

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
Keith Emery Johnson, M.D.)	AMENDED NOTICE OF CHARGES
)	AND ALLEGATIONS;
Respondent.)	NOTICE OF HEARING

The North Carolina Medical Board (hereafter, "Board") has preferred and does hereby prefer the following charges and allegations:

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. On June 7, 1986, the Board issued a license to practice medicine to Keith Emery Johnson, M.D., license number 30178 (hereafter, "Dr. Johnson").

3. During the times relevant herein, Dr. Johnson practiced in Southern Pines, North Carolina.

4. On October 10, 2002, the Board preferred allegations and charges against Dr. Johnson based on information regarding Dr. Johnson soliciting confidential information. A hearing was initially scheduled for April 24, 2003. On April 4, 2003, the Board ordered that the hearing on the allegations and charges be continued to July 18, 2003. This Amended Notice of Charges and

Allegations replace the original October 10, 2002 Notice of Allegations and Charges. The hearing date of July 18, 2003, remains.

5. In the Spring of 2002, Dr. Johnson visited a local psychologist and requested from him the names of his patients with Acquired Immune Deficiency Syndrome (hereafter, "AIDS") or cancer. Dr. Johnson claimed to have a device called an Electro-Scaler that was able to diagnose and treat such ailments as AIDS and cancer. Dr. Johnson wanted the names of the psychologist's patients so that he could offer them treatment with the Electro-Scaler. Dr. Johnson describes the Electro-Scaler as being able to scan a patient's photograph, and then by attaching the photograph to an electrode followed by sincere prayer for a good outcome, the patient will be cured of most diseases. However, Dr. Johnson states that the Electro-Scaler does not seem to work on persons with colon cancer.

6. In or about the Summer of 2000, Dr. Johnson had a telephone conversation with Mr. Bengie M. Hair, Program Manager for the South Central Consortium (hereafter, "Consortium"). The Consortium is an organization created to provide information and resources to individuals afflicted with AIDS.

7. During his telephone conversation with Mr. Hair, Dr. Johnson claimed that he had a cure for AIDS. Dr. Johnson then

requested that Mr. Hair provide him with a list of the names of those individuals who were clients of the Consortium and who had AIDS so that he could contact them and tell them about his cure. Mr. Hair adamantly rejected Dr. Johnson's request. Mr. Hair also asked Dr. Johnson whether he was an actual physician, because Mr. Hair could not believe a physician would make a request that would require such an obvious breach of confidentiality. Dr. Johnson assured Mr. Hair that he was, in fact, a physician.

8. After Mr. Hair rejected Dr. Johnson's initial request, Dr. Johnson then requested that Mr. Hair arrange a meeting between the Consortium's clients and Dr. Johnson so that Dr. Johnson could explain his cure to the clients. Again, Mr. Hair adamantly rejected Dr. Johnson's request, and at that point, Mr. Hair ended the conversation.

9. Dr. Johnson's solicitation of confidential patient information, as described above, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Johnson's license to

practice medicine issued by the Board or to deny any future application he might make.

NOTICE TO DR. JOHNSON

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Amended Notice of Charges and Allegations will be held before the Board at 1:00 p.m., on Friday, July 18, 2003, or as soon thereafter as the Board may hear it, at the offices of the Board at 1201 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a prehearing conference at which they shall prepare and sign a stipulation on prehearing conference. The prehearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. §

150B-40(d), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event, the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 27th day of May, 2003.

NORTH CAROLINA MEDICAL BOARD

Charles L. Garrett, Jr.

By:

Charles L. Garrett, Jr., M.D.
President

ATTEST:

R. David Henderson

R. David Henderson
Executive Director