BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **KRISTOPHER B. JOHNSON, M.D.** Holder of Post Graduate Training Permit No. **R71536** For the Practice of Allopathic Medicine In the State of Arizona.	**Case No. MD-15-0992A** **INTERIM CONSENT AGREEMENT FOR PRACTICE LIMITATION AND EVALUATION** **(Non-Disciplinary)**

INTERIM CONSENT AGREEMENT

Kristopher B. Johnson, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Limitation and Assessment; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Physician is the holder of Post Graduate Training Permit No. R71536 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-15-992A after receiving a report on or about August 14, 2015, from a hospital reporting that Respondent had been suspended from the residency program after a breath analysis test was positive for alcohol.

4. Respondent was referred for an assessment with the Board's Physician Health Program ("PHP") Contractor who referred Respondent for an evaluation at an inpatient treatment facility. The PHP Contractor opined that Respondent may have a health condition that has the potential to place patients and the public at risk. The PHP Contractor recommended limiting Respondent's practice by prohibiting him from practicing

any form of medicine until the evaluation is completed and any recommended treatment has taken place and successfully completed, followed by a reassessment with the PHP regarding Respondent's fitness for duty.

5. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that an interim consent agreement to limit Respondent's practice is appropriate.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. Pursuant to A.A.C. R4-16-509, the executive director has the authority to enter into consent agreements to limit a physician's practice if there is evidence that he is mentally unable to safely engage in the practice of medicine and the investigative staff, the medical consultant and the lead Board member concur after a review of the case that a consent agreement is appropriate.

3. In addition, pursuant to A.R.S. §§ 32-1405(C)(25) and 32-1451(F), the executive director, on behalf of the Board, has the authority to enter into consent agreements if there is evidence of danger to the public health and safety.

INTERIM ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Executive Director and receives affirmative permission to do so as stated in paragraph 5 below. Respondent may not apply for relief from this Interim Consent Agreement until he has

completed an independent comprehensive evaluation at a Board-approved evaluation center by no later than September 15, 2015, after which Respondent shall meet again with the PHP for a post-evaluation assessment. Respondent must comply with all recommendations that arise as a result of the evaluation including any recommendation that he undergo and successfully complete further residential treatment at a Board-approved facility.

2. Respondent shall provide a copy of this Order to the evaluating facility and any treating facility and shall sign a consent form to release all confidential evaluation and/or treatment records to the Board.

3. Respondent is responsible for all expenses relating to the evaluation and any subsequent recommended treatment.

4. Respondent shall instruct any attorney retained on his behalf not to contact the evaluating facility and/or any treatment facility. Any questions or concerns must be addressed to Board Staff.

5. Once all of the requirements set forth in paragraph one (1) have been met, Respondent may request, in writing, release and/or modification from this Interim Consent Agreement. The Executive Director in consultation with and agreement of the Lead Board Member and Medical Consultant has the sole discretion to determine whether it is appropriate to release Respondent from this Interim Consent Agreement.

6. This Interim Consent Agreement is not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board. In addition, the Board retains jurisdiction and may initiate a separate disciplinary action based on the facts and circumstances that form the basis for this practice limitation or any violation of this Interim Consent Agreement.

DATED this 11th day of September, 2015.

ARIZONA MEDICAL BOARD

By Patricia McSorley
Patricia McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Interim Consent Agreement for Practice Limitation. Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Interim Consent Agreement is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

4. The Interim Consent Agreement is not effective unless and until it is approved and signed by the Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Upon signing this Interim Consent Agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Interim Consent Agreement. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

7. This Interim Consent Agreement is a public record that will be publicly disseminated as a formal ***non-disciplinary*** action of the Board.

8. If any part of the Interim Consent Agreement is later declared void or otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in force and effect.

9. Any violation of this Interim Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.") and 32-1451.

10. ***Respondent has read and understands the terms of this agreement.***

KRISTOPHER B. JOHNSON, M.D.

DATED: 9/3/15

EXECUTED COPY of the foregoing mailed this 11th day of September, 2015 to:

Kristopher B. Johnson, M.D.
Address of Record

Greenberg and Sucher, P.C.
Address of Record

ORIGINAL of the foregoing filed
this 11th day of September, 2015 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Beth

Board Staff