

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**


In the Matter of the Accusation)	
Against:)	
)	
)	
STANCIL E.D. JOHNSON, M.D.)	Case No. 8002014007866
)	
Physician's and Surgeon's)	
Certificate No. C28935)	
)	
Respondent)	
_____)	

ORDER CORRECTING NUNC PRO TUNC DECISION

On its own motion, the Medical Board of California (hereafter "board") hereby corrects the signature block of this Decision to indicate the correct signer.

IT IS SO ORDERED: November 7, 2017.

MEDICAL BOARD OF CALIFORNIA



**Ronald Lewis, M.D., Chair
Panel A**

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	
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STANCIL E.D. JOHNSON, M.D.)	Case No. 8002014007866
)	
Physician's and Surgeon's)	
Certificate No. C28935)	
)	
Respondent)	
_____)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 7, 2017.

IT IS SO ORDERED: November 7, 2017.

MEDICAL BOARD OF CALIFORNIA



**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 800-2014-007866

11 **STANCIL ENOS JOHNSON, M.D.**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

12 P.O. Box 5396
13 Carmel, CA 93921

14 Physician's and Surgeon's Certificate No.
15 C28935

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
21 of California (Board). She brought this action solely in her official capacity and is represented in
22 this matter by Xavier Becerra, Attorney General of the State of California, by Machaela M.
23 Mingardi, Deputy Attorney General.

24 2. Stancil Enos Johnson, M.D. (Respondent) is represented in this proceeding by
25 attorney Andrew H. Swartz, whose address is 550 Hartnell Street, Suite A-1, Monterey, CA
26 93940.

27 3. On or about April 11, 1967, the Board issued Physician's and Surgeon's Certificate
28 No. C28935 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect

1 at all times relevant to the charges brought in Accusation No. 800-2014-007866, and will expire
2 on May 31, 2019, unless renewed.

3 JURISDICTION

4 4. Accusation No. 800-2014-007866 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on April 11, 2017. Respondent timely filed his Notice of Defense
7 contesting the Accusation.

8 5. A copy of Accusation No. 800-2014-007866 is attached as exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2014-007866. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
17 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of
19 documents; the right to reconsideration and court review of an adverse decision; and all other
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 9. Respondent understands and agrees that the charge and allegation in Accusation No.
25 800-2014-007866, if proven at a hearing, constitute cause for imposing discipline upon his
26 Physician's and Surgeon's Certificate.

27 ///

28 ///

1 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
2 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
3 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
4 completion of each course, the Board or its designee may administer an examination to test
5 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
6 hours of CME of which 40 hours were in satisfaction of this condition.

7 2. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective
8 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in
9 advance by the Board or its designee. Respondent shall provide the approved course provider
10 with any information and documents that the approved course provider may deem pertinent.
11 Respondent shall participate in and successfully complete the classroom component of the course
12 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
13 complete any other component of the course within one (1) year of enrollment. The prescribing
14 practices course shall be at Respondent's expense and shall be in addition to the Continuing
15 Medical Education (CME) requirements for renewal of licensure.

16 A prescribing practices course taken after the acts that gave rise to the charges in the
17 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
18 or its designee, be accepted towards the fulfillment of this condition if the course would have
19 been approved by the Board or its designee had the course been taken after the effective date of
20 this Decision.

21 Respondent shall submit a certification of successful completion to the Board or its
22 designee not later than 15 calendar days after successfully completing the course, or not later than
23 15 calendar days after the effective date of the Decision, whichever is later.

24 3. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
25 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
26 advance by the Board or its designee. Respondent shall provide the approved course provider
27 with any information and documents that the approved course provider may deem pertinent.
28 Respondent shall participate in and successfully complete the classroom component of the course

1 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
2 complete any other component of the course within one (1) year of enrollment. The medical
3 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
4 Medical Education (CME) requirements for renewal of licensure.

5 A medical record keeping course taken after the acts that gave rise to the charges in the
6 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
7 or its designee, be accepted towards the fulfillment of this condition if the course would have
8 been approved by the Board or its designee had the course been taken after the effective date of
9 this Decision.

