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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against, **NORMAN ERIC JOHNSON, M.D.** **P.O. Box 769** **Big Bear City, CA 92314-0769** **Physician's and Surgeon's Certificate No. C 37654,** Respondent.	Case No. 800-2017-036067 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 24, 2020, Complainant William Prasifka, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2017-036067 against NORMAN ERIC JOHNSON, M.D. (Respondent) before the Medical Board of California.

2. On or about September 19, 1977, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. C 37654 to Respondent. The Physician's and Surgeon's Certificate expired on July 31, 2019, and has not been renewed.

3. On or about August 24, 2020, Shari Wilkie, an employee of the Complainant Agency, served by Certified Mail a copy of the Accusation No. 800-2017-036067, Statement to

Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is P.O. Box 769, Big Bear City, CA 92314-0769. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by reference. The domestic return receipt signed by respondent which was returned by the Post Office is attached as exhibit B, and incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. Business and Professions Code section 118 states, in pertinent part:

> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

6. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. A Courtesy Notice of Default, which included the Accusation No. 800-2017-036067, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7, was served by United States Mail on September 24, 2020, to Respondent's address of record with the Board, which was and is P.O. Box 769, Big Bear City, CA 92314-0769.

8. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2017-036067.

9. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the

hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits A, B, C and D, finds that the allegations in Accusation No. 800-2017-036067 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent NORMAN ERIC JOHNSON, M.D. has subjected his Physician's and Surgeon's Certificate No. C 37654 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Accusation:

a. Respondent Norman Eric Johnson, M.D. is subject to disciplinary action under sections 2052 and 2234, subdivision (a), of the Business and Professions Code in that he practiced or attempted to practice, or held himself out as practicing medicine without having at the time of so doing a valid, unrevoked, or unsuspended certificate.

b. Respondent Norman Eric Johnson, M.D. is subject to disciplinary action under section 2264 of the Business and Professions Code in that he aided, or abetted, an unlicensed person to engage in the practice of medicine.

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ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 37654, heretofore issued to Respondent NORMAN ERIC JOHNSON, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on FEB 12 2021.

It is so ORDERED JAN 14 2021

Jeanne Jones for William Prasifka
FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Norman Eric Johnson, M.D.** **P.O. Box 769** **Big Bear City, CA 92314-0769** **Physician's and Surgeon's Certificate No. C 37654,** Respondent.	Case No. 800-2017-036067 **ACCUSATION**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about September 19, 1977, the Medical Board issued Physician's and Surgeon's Certificate Number C 37654 to Norman Eric Johnson, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on July 31, 2019, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2004 of the Code states:

The board shall have the responsibility for the following:

(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

(f) Approving undergraduate and graduate medical education programs.

(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

(h) Issuing licenses and certificates under the board's jurisdiction.

(i) Administering the board's continuing medical education program.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

STATUTORY PROVISIONS

6. Section 2052 of the Code states:

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment

described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

7. Section 2264 of the Code states:

The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any other mode of treating the sick or afflicted which requires a license to practice constitutes unprofessional conduct.

8. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Section 2234 of the Code provides as follows:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

FACTUAL ALLEGATIONS

10. Respondent commenced working as an independent contractor as the sole physician at Healthquest Solutions' Delta 9 clinic at 1753 South Hill Street in Los Angeles in or around 2014. His medical practice there consisted of issuing recommendations to patients for cannabis for medical purposes pursuant to California Health and Safety Code section 11362.5, the Compassionate Use Act of 1996. He would see between four and fifteen patients a day.

11. On or about July 31, 2019, Respondent's medical license expired because he had not renewed it.

12. Between July 31, 2019, and in or around November or December 2019, Respondent continued his medical practice at the Delta 9 clinic making recommendations to patients for the use of cannabis for medical purposes pursuant to the Compassionate Use Act.

13. In or around November or December 2019, Respondent notified the receptionist at the Delta 9 clinic that since he was no longer licensed to practice medicine the clinic should shut down. Respondent did not notify Healthquest Solutions, the ostensible owner of the clinic, that the clinic should be shut down. Respondent did not discontinue the use of his signature and medical license for the issuance of "Physician's Statement and Recommendation" that patients qualify for the use of cannabis for medical purposes under the Compassionate Use Act of 1996.

14. On or about January 29, 2020, an unlicensed individual at Delta 9 issued a recommendation for the use of cannabis for medical purposes to a patient over Respondent's signature which indicated that the requirements of the Compassionate Use Act had been complied with when in fact they had not been.

FIRST CAUSE FOR DISCIPLINE

(Practicing Medicine with an Expired License)

15. Respondent Norman Eric Johnson, M.D. is subject to disciplinary action under sections 2052 and 2234, subdivision (a), of the Code in that he practiced or attempted to practice, or held himself out as practicing, medicine without having at the time of so doing a valid,

unrevoked, or unsuspended certificate. The circumstances are as follows:

16. The facts and circumstances alleged in paragraphs 10 through 14 above are incorporated here as if fully set forth.

SECOND CAUSE FOR DISCIPLINE

(Aiding and Abetting the Unlicensed Practice of Medicine)

17. Respondent Norman Eric Johnson, M.D. is subject to disciplinary action under section 2264 of the Code in that he aided, or abetted, an unlicensed person to engage in the practice of medicine. The circumstances are as follows:

18. The facts and circumstances alleged in paragraphs 10 through 14 above are incorporated here as if fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

19. Respondent Norman Eric Johnson, M.D. is subject to disciplinary action under section 2234 of the Code in that he engaged in unprofessional conduct. The circumstances are as follows:

20. The facts and circumstances alleged in paragraphs 10 through 18 above are incorporated here as if fully set forth.

DISCIPLINARY CONSIDERATIONS

21. To determine the degree of discipline, if any, to be imposed on Respondent Norman Eric Johnson, M.D., Complainant alleges that on or about December 3, 2010, in a prior disciplinary action effective January 3, 2011, and titled In the Matter of the Accusation Against Norman Eric Johnson, M.D., before the Medical Board of California, in Case Number 09-2009-200811, Respondent's license was revoked, the revocation was stayed and Respondent was placed on probation for five (5) years for conviction of the crime of failing to file state income tax returns. That decision is now final and is incorporated by reference as if fully set forth herein.

22. To determine the degree of discipline, if any, to be imposed on Respondent Norman Eric Johnson, M.D., Complainant alleges that on or about July 13, 2017, Respondent was issued a citation and fine for failing to maintain appropriate medical record documentation when

prescribing a controlled substance as required by Business and Professions Code section 2266.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 37654, issued to Norman Eric Johnson, M.D.;

2. Revoking, suspending or denying approval of Norman Eric Johnson, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Norman Eric Johnson, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: AUG 24 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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