

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
Keith Emery Johnson, M.D., ) CONSENT ORDER  
 )  
Respondent. )

This matter is before the North Carolina Medical Board (hereafter "Board") on Notice of Charges and Allegations issued on 10 October 2002 and amended 27 May 2003 regarding Keith Emery Johnson, M.D., (hereafter "Dr. Johnson"). Dr. Johnson admits, and the Board finds and concludes, that:

Whereas, 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 to it under Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto, and

Whereas, On June 7, 1996, the Board issued a license to practice medicine to Keith Emery Johnson, M.D., license number 30178 (hereafter "Dr. Johnson"), and

Whereas, on or about February and March 2002 Dr. Johnson contacted Craig Farmer, Phd. Pyschologist (hereafter "Dr. Farmer"), Tony Tyndall (hereafter " Mr. Tyndall") and Bengie Hair (hereafter "Mr. Hair") for the purposes of discussing Dr. Johnson's experimentation with a diagnostic device in a clinical

setting and the need to obtain patients to participate in the experiment. During the course of this contacting, Dr. Johnson made reference to support group(s) of persons dealing with issues related to AIDS/HIV (such support group(s) being known by Dr. Farmer, Mr. Tyndall and Mr. Hair) and Dr. Johnson's desire to make a presentation regarding his experimentation to the support group(s) and to have those persons later participate in experimentation with respect to the diagnostic device in a clinical setting; and

Whereas, some of the persons involved in the said support group(s) are patients of health care providers and their treatment and identity are subject to patient confidentiality protections; and

Whereas, in the particular circumstances and context of the conferring and contacts by Dr. Johnson described above, a reasonable person could infer and believe, and Dr. Farmer, Mr. Tyndall, and Mr. Hair do believe, that Dr. Johnson's conferring and contacts gave the appearance that Dr. Johnson desired to obtain confidential patient information without appropriate releases and authorizations from patients, and then contact the patients and arrange for them to participate in the diagnostic device experimentation in a clinical setting; and

Whereas, Dr. Johnson admits that in the course of his contacts described above, he employed experimental research

methods in a clinical setting that gave the appearance of failure to conform to the standards of acceptable and prevailing medical practice, and the ethics of the medical profession, irrespective of whether a patient is injured thereby, and thus constituting unprofessional conduct not in compliance with N.C. Gen. Stat. 90-14(a)(6), and

Whereas, Dr. Johnson further admits that the above constitutes grounds under those sections of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Johnson's license number 30178 to practice medicine issued by the Board or to deny any application he may make in the future for a license to practice medicine, and

Whereas, no patient confidential information was disclosed in the course of the activities that were the subject of the investigation by the Board in connection with the Amended Charges, and no patient has been harmed by Dr. Johnson; and

Whereas, Dr. Johnson would like to resolve this matter without the need for more formal proceedings; and

Whereas, the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. Johnson's consent, it is ORDERED

that:

1. Dr. Johnson's license to practice medicine is hereby SUSPENDED for a period of one (1) year, such suspension STAYED IMMEDIATELY, for the above-described conduct.
2. Dr. Johnson shall forthwith attend Board approved seminars and courses with four (4) CME hours credit with respect to compliance with the Health Insurance Portability & Accountability Act (HIPPA) or other topics dealing with patient confidentiality.
3. Dr. Johnson shall submit himself and a psychological report by Art Lluca, MA, MTID, DABFE, FAFCE [Board Certified Forensic Examiner, specializing in Psychological Assessment and Diagnostics] to Warren Pendergast, M.D. of the North Carolina Physicians Health Program (hereafter, NCPHP) for examination, evaluation and the devising of any recommended treatment plan and compliance therewith;
4. Dr. Johnson agrees to comply with all laws, rules and regulations in the future;
5. Dr. Johnson hereby waives any requirement under any law or rule that this Consent Order be served on him.
6. Upon execution by Dr. Johnson and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General

Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies and clearinghouses, as required by law, including, but not limited to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

By Order of the North Carolina Medical Board, this the 15<sup>th</sup> day of July, 2003.

NORTH CAROLINA MEDICAL BOARD

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

ATTEST:

  
\_\_\_\_\_  
R. David Henderson  
Executive Director

Consented to this the 22 day of July, 2003.

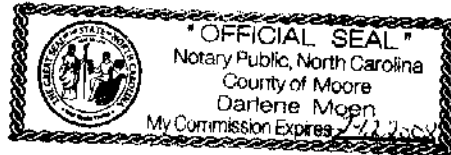
Keith Emery Johnson, MD  
Keith Emery Johnson, M.D.

State of North Carolina  
Moore County

I, Darlene Moon, a Notary Public for the above named County and State, do hereby certify that Keith Emery Johnson, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal  
This the 22 day of July, 2003

Darlene Moon  
Notary Public



My Commission expires: 2-12-2008