10 Respondent shall submit a certification of successful completion to the Board or its
11 designee not later than 15 calendar days after successfully completing the course, or not later than
12 15 calendar days after the effective date of the Decision, whichever is later.

13 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
14 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
15 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
16 Respondent shall participate in and successfully complete that program. Respondent shall
17 provide any information and documents that the program may deem pertinent. Respondent shall
18 successfully complete the classroom component of the program not later than six (6) months after
19 Respondent's initial enrollment, and the longitudinal component of the program not later than the
20 time specified by the program, but no later than one (1) year after attending the classroom
21 component. The professionalism program shall be at Respondent's expense and shall be in
22 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

23 A professionalism program taken after the acts that gave rise to the charges in the
24 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
25 or its designee, be accepted towards the fulfillment of this condition if the program would have
26 been approved by the Board or its designee had the program been taken after the effective date of
27 this Decision.

28 Respondent shall submit a certification of successful completion to the Board or its

1 designee not later than 15 calendar days after successfully completing the program or not later
2 than 15 calendar days after the effective date of the Decision, whichever is later.

3 5. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
4 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
5 Chief Executive Officer at every hospital where privileges or membership are extended to
6 Respondent, at any other facility where Respondent engages in the practice of medicine,
7 including all physician and locum tenens registries or other similar agencies, and to the Chief
8 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
9 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
10 calendar days.

11 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

12 6. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
13 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
14 advanced practice nurses.

15 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
16 governing the practice of medicine in California and remain in full compliance with any court
17 ordered criminal probation, payments, and other orders.

18 8. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
19 under penalty of perjury on forms provided by the Board, stating whether there has been
20 compliance with all the conditions of probation.

21 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
22 of the preceding quarter.

23 9. GENERAL PROBATION REQUIREMENTS.

24 Compliance with Probation Unit

25 Respondent shall comply with the Board's probation unit.

26 Address Changes

27 Respondent shall, at all times, keep the Board informed of Respondent's business and
28 residence addresses, email address (if available), and telephone number. Changes of such

1 addresses shall be immediately communicated in writing to the Board or its designee. Under no
2 circumstances shall a post office box serve as an address of record, except as allowed by Business
3 and Professions Code section 2021(b).

4 Place of Practice

5 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
6 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
7 facility.

8 License Renewal

9 Respondent shall maintain a current and renewed California physician's and surgeon's
10 license.

11 Travel or Residence Outside California

12 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
13 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
14 (30) calendar days.

15 In the event Respondent should leave the State of California to reside or to practice
16 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
17 departure and return.

18 10. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
19 available in person upon request for interviews either at Respondent's place of business or at the
20 probation unit office, with or without prior notice throughout the term of probation.

21 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
22 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
23 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
24 defined as any period of time Respondent is not practicing medicine as defined in Business and
25 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
26 patient care, clinical activity or teaching, or other activity as approved by the Board. If
27 Respondent resides in California and is considered to be in non-practice, Respondent shall
28 comply with all terms and conditions of probation. All time spent in an intensive training

1 program which has been approved by the Board or its designee shall not be considered non-
2 practice and does not relieve Respondent from complying with all the terms and conditions of
3 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
4 on probation with the medical licensing authority of that state or jurisdiction shall not be
5 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
6 period of non-practice.

7 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
8 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
9 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
10 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
11 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

12 Respondent's period of non-practice while on probation shall not exceed two (2) years.

13 Periods of non-practice will not apply to the reduction of the probationary term.

14 Periods of non-practice for a Respondent residing outside of California will relieve
15 Respondent of the responsibility to comply with the probationary terms and conditions with the
16 exception of this condition and the following terms and conditions of probation: Obey All Laws;
17 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
18 Controlled Substances; and Biological Fluid Testing.

19 12. COMPLETION OF PROBATION. Respondent shall comply with all financial
20 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
21 completion of probation. Upon successful completion of probation, Respondent's certificate shall
22 be fully restored.

