

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2143

MAR - 7 2024

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY DAVID W. JOHNSON, M.D., LICENSE NO. 29121, 1146 WASHINGTON SQUARE, EVANSVILLE, INDIANA 47715

**AGREED ORDER**

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel A, and David W. Johnson, M.D. (hereafter “the licensee”), and, based upon their mutual desire to resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

**STIPULATIONS OF FACT**

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, David W. Johnson, M.D. (“the licensee”), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Physical Medicine/Rehabilitation.
3. The licensee is also licensed by the Medical Licensing Board of Indiana (“Indiana Board”).
4. On or about September 18, 2023, the Indiana Board found that the licensee violated Indiana statutes because he prescribed opioids to a patient upon learning about the patient’s dependence on opioids and use of alcohol.
5. The licensee and the Indiana Board stipulated to terms, including, in pertinent part, the licensee shall:
  - a. Receive a LETTER OF REPRIMAND;
  - b. Complete the following:

- i. Thirty (30) continuing education hours in the appropriate prescribing of controlled substances and dangerous combinations, record keeping, and pain management.
    - ii. CPEP program on pain management or the Vanderbilt Prescribing Controlled Drugs Course;
  - c. Pay a FINE of ONE THOUSAND DOLLARS (\$1,000.00); and
  - d. Pay a FEE of FIVE DOLLARS (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
6. The Board received notice of the Indiana Board action via the licensee on his 2024 renewal application. The licensee did not report the disciplinary action taken by the Indiana Board within ten days of the September 18, 2023, Final Order as required by 201 KAR 9:081(9)(2)(a)(2). Further, the licensee did not provide this Board a copy of the order issued by the Indiana Board within ten days of the September 18, 2023, Final Order.
7. The licensee agreed to enter into this Agreed Order in lieu of the issuance of a Complaint.

#### STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

## AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER**:

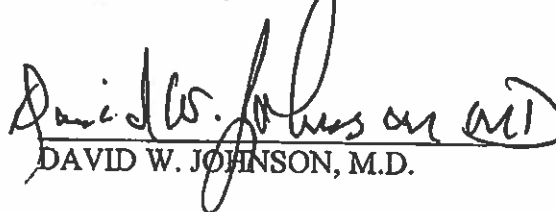
1. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
  - a. Pursuant to KRS 311.565(1)(v), the licensee SHALL submit payment of a FINE in the amount of \$1,000.00, within three (3) months of the filing of this Agreed Order;
  - b. The licensee SHALL provide the Board documentation that he completed (1) the thirty (30) hours of remedial education on the appropriate prescribing of controlled substances and dangerous combinations, record keeping, and pain management and (2) the CPEP program on pain management or the Vanderbilt Prescribing Controlled Drugs Course required in Indiana's Final Order, within three months of the completion thereof; and
  - c. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
2. Upon verification of full payment of the fine in the amount of \$1,000.00 and receipt of the CME documentation of completion for the remedial education and courses required in Indiana's Final Order, the Board agrees to terminate this Agreed Order.
3. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte*

presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.

4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 24 day of FEBRUARY, 2024


FOR THE LICENSEE:

  
DAVID W. JOHNSON, M.D.

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COUNSEL FOR THE LICENSEE  
(IF APPLICABLE)

FOR THE BOARD:

  
WAQAR A. SALEEM, M.D.  
CHAIR, INQUIRY PANEL A

  
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