

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

**In the Matter of the Accusation)
Against:)**

DAVID R. JOHNSON, M.D.)

Case No. 8002015016824

**Physician's and Surgeon's)
Certificate No. A20315)**

Respondent)

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 22, 2017.

IT IS SO ORDERED November 15, 2017.

MEDICAL BOARD OF CALIFORNIA

By: 

**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 RICHARD D. MARINO
Deputy Attorney General
4 State Bar No. 90471
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-8644
Facsimile: (213) 897-9395
7 Attorneys for Complainant

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **DAVID R. JOHNSON, M.D.**
4303 Crown Ranch Road
Corona, CA 92881
14 **Physician's and Surgeon's Certificate No. A**
20315,
15
16 Respondent.

Case No. 800-2015-016824
STIPULATED SURRENDER OF
LICENSE AND ORDER

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
25 of California (Board). She brought this action solely in her official capacity and is represented in
26 this matter by Xavier Becerra, Attorney General of the State of California, by Richard D. Marino,
27 Deputy Attorney General.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2015-016824, agrees that cause exists for discipline and hereby surrenders his
4 Physician's and Surgeon's Certificate No. A 20315 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
7 process.

8 RESERVATION

9 10. The admissions made by Respondent herein are only for the purposes of this
10 proceeding, or any other proceedings in which the Medical Board of California or other
11 professional licensing agency is involved, and shall not be admissible in any other criminal or
12 civil proceeding.

13 CONTINGENCY

14 11. This stipulation shall be subject to approval by the Board. Respondent understands
15 and agrees that counsel for Complainant and the staff of the Board may communicate directly
16 with the Board regarding this stipulation and surrender, without notice to or participation by
17 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
18 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
19 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
20 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
21 paragraph, it shall be inadmissible in any legal action between the parties; and the Board shall not
22 be disqualified from further action by having considered this matter.

23 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
24 copies of this Stipulated Surrender of License and Order, including Portable Document Format
25 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:

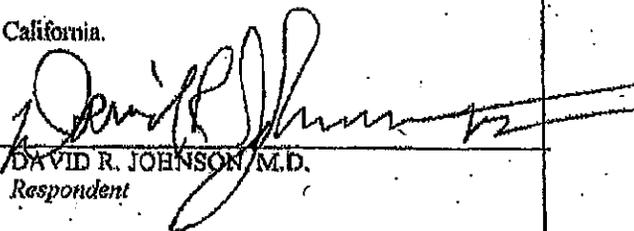
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Amanda Ruth Touchton. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10-29-17


DAVID R. JOHNSON, M.D.
Respondent

I have read and fully discussed with Respondent DAVID R. JOHNSON, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 10/3/17


AMANDA RUTH TOUCHTON
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: *October 18, 2017*

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



RICHARD D. MARINO
Deputy Attorney General

Attorneys for Complainant

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Exhibit A

Accusation No. 800-2015-016824

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 RICHARD D. MARINO
Deputy Attorney General
4 State Bar No. 90471
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-8644
Facsimile: (213) 897-9395
7

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept. 6 20 17
BY [Signature] ANALYST

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2015-016824.

12 **DAVID R. JOHNSON, M.D.**
13 **4303 CROWN RANCH ROAD**
14 **CORONA CA 92881**

ACCUSATION

15 **Physician's and Surgeon's Certificate No.**
A20315,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs, State of California (Board).

23 2. On or about July 30, 1962, the Board issued Physician's and Surgeon's Certificate
24 No. A20315 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect
25 at all times relevant to the charges brought herein. That certificate expired on November 30,
26 2016.

27 **JURISDICTION**

28 4. This Accusation is brought before the Board under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 5. Section 118 of the Code, in pertinent part, provides:

3 “ . . .

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

11 “(c) As used in this section, “board” includes an individual who is authorized by any
12 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes
13 ‘certificate,’ ‘registration,’ and ‘permit.’

