

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RANDOLPH P. JOHNSTON, M.D., RESPONDENT

Nos. 02-96-500 & 02-99-022

STATEMENT OF CHARGES,

**SETTLEMENT AGREEMENT and FINAL ORDER
(combined)**

COMES NOW the Iowa Board of Medical Examiners (Board), and Randolph P. Johnston, M.D., (Respondent), on April 6, 2000, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 28472 to practice medicine and surgery in Iowa on November 27, 1991. Respondent's Iowa medical license is valid and will next expire on September 1, 2001.
2. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147,148 and 272C.

COUNT I

3. Respondent is charged under Iowa Code sections 148.6(2)(g) and 653 IAC Section 12.4(2)(d), with a willful or repeated departure from or the failure to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in the state of Iowa.

CIRCUMSTANCES

4. On or about January 6, 1999, the Board received information indicating Respondent inappropriately prescribed controlled substances to his wife.

SETTLEMENT AGREEMENT

5. Respondent admits the allegations contained in the Statement of Charges.

6. Immediately upon the Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order, Respondent shall be *permanently prohibited* from prescribing controlled substances to immediate family members.

7. Respondent is hereby **CITED** for inappropriately prescribing controlled substances to his wife. Respondent is hereby **WARNED** that inappropriate prescribing in the future may result in further formal disciplinary action against his Iowa medical license.

8. Upon the Board's approval of this Statement of Charges, Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$2,500. The civil penalty shall be paid within 20 days thereafter by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the state general fund.

9. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

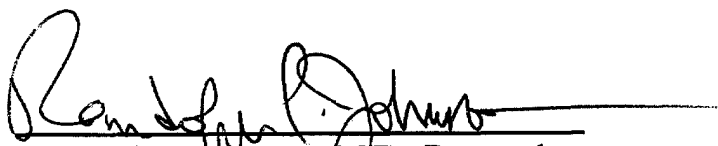
10. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

11. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

12. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

13. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

14. The Board's approval of this Settlement Agreement and Final Order shall constitute a Final Order of the Board.


Randolph P. Johnston, M.D., Respondent

Subscribed and sworn to before me on February 8, 2000.

Amey S. Betti

Notary Public, State of Iowa

This combined Statement of Charges, Settlement Agreement and Final Order is approved by

the Board on April 6, 2000.

Dale R. Holdiman MD

Dale R. Holdiman, M.D., Chairperson
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