

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-05497

ALFRED RAYMOND JOHNSON, D.O.,

RESPONDENT.

/

ADMINISTRATIVE COMPLAINT

COMES NOW Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Osteopathic Medicine against Respondent, Alfred Raymond Johnson, D.O., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of osteopathic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 459, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed osteopathic physician within the State of Florida, having been issued license number OS 3821.

3. Respondent's address of record is 997 Hampshire Lane, Richardson, Texas 75080.

4. The Texas Medical Board is the licensing authority regulating the practice of osteopathic medicine in the State of Texas.

5. On or about April 9, 2010, the Texas Medical Board entered an Order reprimanding the Respondent, and, among other terms, requiring Respondent's utilization of a revised Informed Consent Form, completion of eighteen (18) hours of Category I CME in Allergy and Immunology, and payment of an administrative penalty in the amount of four thousand and five hundred dollars (\$4,500.00).

6. Respondent was disciplined by the Texas Medical Board for, among other things, failing to maintain adequate medical records and failing to obtain adequate informed consent from a patient who was treated with intra-dermal injections of extract of diesel and auto fumes purportedly to desensitize the patient to allergies of vehicle exhaust.

7. The Order entered by the Texas Medical Board constitutes disciplinary action against the Respondent's license to practice osteopathic medicine in the State of Texas.

8. The Missouri Board of Healing Arts is the licensing authority regulating the practice of osteopathic medicine in the State of Missouri.

9. On or about December 27, 2010, the Missouri Board of Healing Arts entered a Settlement Agreement with the Respondent which, among other things, reprimanded the Respondent; required Respondent to follow all requirements of

the Texas Medical Board Order of April 9, 2010; to show proof of completion of the CME requirements in the Texas Medical Board Order no later than June 1, 2012; upon request to provide access to all documentation required by the Texas Board of Medicine Order; and within fifteen (15) days of the effective date of the Settlement Agreement with the Missouri Board of Healing Arts to notify in writing the licensing authorities of any other jurisdiction in which the Respondent was licensed of the Respondent's disciplinary status in Missouri.

10. Pursuant to the laws of Missouri, Respondent's prior discipline by the Texas Medical Board was grounds for discipline by the Missouri Board of Healing Arts.

11. Respondent was disciplined by the Missouri Board of Healing Arts based upon the prior discipline imposed by the Texas Medical Board Order of April 9, 2010.

12. The Settlement Agreement entered by the Missouri Board of Healing Arts constitutes disciplinary action against the Respondent's license to practice osteopathic medicine in the State of Missouri.

13. Section 459.015(1)(b), Florida Statutes (2009-2010), provides that having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction,

including its agencies or subdivisions, constitutes grounds for disciplinary action by the Board of Osteopathic Medicine.

14. One or more of the following constitutes disciplinary action against Respondent's osteopathic license in another jurisdiction:

a) The Order issued by the Texas Medical Board on or about April 9, 2010, which reprimanded the Respondent; requires completion of additional continuing medical education; and imposed an administrative penalty of four thousand and five hundred dollars (\$4,500.00); or

b) The Settlement Agreement issued by the Missouri Board of Healing Arts on or about December 27, 2010, which reprimanded the Respondent; requires Respondent to show proof of completion of the CME requirements in the Texas Medical Board Order no later than June 1, 2012; upon request to provide access to all documentation required by the Texas Board of Medicine Order; and within fifteen (15) days of the effective date of the Settlement Agreement with the Missouri Board of Healing Arts to notify in writing the licensing authorities of any other jurisdiction in which the Respondent was licensed of the Respondent's disciplinary status in Missouri.

15. Based on the foregoing, Respondent has violated Section 459.015(1)(b), Florida Statutes (2009-2010), by having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against,

including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

WHEREFORE, Petitioner respectfully requests that the Board of Osteopathic Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 19 **day of** October.

H. FRANK FARMER, JR., M.D., Ph.D., F.A.C.P.
State Surgeon General
Florida Department of Health

NICHOLAS W. ROMANELLO
General Counsel
Florida Department of Health

WM. FREEMAN MILLER
Attorney Supervisor
Prosecution Services Unit


JOHN B. FRICKE, JR.
Assistant General Counsel
Fla. Bar No. 0901910

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Sandra Soto*
DATE OCT 20 2011

Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin #C65
Tallahassee, FL 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4683
Email: john_frickejr@doh.state.fl.us

PCP: 10/19/2011
Andriole & Rose

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.