

**IN THE MATTER OF
SPENCER F. JOHNSON, M.D.**

Respondent

License Number: D51645

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 7720-0003**

* * * * *

ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On July 9, 2019, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) issued a Final Decision and Order that suspended Spencer F. Johnson M.D.’s license to practice medicine in Maryland for a minimum of one year and required Dr. Johnson to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and comply with MPRP’s requirements.¹ The Final Decision and Order provided that after one year, if MPRP determined that it were safe for Dr. Johnson to return to the practice of medicine and Dr. Johnson fully and satisfactorily complied with the terms of the suspension he could petition Panel B to lift the suspension and, if Panel B agreed that Dr. Johnson was safe to return to practice, the Panel would terminate the suspension and impose conditions on his return to practice.

On August 10, 2020, Dr. Johnson filed a written Petition to Lift Suspension. On August 11, 2020, MPRP provided a written update to Panel B stating that Dr. Johnson complied with MPRP’s recommendations and that he is safe to return to the practice of medicine with certain terms and conditions. Dr. Johnson appeared before Panel B for consideration of his Petition on October 21, 2020.

¹ A copy of the July 9, 2019 Final Decision and Order is incorporated by reference and available on request.

Panel B finds that Dr. Johnson complied with the terms of the Final Decision and Order and that it is safe for him to practice medicine if certain probationary terms and conditions are in place. It is, thus, by Panel B, hereby

ORDERED that the suspension imposed under the July 9, 2019 Final Decision and Order is **TERMINATED**; and it is further

ORDERED that Dr. Johnson is placed on **PROBATION** for a minimum period of **FIVE YEARS**.² During the probationary period, Dr. Johnson shall comply with the following probationary terms and conditions:

1. Dr. Johnson **SHALL LIMIT** his practice to medication management with supportive therapeutic discussion;
2. Dr. Johnson **SHALL NOT TREAT PATIENTS** using formal ongoing psychotherapy;
3. Dr. Johnson shall remain enrolled in the Maryland Professional Rehabilitation Program (MPRP) and shall:

(a) continue his Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP or be entered into an amended Participant Rehabilitation Agreement and Participant Rehabilitation Plan as determined by MPRP;

(b) fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement and Participant Rehabilitation Plan entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

(c) sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant

² If Dr. Johnson's license expires while Dr. Johnson is on probation, the probationary period and any probationary conditions will be tolled.

information from MPRP records and files in a public order. Dr. Johnson shall not withdraw his release/consent;

(d) sign and update the written release/consent forms as requested by the Board and MPRP. Dr. Johnson shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. Dr. Johnson shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Johnson's current therapists and treatment providers) verbal and written information concerning Dr. Johnson and to ensure that MPRP is authorized to receive the medical records of Dr. Johnson, including, but not limited to, mental health and drug or alcohol treatment records. Dr. Johnson shall not withdraw his release/consent;

(e) sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Johnson's current therapists and treatment providers) verbal and written information concerning Dr. Johnson and to ensure that MPRP is authorized to receive the medical records of Dr. Johnson, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Dr. Johnson shall not withdraw his release/consent;

(f) failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Order;

4. Dr. Johnson shall not have any contact with patients outside of the treating relationship;
5. Dr. Johnson shall implement a practice accountability structure that includes oversight in the office at all times so that Dr. Johnson is not alone with patients in the office suite. Dr. Johnson shall include his office manager, colleagues, and staff in the boundary protection planning process so that they are apprised on the practice structure;
6. Dr. Johnson shall use patient satisfaction surveys;
7. Dr. Johnson is prohibited from evaluating and treating patients without a chaperone present in the room and shall document the name of the chaperone in the patient

notes. The following condition applies:

(a) the Respondent shall on every January 31st during his probation Johnson shall provide the Board with:

- (1) an affidavit verifying that he has had a chaperone present for every examination or treatment of any patient;
- (2) the names of those persons who have functioned as chaperones in the past year; and
- (3) the signatures of those persons who have functioned as a chaperone in the past month attesting that they have done so, together with the schedule of the chaperones for the past month;

(b) if Dr. Johnson fails to provide the required annual verification of compliance with this condition:

- (1) there is a presumption that Dr. Johnson has violated the condition of this Consent Order; and
- (2) the alleged violation will be adjudicated pursuant to the procedures of a show cause hearing.

IT IS FURTHER ORDERED that there shall be no early termination of probation; and it is further

ORDERED that a violation of probation constitutes a violation of the Order; and it is further

ORDERED that, after a minimum period of **FIVE YEARS**, Dr. Johnson may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of Panel B. Dr. Johnson may be required to appear before Panel B to discuss his petition for termination. Panel B will grant the petition to terminate the probation if Dr. Johnson has complied with all of the probationary terms and conditions, there are no pending complaints related to the charges, and Panel B determines that it is safe for Dr. Johnson to practice medicine without the probationary terms and conditions. If Disciplinary Panel B determines that it is not safe for Dr. Johnson to practice without the probationary terms and conditions, the probation and relevant probationary terms and conditions

may be continued through an order of Disciplinary Panel B for a length of time determined by Disciplinary Panel B; and it is further

ORDERED that Dr. Johnson is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that if Dr. Johnson allegedly fails to comply with this Order, Dr. Johnson shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings and if there is no genuine dispute as to a material fact, Dr. Johnson shall be given a show cause hearing before Panel B; and it is further

ORDERED that, after the appropriate hearing, if Panel B determines that Dr. Johnson has failed to comply with this Order, Panel B may reprimand Dr. Johnson, place Dr. Johnson on probation with appropriate terms and conditions, or suspend or revoke Dr. Johnson's license to practice medicine in Maryland. Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Dr. Johnson; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when this Order goes into effect. This Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

ORDERED that this Order is a public document pursuant to Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

11/20/2020
Date

Signature on File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians