

STATE OF FLORIDA
BOARD OF OSTEOPATHIC MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

Vs.

CASE NO.: 2011-05497
LICENSE NO.: OS 3821

ALFRED RAYMOND JOHNSON, D.O.,

Respondent.

NOTICE OF SCRIVENER'S ERROR

COMES NOW, the Petitioner, Department of Health, and corrects the scrivener's error contained in the Final Order filed on March 13, 2012, as grounds therefore states:

1. On March 13, 2012, Petitioner filed a Final Order with rendition no. DOH-12-0523-S-MQA.
2. The case number on the Final Order was 2011-05487 but should have been 2011-05497 on said order.
3. The Order is now correct and remains nunc pro tunc to the filing date.

WHEREFORE, the Petitioner hereby corrects the scrivener's error contained in the Final Order.

Respectfully submitted, on the 13th day of March, 2012.



Angel Sanders
Deputy Agency Clerk
Department of Health
Central Records Unit
4052 Bald Cypress Way, Bin #C01
Tallahassee, Florida 32399

OK

Final Order No. DOH-12-0523-S -MQA
FILED DATE MAR 13 2012
Department of Health
Angel Sandoval
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF OSTEOPATHIC MEDICINE

DEPARTMENT OF HEALTH

Petitioner,

vs.

Case No: 2011- 05487
License No.: OS 3821

ALFRED RAYMOND JOHNSON, D.O.,

Respondent.

_____ /

FINAL ORDER ACCEPTING SETTLEMENT AGREEMENT

This matter appeared before the Board of Osteopathic Medicine (hereinafter "Board") pursuant to Sections 120.569 and 120.57(4), Florida Statutes, at a duly-noticed public meeting on February 18, 2012, in Ft. Lauderdale, Florida, for consideration of a Settlement Agreement (attached hereto as Exhibit "A") entered into between the parties in this cause and incorporated by reference into this Final Order.

The Petitioner filed an Administrative Complaint against the Respondent on October 20, 2011, attached hereto as Exhibit "B" and incorporated by reference into this Final Order.

Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties and otherwise being advised in the premises, the Board accepted the Settlement Agreement. Costs are assessed in the amount of **one hundred eighty-one dollars and eighty-five cents (\$181.85)** and payable within **thirty (30) days** from the filing date of this Final Order.

WHEREFORE, the Board hereby accepts the Settlement Agreement, settling all matters in this case consistent with the terms of the agreement between the parties, and

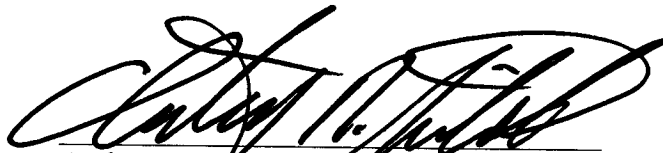
Respondent is hereby ORDERED to abide by the terms of the Settlement Agreement.

This Final Order shall be placed in and made part of the Respondent's official records.

This Final Order shall become effective upon filing with the Clerk for the Department of Health.

DONE AND ORDERED this 12 day of March, 2012.

BOARD OF OSTEOPATHIC MEDICINE


Anthony Jusvitch, Executive Director
on behalf of Anna Hayden, D.O., CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by **Certified U.S. Mail** to **Alfred R. Johnson, D.O.**, 997 Hampshire Lane, Richardson, TX 75080; and by interoffice mail to **Donna C. McNulty**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **Michael G. Lawrence, Jr.**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265, this 13th day of March 2012.


Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2011-05497

ALFRED RAYMOND JOHNSON, D.O.,

Respondent,

SETTLEMENT AGREEMENT

Alfred Raymond Johnson, D.O., referred to as the "Respondent", and the Department of Health, referred to as "Department" stipulate and agree to the following Settlement Agreement and to the entry of a Final Order of the Board of Osteopathic Medicine, referred to as "Board", incorporating the Stipulated Facts and Stipulated Disposition in this matter.

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

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed osteopathic physician in the State of Florida having been issued license number OS 3821, on or about November 17, 1977.

2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent with violations of Chapter 459, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit "A".

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he/she is subject to the provisions of Chapters 456 and 459, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapters 456 and/or 459, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Reprimand** - The Board shall reprimand the license of Respondent.

