

IN THE MATTER OF
TONASHA JOHNSON, M.D.
Respondent

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BEFORE THE
MARYLAND STATE
BOARD OF PHYSICIANS
Case Number: 2220-0116

License Number: D82241

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CONSENT ORDER

On February 12, 2021, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Tonasha Johnson, M.D. (“the Respondent”) under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

Specifically, Disciplinary Panel B charged the Respondent with violating the following provisions of Health Occ. § 14-404:

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
 - (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;
 - (11) Willfully makes or files a false report or record in the practice of medicine; [and]
 - (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel[.]

On May 26, 2021, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the

Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following facts:

1. At all times relevant, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on August 12, 2016, under License Number: D82241. The Respondent's license is current until September 30, 2022.

2. At all times relevant, the Respondent was employed as a staff physician by a Maryland licensed physician ("Physician A")¹ at a private pediatrics practice (the "Practice") located in Suitland, Maryland. The Respondent was employed at the Practice from in or around September 2016 until August 30, 2019, when she was terminated from her employment.

3. The Board initiated an investigation of the Respondent after receiving a complaint from Physician A on or about September 30, 2019, alleging that the Respondent was terminated from the Practice on August 30, 2019, for submitting fraudulent medical excuse/work release notes in violation of the Practice's office policies. Physician A enclosed five medical excuse/work release notes the Respondent submitted that were allegedly fraudulent.

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

4. As part of the Board's investigation, Board staff obtained the Respondent's personnel file from the practice and her medical records from various health care facilities. Board staff also interviewed Physician A and the Respondent.

5. On or about April 8, 2020, Board staff conducted an interview of Physician A. During the interview, Physician A stated that the Respondent began employment at the Practice in August 2016 as a staff primary care pediatrician. In or around February and March of 2019, the Respondent began calling out sick 15 to 30 minutes prior to her first patient's scheduled appointment. Physician A stated that the Respondent's absence from work became more frequent. She stated that in May, June and July of 2019, the Respondent was absent due to alleged sickness for a total of 28 days.

6. Physician A stated that she and the Practice's office manager (the "Office Manager") started requesting that the Respondent provide supporting documents for her absences. Initially, the Respondent made excuses about forgetting to bring in medical excuse/work release notes. After Physician A and the Office Manager insisted that the Respondent provide the documents, the Respondent submitted three emergency room work release notes dated May 23, 2019, June 13, 2019, and June 26, 2019; two medical excuse notes from a specialist provider dated May 20, 2019, and August 21, 2019; and a medical excuse note from a primary care physician dated March 27, 2019.

7. Physician A stated that she began to suspect the authenticity of the medical excuse/work release notes the Respondent provided. Physician A contacted the health care provider who purportedly issued the notes and determined that all the notes were fraudulent

in that the Respondent never had an appointment with the provider on the specified date or had an appointment but never appeared for the appointment.

8. The Board issued subpoenas to the health care facilities where the Respondent was purportedly seen based on the medical excuse/work release notes and confirmed that the Respondent was either never seen or was not seen on the date specified on the medical excuse/work release notes at the various health care facilities.

9. On or about September 10, 2020, Board staff conducted an interview of the Respondent. During the interview, the Respondent admitted that the medical excuse/work release notes she submitted to Physician A were not from the purported health care providers. The Respondent stated that a friend of hers, who was a physician, provided the notes to her. The Respondent confirmed that she never saw the health care providers listed in the medical excuse/work release notes on the dates specified. When Board staff requested the name of the Respondent's physician friend who provided the notes to her, she refused to disclose her physician friend's identity.

10. On or about September 10, 2020, the Board issued a subpoena compelling the Respondent to provide documents identifying the individual who provided the medical excuse/work release notes to her within two business days. The Respondent failed to produce documents identifying the individual within two business days or anytime thereafter.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel B concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ.

§ 14-404(a)(3)(ii); willfully made or filed a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and failed to cooperate with a lawful investigation conducted by the Board or a disciplinary panel, in violation of Health Occ. § 14-404(a)(33).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **18 MONTHS**.² During probation, the Respondent shall comply with the following terms and conditions of probation:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:

- (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (c) the Respondent shall 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(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
- (d) the Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to

² If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

authorize MPRP to make verbal and written disclosures to the Board, and, if the Respondent violates this Consent Order, to authorize the Board to disclose relevant information from MPRP records and files in a public order. The Respondent shall not withdraw her release/consent;

- (e) the Respondent 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 the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw her release/consent; and
- (f) the Respondent's 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 Consent Order; and

2. Within **SIX MONTHS**, the Respondent is required to take and successfully complete a course in professional ethics. The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course begins;
- (b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
- (c) the course may not be used to fulfill the continuing medical education credits required for license renewal; and
- (d) the Respondent is responsible for the cost of the course; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

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

ORDERED that, after the Respondent has complied with all terms and conditions and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit a written petition for termination of probation. The Respondent may be required to appear before the disciplinary panel to discuss the petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints related to the charges; and it is further

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

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines 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 followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend Respondent's

license with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

07/09/2021
Date

Signature on File

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

CONSENT

I, Tonasha Johnson, M.D., acknowledge that I have consulted with legal counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings

of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature on File

07/06/2021
Date

Tonasha Johnson, M.D.
Respondent

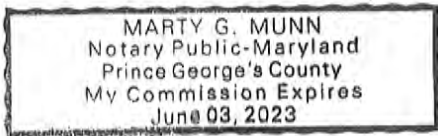
NOTARY

STATE OF Maryland

CITY/COUNTY OF PG

I HEREBY CERTIFY that on this 6 day of July 2021, before me, a Notary Public of the foregoing State and City/County, appeared Tonasha Johnson, M.D., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Marty G. Munn
Notary Public

My Commission expires: 06-03-2023