23 13. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
24 of probation is a violation of probation. If Respondent violates probation in any respect, the
25 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
26 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
27 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
28 continuing jurisdiction until the matter is final, and the period of probation shall be extended until

1 the matter is final.

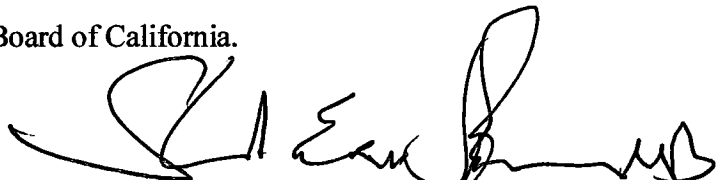
2 14. LICENSE SURRENDER. Following the effective date of this Decision, if
3 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
4 the terms and conditions of probation, Respondent may request to surrender his or her license.
5 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
6 determining whether or not to grant the request, or to take any other action deemed appropriate
7 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
8 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
9 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
10 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
11 application shall be treated as a petition for reinstatement of a revoked certificate.

12 15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
13 with probation monitoring each and every year of probation, as designated by the Board, which
14 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
15 California and delivered to the Board or its designee no later than January 31 of each calendar
16 year.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Andrew H. Swartz. I understand the stipulation and the effect it
20 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
21 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Medical Board of California.

23
24 DATED: 8/11/17

25 
26 STANCIL ENOS JOHNSON, M.D.
27 Respondent
28

1 I have read and fully discussed with Respondent Stancil Enos Johnson, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

3 I approve its form and content.

4 DATED: 8/11/17



ANDREW H. SWARTZ
Attorney for Respondent

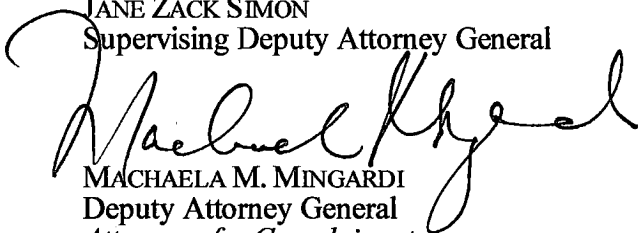
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Medical Board of California.

10 Dated: 8/20/2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



MACHAELA M. MINGARDI
Deputy Attorney General
Attorneys for Complainant

19 SF2017202689
20 12762779

Exhibit A

Accusation No. 800-2014-007866

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Apr. 11 20 17
BY [Signature] ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2014-007866

13 **STANCIL E.D. JOHNSON, M.D.**
14 P.O. Box 5396
Carmel, CA 93921

A C C U S A T I O N

15 Physician's and Surgeon's Certificate
No. C28935,

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).

22 2. On or about April 11, 1967, the Medical Board issued Physician's and Surgeon's
23 Certificate Number C28935 to Stancil E.D. Johnson, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
25 and will expire on May 31, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 PATIENT P-1

2 8. Patient P-1 is a now 52-year-old woman who has been a patient of Respondent for a
3 number of years covering at least the period from 2008 through 2014. During that time,
4 Respondent treated P-1 for insomnia, chronic headaches, depression and anxiety, and chronic
5 sinusitis.

6 9. Respondent repeatedly prescribed Ambien², a controlled substance, for P-1 for
7 insomnia over the years of her treatment. He did not maintain records documenting the course of
8 treatment, whether or not symptoms improved, or consideration of alternative treatments.

9 10. Respondent prescribed multiple different antibiotics for P-1 for sinusitis over a period
10 of several years. He did not maintain records documenting a workup or examination supporting
11 his diagnosis of chronic sinusitis; consultation with a specialist, internist, or general practitioner;
12 reasons for selecting or changing antibiotics; or consideration of alternative treatments.

13 11. Respondent treated P-1's chronic pain condition with diclofenac³, an anti-
14 inflammatory drug, over at least a four-year-period without documenting a workup, any
15 discussions with P-1 of the potential side effects of the medication, consultation with appropriate
16 pain specialists, or the course of treatment and its effectiveness or lack of effectiveness.