2. **Fine** - The Board of Osteopathic Medicine shall impose an administrative fine of Two Thousand, Five Hundred Dollars and No Cents (\$2,500.00) against the license of Respondent, to be paid by Respondent to the Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Osteopathic Medicine Compliance Officer, within thirty (30) days from the date of filing of the Final Order incorporating this Settlement Agreement. All fines shall be paid by certified funds or money order. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN FORTY-FIVE (45) DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

3. **Reimbursement of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any and all costs incurred in the investigation and prosecution of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's probation, if any. The current estimate of the Department's costs in this case is Seven Hundred Sixty-Four Dollars and Twelve Cents (\$764.12), but this amount will increase prior to the Board meeting where this Settlement Agreement is presented. Respondent will pay costs to the Department of Health, Compliance Management Unit, Bin C76, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Osteopathic Medicine Compliance Officer, within thirty (30) days from the date of filing of the Final Order in this cause. Any post-Board costs, such as the costs associated with probation, are not included in this Settlement Agreement.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY, AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN

FORTY-FIVE (45) DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

4. **Continuing Medical Education** – Respondent shall show proof of completion of eighteen (18) hours of Category I CME in Allergy and Immunology as required by the Texas Medical Board Order of April 9, 2010 no later than June 1, 2012.

STANDARD PROVISIONS

1. **Appearance**: Respondent is required to appear before the Board at the meeting of the Board where this Settlement Agreement is considered.

2. **No Force or Effect until Final Order** - It is expressly understood that this Settlement Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Settlement Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this Settlement Agreement, Respondent shall first submit a written request to the Board Chairman for approval prior to performance of said continuing medical education course(s). Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the date of filing of the Final Order incorporating this Settlement Agreement. All such documentation shall be sent to the Department of Health, Compliance Management Unit, Bin C76, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Osteopathic Medicine Compliance Office, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 459 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice osteopathic medicine. Prior to signing this Settlement Agreement, the Respondent shall read Chapters 456, 459 and 893 and the Rules of the Board of Osteopathic Medicine, at Chapter 64B15, Florida Administrative Code.

6. **Violation of Settlement Agreement Terms** - It is expressly understood that a violation of the terms of this Settlement Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 459, Florida Statutes.

7. **Purpose of Settlement Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this case, executes this Settlement Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Settlement Agreement. **Respondent agrees to support this Settlement Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.** Furthermore, should this Settlement Agreement not be accepted by the Board,

it is agreed that presentation to and consideration of this Settlement Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

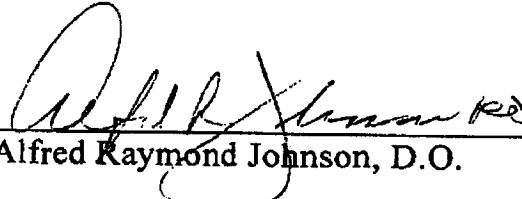
8. **No Preclusion of Additional Proceedings** - Respondent and the Department fully understand that this Settlement Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A".

9. **Waiver of Attorney's Fees and Costs** - Upon the Board's adoption of this Settlement Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** - Upon the Board's adoption of this Settlement Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Settlement

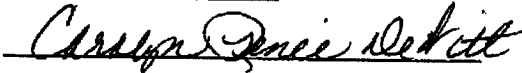
Agreement and the Final Order of the Board incorporating said Settlement Agreement.

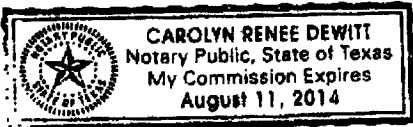
SIGNED this 28 day of November, 2011.


Alfred Raymond Johnson, D.O.

Before me, personally appeared Alfred Raymond Johnson, D.O., whose identity is known to me by DRIVERS LICENSE (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 28th day of NOVEMBER, 2011.





Notary Public State of ~~Florida~~ TEXAS
Printed Name: CAROLYN RENEE DEWITT
Commission No.: 12579752-9
Commission Expires: 8/11/2014

APPROVED this 12 day of November, 2011.

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

Florida Department of Health

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Tallahassee, FL 32399-3265

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Email: john_frickejr@doh.state.fl.us

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-05497

ALFRED RAYMOND JOHNSON, D.O.,

RESPONDENT.

11 DEC - 7 AM 8:44
NATIONAL BOARD OF REGULATION
LEGAL

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.

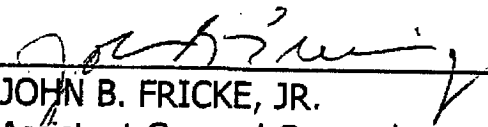
WHEREFORE, Petitioner respectfully requests that the Board of Osteopathic Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement 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
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Sandra Soto*
DATE OCT 20 2011

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.