

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

STEVEN J. JOHNSON, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005756

Division of Legal Services and Compliance Case No. 17 MED 111

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

Steven J. Johnson, M.D.
Prairie Clinic, S.C.
112 Helen Street
Sauk City, WI 53583

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

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 Steven J. Johnson, M.D. (DOB October 7, 1954), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 24540-20, first issued on July 1, 1982, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Prairie Clinic, S.C., 112 Helen Street, Sauk City, Wisconsin 53583.

2. Respondent practices family medicine and has no prior disciplinary history with the Board.

3. For almost twenty years, Respondent was the treating family physician for Patient A, a female who was born in 1940 and died in 2017. Respondent last saw Patient A on June 29, 2016, shortly after she developed psychiatric symptoms for which she was treated by a psychiatrist through the county human services agency which filed this complaint.

4. Respondent also treated Patient A's husband, Patient B, who held healthcare power of attorney for Patient A.

5. On March 17, 2017, Patient B saw Respondent and expressed concern about Patient A's weight loss and psychiatric issues. At that time, Patient A resided in an assisted living facility and Patient B asked Respondent to order home hospice care for Patient A that same day.

6. Respondent thought the symptoms described by Patient B suggested Patient A had Alzheimer's or another form of dementia. He requested that Patient A come in for an examination on March 20, 2017, but Patient B did not bring Patient A in to be seen.

7. On March 18, 2017, Patient B removed Patient A from the assisted living facility without medical or psychiatric consultation because Patient B felt he could better care for Patient A at home.

8. On April 7, 2017, Patient B contacted Respondent with concerns about Patient A. Respondent spoke with a home health nurse who indicated that Patient A was combative and "not with it." Respondent requested that Patient A be brought in to see him or alternatively that Patient A be seen at a hospital instead. Patient B declined both requests.

9. On April 17, 2017, Patient B contacted Respondent to report that Patient A was non-responsive, and he again requested hospice services. Respondent ordered in-home hospice based on Patient B's description of Patient A's condition over the past month, including a prescription for morphine to be administered by home health staff.

10. On April 19, 2017, Patient A's treating psychiatrist contacted Respondent to discuss Patient A's significant psychiatric issues and express concern about the hospice order. The psychiatrist thought Patient A's condition could possibly be treated and recommended admitting her to a geriatric psychiatric facility. The psychiatrist also reported that Patient B suffered mental health issues and was therefore, along with a lack of medical training, unable to adequately assess Patient A's medical conditions and needs.

11. County human services staff was initially unsuccessful in finding an appropriate facility with available space for Patient A. When space became available on April 20, 2017, it was contingent on discontinuation of hospice services, which Patient A was still receiving on an as-need basis. However, Respondent was not working on April 20 and was unavailable to discontinue the order, and Patient A died on April 23, 2017.

12. Respondent ordered hospice services, including morphine, for Patient A without ever seeing her, based solely on Patient B's representations about her medical conditions and needs, which Respondent felt reflected a need for hospice services.

13. Respondent agrees to entry of the following Conclusions of Law and Order.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Steven J. Johnson, M.D., is REPRIMANDED.
3. Within 90 days from the date of this Order, Steven J. Johnson, M.D., shall pay COSTS of this matter in the amount of \$600.00.
4. Costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

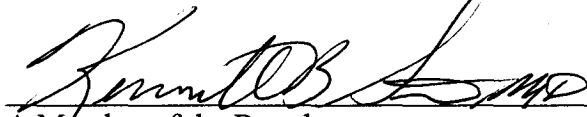
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (no. 24540-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

6. 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

STEVEN J. JOHNSON, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005756

Division of Legal Services and Compliance Case No. 17 MED 111

Respondent Steven J. Johnson, M.D., 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 Attorney Mark Budzinski.

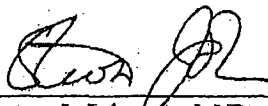
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

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.

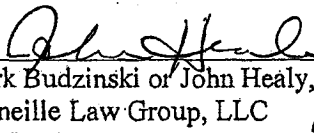
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Steven J. Johnson, M.D., Respondent
Prairie Clinic, S.C.
112 Helen Street
Sauk City, WI 53583
License no. 24540-20

5/4/18

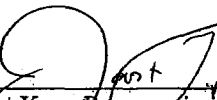
Date



Mark Budzinski or John Healy, Attorneys for Respondent
Corneille Law Group, LLC
615 S. Monroe Ave.
Green Bay, WI 54301

5/4/18

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

5/4/18

Date