17 PATIENT P-2

18 12. Patient P-2, Respondent's now 70-year-old wife, was treated by Respondent with
19 various medications from at least 2005 through April 2015. He did not maintain a patient chart or
20 other documentation for P-2.

21
22
23 ¹ The patients are designated in this document as Patients P-1 through P-3 to protect their
24 privacy. Respondent knows the names of the patients and can confirm their identities through
25 discovery.

26 ² Ambien, a trade name for zolpidem tartrate, is a non-benzodiazepine hypnotic. Ambien
27 is a dangerous drug as defined in section 4022 and a Schedule IV controlled substance. It is
28 indicated for the short-term treatment of insomnia.

³ Diclofenac, also known by the trade name Voltaren, is a nonsteroidal anti-inflammatory
drug (NSAID). It is a dangerous drug as defined in section 4022. Diclofenac is used to treat mild
to moderate pain, or signs and symptoms of osteoarthritis or rheumatoid arthritis. Diclofenac may
cause stomach or intestinal bleeding.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts, Failure to Maintain Sufficient Medical Records)**

3 18. Respondent is guilty of unprofessional conduct and subject to disciplinary action
4 under section 2234, subdivisions (a) (violating the Medical Practice Act) and (c) (repeated
5 negligent acts), and section 2266 (inadequate records) of the Code in that Respondent engaged in
6 the conduct described above including, but not limited to, the following:

7 A. Respondent failed to sufficiently document the evaluation and progress of Patient P-
8 1's ongoing treatment for insomnia and failed to document justification for the treatment
9 provided.

10 B. Respondent prescribed multiple antibiotics to Patient P-1 over a period of time
11 without sufficient workup or documentation.

12 C. Respondent treated P-1's chronic pain condition over an extended period of time with
13 anti-inflammatory medications without sufficient justification or documentation of treatment
14 progress and without recommending specialist consultation.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Repeated Negligent Acts, Failure to Maintain Sufficient Medical Records)**

17 19. Respondent is guilty of unprofessional conduct and subject to disciplinary action
18 under section 2234, subdivisions (a) (violating the Medical Practice Act) and (c) (repeated
19 negligent acts), and section 2266 (inadequate records) of the Code in that Respondent engaged in
20 the conduct described above including, but not limited to, the following:

21 A. Respondent provided treatment and long-term follow-up for his wife, Patient P-2, for
22 general medical conditions with medications which do not usually fall under the scope of training
23 or practice for psychiatrists.

24 B. Respondent failed to maintain treatment records for Patient P-2.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Failure to Maintain Sufficient Medical Records)**

27 20. Respondent is guilty of unprofessional conduct and subject to disciplinary action
28 under section 2234, subdivisions (a) (violating the Medical Practice Act) and (c) (repeated

1 negligent acts), and section 2266 (inadequate records) of the Code in that Respondent engaged in
2 the conduct described above including, but not limited to, the following:

3 A. Respondent failed to maintain sufficient medical records for Patient P-3 reflecting the
4 bases for his treatment, justification for the medications prescribed, informed consent, medication
5 monitoring, or treatment evaluation and plan.

6
7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Medical Board of California issue a decision:

10 1. Revoking or suspending Physician's and Surgeon's Certificate Number C28935,
11 issued to Stancil E.D. Johnson, M.D.;

12 2. Revoking, suspending or denying approval of Stancil E.D. Johnson, M.D.'s authority
13 to supervise physician assistants and advanced practice nurses, pursuant to section 3527 of the
14 Code;

15 3. Ordering Stancil E.D. Johnson, M.D., if placed on probation, to pay the Board the
16 costs of probation monitoring; and

17 4. Taking such other and further action as deemed necessary and proper.

18
19 DATED: April 11, 2017


20 KIMBERLY KIRCHMEYER
21 Executive Director
22 Medical Board of California
23 Department of Consumer Affairs
24 State of California
25 Complainant

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