting or requirements for supervision of practice, if any, which are necessary to render Respondent able to practice medicine and surgery with reasonable skill and safety.
- ix. In the report(s), the evaluator(s) shall identify specific mental health and/or AODA treatment goals, if any, which must be met before Respondent is able to practice medicine and surgery with reasonable skill and safety.
- x. In the report(s) the opinions and conclusions of the evaluator(s) must be rendered to a reasonable degree of professional certainty.
- xi. Respondent must provide the evaluator(s) with a copy of this Order.
- xii. Respondent shall authorize the evaluator(s) to receive all records of mental health and AODA evaluations, diagnosis, and treatment that

Respondent has undergone since January 1, 2014, and such other records the evaluator(s) deem necessary for a complete evaluation.

- xiii. Respondent shall authorize the Board or its designee to communicate freely with the evaluator(s) and to receive and use the evaluator(s) final report for the Board's purposes.

Clinical Competence

- b. A report of a clinical competence evaluation establishing Respondent's clinical competence to safely practice medicine and surgery, performed by an assessment program acknowledged by the Federation of State Medical Boards and preapproved by the Board or its designee.
 - i. The evaluation shall take place no more than one hundred eighty (180) days prior to being submitted with the petition for reinstatement.
 - ii. Respondent shall provide the clinical competence evaluator with a copy of this Order, and shall authorize the Board or its designee to communicate freely with the clinical competence evaluator.
 - iii. Respondent shall complete, to the satisfaction of the Board or its designee, all education and training recommended by the clinical competence evaluator before the Board will decide to grant, conditionally grant, or deny Respondent's petition for reinstatement.

Remedial Education

- c. Proof of successful completion of one of the following courses, or a substantially equivalent course which has been preapproved by the Board or its designee, including taking and passing any exam offered for the course(s).
 - i. Intensive Course in Controlled Substance Prescribing, Case Western Reserve University School of Medicine.
 - ii. Physician Prescribing Course, University of California, San Diego School of Medicine.
 - iii. Prescribing Controlled Drugs: Critical Issues & Common Pitfalls of Misprescribing, University of Florida College of Medicine, Department of Psychiatry.
 - iv. Prescribing Controlled Drugs, Vanderbilt University School of Medicine and the Center for Professional Health.

5. Respondent shall be responsible for all costs associated with the evaluations and remedial education required under this order, including all additional evaluations, treatment, education and training, as may be recommended by the evaluators.

6. None of the remedial education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

7. If and when Respondent Tammy A. Johnson, M.D., petitions for reinstatement of licensure, she shall, as a prerequisite, pay the COSTS of this matter in the amount of \$4,350.00 before any such petition may be considered.

8. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), any petition for reinstatement, requests for approval of evaluators, and pre-approval of courses, if necessary, shall be sent by Respondent 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

9. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and the Board may, in its discretion, impose additional conditions and limitations or other additional discipline as it deems appropriate.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TAMMY A. JOHNSON, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004662

Division of Legal Services and Compliance Case No. 15 MED 439

Respondent Tammy A. Johnson, M.D.¹, 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.

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 Respondent is also known as Tammy A. Pierner, M.D.

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.



Tammy A. Johnson, M.D., Respondent
5666 Steeplechase Drive
Waunakee, WI 53597-8605
License no. 41555-20

3/31/16
Date



Joost Kap, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/31/16
Date