

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

TIMOTHY THOMAS JOHNSON, CLS. GEN
Applicant

No. 15-I-1063

**CONSENT ORDER FOR
ISSUANCE OF LICENSE
ON PROBATION**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Timothy Thomas Johnson ("Mr. Johnson") for a license to practice as a CLS-Generalist ("CLS.GEN") in this state. While a review of the materials submitted in support of his application indicates that he satisfies the educational and other requirements necessary for licensure consideration, Mr. Johnson disclosed a drug related arrest. In addition, Mr. Johnson self reported that he received a Registered Nurse (RN) license in Louisiana on probation and that his nursing license has been suspended since February 2013. On his own behalf, he has cooperated with this investigation by fully disclosing the arrest and providing all records as requested. Mr. Johnson is amenable to a license being issued on probationary status and has expressed a willingness, if licensed as a CLS Generalist in Louisiana, to submit to on-going monitoring.

As evidenced by his subscription hereto, Mr. Johnson acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause to deny his license pursuant to the Louisiana Clinical Laboratory Practice Act La. Rev. Stat. §37:1326.¹

Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 *et. seq.*, Mr. Johnson, nonetheless, hereby waives his right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Mr. Johnson further acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*, or

¹ Pursuant to La. Rev. Stat. §37:1326(A) the Board may deny or take action against the license of a clinical laboratory technician for: (2) Demonstrating incompetence in the performance of the practice of clinical laboratory science.

which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto Mr. Johnson also hereby authorizes the I/O designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Johnson expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the foregoing information, as well as the recommendation of the I/O, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1326, will be effectively served by entry of the order set forth hereinafter by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that a license is hereby issued on **PROBATION for three (3) years** to Timothy Thomas Johnson to practice as a CLS-Generalist in the state of Louisiana, subject to his acceptance of and strict compliance with the following terms and conditions:

- (1) **Participation in the Board's Allied Professionals Health Program.** Mr. Johnson shall sign an agreement with the Board's Allied Professionals Health Program for a minimum of three (3) years and shall fully comply with all terms, monitoring conditions and restrictions of the program. Mr. Johnson shall authorize and cause to have submitted to the Board monthly reports of full compliance with all monitoring requirements of the Program.
- (2) **Drug Monitoring/Screens.** Mr. Johnson shall submit to periodic, unannounced blood, urine, saliva, hair collection or other screens, including EtG and PEth levels, to detect the presence of alcohol or other mood-altering substances. Such screenings shall be random and shall occur at such intervals as may be directed by the Board's Probation and Compliance Officer or designee. Mr. Johnson shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.
- (3) **Maintenance of Complete Abstinence.** Mr. Johnson shall maintain complete and total abstinence from the use of alcohol and any controlled or mood-altering substance except as may be prescribed by a treating physician for a *bona fide* medical condition. Mr. Johnson shall personally inform his monitoring health care professional in writing within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him for treatment of a *bona fide* medical condition. In the event that Mr. Johnson should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Mr. Johnson hereby acknowledges that he shall voluntarily withdraw from practice until and unless permitted to resume in that capacity following the evaluation and determination of a physician designated by the Board that he is then capable of practicing with reasonable skill and safety to patients.
- (4) **Board Approval of Practice.** Following the effective date of this Order and for the duration of the probationary period, before continuing or accepting any employment with any clinic, hospital, physician or other entity providing health care services to patients, Mr. Johnson shall obtain written approval of his employment setting and shall provide any and all information that the Board may then require in connection with such approval. Mr. Johnson shall not engage in practice in any setting in advance of the Board's specific written approval of such practice setting.

- (5) **Notification of Order; Reports from Supervisors; Authorization.** Prior to beginning or returning to work, Mr. Johnson shall provide a copy of this Consent Order to each hospital, clinic, facility, physician, or other employer or prospective employer at which or for whom he provides services as a CLS-GEN in this state. Thereafter, Mr. Johnson shall authorize and cause the supervisor, or another designee approved by the Board, to submit to the Board quarterly written reports of his/her determination concerning Mr. Johnson's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Mr. Johnson shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to him from any hospital, institution, physician or other health care entity where he is employed.
- (6) **Self-Reporting of Violations.** Mr. Johnson shall immediately self-report in writing to the probation officer any violation of or failure to adhere to the terms, conditions or restrictions of this Order. Furthermore, Mr. Johnson shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
- (7) **Probation Monitoring Fee.** For each year of the probationary period Mr. Johnson shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (8) **Cooperation with the Board's Probation and Compliance Officer.** Mr. Johnson shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer and he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Order. Mr. Johnson is required to report in person to his probation officer at such times as may be directed. Mr. Johnson is required immediately to complete all forms, fully and carefully, when received, and to present these to his probation officer at the first meeting or as directed. He shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in his current home and professional addresses and telephone numbers, and shall allow such access to his office, business practice or home and to patient medical records as may be necessary to his supervision.
- (9) **Absence from State or Discontinuance of Practice - Effect on.** Should Mr. Johnson at any time during the period of probation be absent from the state of Louisiana, or discontinue practicing as a CLS-GEN for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary term ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed in the Board's discretion.
- (10) **Effect of Violation/Sanction.** By his subscription hereto Mr. Johnson acknowledges that his receipt of written notification from the Board that it has received any report which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice as a CLS-GEN in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.
- (11) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein,

Mr. Johnson shall contact the Board and arrange for a personal appearance before the Board or its designee at its meeting preceding the expiration of the probationary term ordered herein. As a precondition to his request for termination of probation, Mr. Johnson shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon him by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Mr. Johnson's compliance with the requirements of this provision.

(12) Effective Date. This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation of or strict compliance with any of the terms, conditions, or restrictions of this Order by Mr. Johnson shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Mr. Johnson's clinical laboratory license to practice in the state of Louisiana or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1326.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective this 11th day of April, 2016.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 

J. MICHAEL BURDINE, M.D.
President

***Acknowledgment and Consent
follows this page***

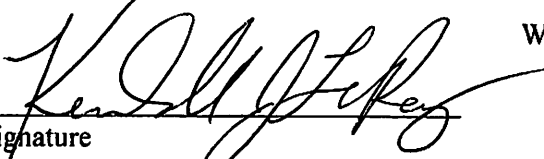
STATE OF LOUISIANA
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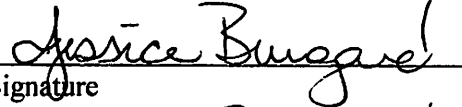
**ACKNOWLEDGMENT
AND CONSENT**

I, TIMOTHY THOMAS JOHNSON, CLS-GEN, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 24 day of March, 2016.


TIMOTHY THOMAS JOHNSON, CLS-GEN

WITNESSES:


Signature
Kendall J. LeRay
Printed Name
252 Roma Dr.
Address
Shreveport, La 71105
City, State, Zip Code


Signature
Jessica Bungard
Printed Name
407 Lake St.
Address
Monroe, LA 71060
City, State, Zip Code

Sworn to and subscribed before me at Shreveport, Louisiana, this 24 day of March, 2016, in the presence of the two stated witnesses.


Notary Public (Signature & Seal)

