

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
James Patrick Johnston, D.O. )                    CONSENT ORDER  
 )  
Respondent. )

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning James Patrick Johnston, D.O. ("Dr. Johnston"). Dr. Johnston makes the following admissions, and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

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 in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Johnston was first issued a license to practice medicine by the Board on or about December 29, 2017, license number 2017-02638.

At all times relevant hereto, Dr. Johnston practiced family medicine in Midland, North Carolina.

On June 13, 2023, the Board received an anonymous complaint alleging an inappropriate relationship between Dr. Johnston and a patient ("Patient A"), whom he began dating while he was her primary care physician.

Dr. Johnston's records indicate he urged Patient A to find another physician, which she verbally consented to do. Nevertheless, he and Patient A married, and he continued to provide medical care to her by prescribing oxycodone and other medications to treat her migraine headaches.

Dr. Johnston admitted to the Board that he realized he should not have continued to provide Patient A medications and that it was wrong. Despite that admission, Dr. Johnston acknowledged that he continued to prescribe to Patient A.

On September 25, 2023, the Board ordered Dr. Johnston to submit to a comprehensive examination at an examination center approved in advance by the Board's Office of Medical Director to be completed within ninety (90) days of the date of the Order. Dr. Johnston submitted to the comprehensive examination at Acumen Assessments ("Acumen") from December 11-14, 2023.

On January 12, 2024, the Board also ordered Dr. Johnston to submit to an examination at the North Carolina Professionals Health Program ("NCPHP").

Dr. Johnston submitted to the examination at NCPHP on January 30, 2024. Based on the examination, NCPHP did not support Dr.

Johnston as safe to practice and recommended Dr. Johnston enter into a monitoring contract with NCPHP, complete a professional longitudinal treatment program and follow all recommendations from the treatment program, and follow all recommendations from Acumen.

On February 15, 2024, the Board received the final copy of Dr. Johnston's Acumen assessment, which found Dr. Johnston unsafe to practice and along with other recommendations, recommended Dr. Johnston submit to an intensive treatment process for safety-sensitive professionals to address professional ethical issues and problematic personality traits.

On April 6, 2024, Dr. Johnston was arrested for Driving While Impaired ("DWI"), in Charlotte, North Carolina. While under arrest, Dr. Johnston called in a prescription for a patient to CVS Pharmacy. The prescription was for cyclobenzaprine to treat positional vertigo.

On April 29, 2024, Dr. Johnston began treatment for alcohol use disorder at a residential treatment facility in Tampa, Florida.

On May 6, 2024, Dr. Johnston inactivated his license at the request of the Board.

On or about June 27, 2024, Dr. Johnston left residential treatment against medical advice and is no longer being treated at this facility for his alcohol use disorder. Dr. Johnston objected to his treatment at the facility.

### CONCLUSIONS OF LAW

Dr. Johnston's conduct, as described above, constitutes Dr. Johnston being unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemical, or any other type of material or by reason of any physical or mental abnormality within the meaning of N.C. Gen. Stat. § 90-14(a)(5), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Johnston's license to practice medicine or to deny any application he may make in the future.

Dr. Johnston's conduct, as described above, constitutes unprofessional conduct, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), including, but not limited to, a departure from, or the failure to conform to the ethics of the medical profession, or the committing of any act contrary to honesty, justice, or good morals, which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Johnston's license to practice medicine or to deny any application he may make in the future.

### PROCEDURAL STIPULATIONS

Dr. Johnston acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Johnston knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Johnston acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Johnston desires to resolve this matter without the need for more formal proceedings and agrees not to contest the matters set forth herein in this case and any potential future proceeding involving the Board.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

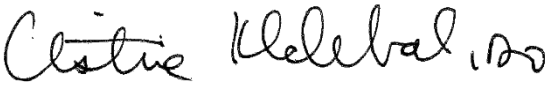
NOW, THEREFORE, with Dr. Johnston's consent, it is ORDERED that:

1. Dr. Johnston's North Carolina license to practice medicine is hereby INACTIVATED effective May 6, 2024.
2. This Consent Order shall take effect immediately upon its execution by both Dr. Johnston and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.
3. Dr. Johnston hereby waives any requirement under any law or rule that this Consent Order be served on him.
4. Upon execution by Dr. Johnston 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 and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 1st day of October, 2024.

NORTH CAROLINA MEDICAL BOARD

By: 

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Christine M. Khandelwal, D.O., MHPE  
President

Consented to this the 1 day of OCT., 2024.

James Patrick Johnston D.O.  
James Patrick Johnston, D.O.

State of Ohio

County of Allen

I, Kaelin High, do hereby certify that James Patrick Johnston, D.O., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 1 day of Oct, 2024.

[Signature]  
Notary Public

(Official Seal)

My Commission Expires: 3-27-29