14 6. Section 2227 of the Code provides:

15 “(a) A licensee whose matter has been heard by an administrative law judge of the
16 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or
17 whose default has been entered, and who is found guilty, or who has entered into a
18 stipulation for disciplinary action with the board, may, in accordance with the provisions of
19 this chapter:

20 “(1) Have his or her license revoked upon order of the board.

21 “(2) Have his or her right to practice suspended for a period not to exceed one year
22 upon order of the board.

23 “(3) Be placed on probation and be required to pay the costs of probation monitoring
24 upon order of the board.

25 “(4) Be publicly reprimanded by the board. The public reprimand may include a
26 requirement that the licensee complete relevant educational courses approved by the board.

27 “(5) Have any other action taken in relation to discipline as part of an order of
28 probation, as the board or an administrative law judge may deem proper.

1 (Count 1);¹ in Counts 2 through 21, inclusive, with insurance fraud, a felony, in violation of
2 Penal Code section 550, subdivision (a), subparagraph (7);² in Counts 22 through 30,
3 inclusive, and Count 32 with insurance fraud, a felony, in violation of Penal Code section
4 550, subdivision (a), subparagraph (6); in Counts 31 and 33, with insurance fraud, a felony,
5 in violation of Penal Code section 550, subdivision (a), subparagraph (5); in Counts 33 and
6 37 through 54, inclusive, with aggravated mayhem, a felony, in violation of Penal Code
7 section 205;³ and, finally, in Counts 55 through 57, inclusive, with unlawful client or
8 patient referral,⁴ a felony, in violation of Labor Code section 3215.

9 B. Respondent was arraigned. Bail was set at 18.5 million dollars, an amount
10 Respondent was unable to post. For that reason, Respondent was remanded to the Los
11 Angeles County Jail.

12 C. Thereafter, based primarily on the state of his health, Respondent moved to be
13 released on his own recognizance or, in the alternative, for release on reasonable bail. He
14 further applied for an order affording electronic monitoring so that he would be able to receive
15 medical care from his three adult children, each of whom was a licensed physician and
16 surgeon living in Southern California. In support of his motion and application,
17 Respondent filed numerous supporting documents, including his personal declaration,
18 signed under penalty of perjury, as well as other supporting documents, declarations under
19

20 ¹ Thirty-four separate overt acts were charged including the following: "From November
21 2004 to December 2010, David Johnson over prescribed and over billed insurance companies for
22 pharmaceuticals." and "Between February 23, 2009, and December 31, 2011, . . . creat[ing] U.S.
23 Health and Orthopedies, as a DBA of Firstline Health, Inc.

24 ² The insurance companies and others allegedly defrauded by Respondent, were American
25 Claims Management, Berkshire Hathaway, CNA Insurance, the City of Los Angeles, Comp West
26 Workers Compensation, Employers Insurance, Farmer's Insurance, Fireman's Fund Insurance,
27 K.W. Group Insurance, Liberty Mutual, Republic Indemnity, State Compensation Insurance
28 Fund, Sentry Insurance, State Farm Insurance, The Hartford Insurance, Travelers Company, York
Risk Service Group, Zenith Insurance, Zurich North America, and, Sedgwick Insurance
Company.

³ The aggravated mayhem counts involved 17 different individuals.

⁴ This offense is often referred to as capping.

1 penalty of perjury, and letters from various physicians and other individuals.

2 D. From the materials described in paragraph C, above, the Medical Board of
3 California and its representatives learned the following:

4 1) "[Respondent] is 81-years-old and in very poor health. His wife is his
5 fulltime caregiver."

6 2) Respondent has Stage IV bladder cancer.⁵

7 3) "All of [Respondent]'s California based adult children are medical
8 doctors and able to substantially assist in his care."⁶

9 4) "[Respondent has] a number of serious and emergent medical conditions
10 that constitute unusual circumstances and justify a reduction in his bail."

11 5) "[Respondent] . . . submitted evidence from no fewer than seven medical
12 doctors that established his serious and emergent medical conditions."

13 6) "On September 17, 2015, [Respondent's] family received a report from
14 . . . a Board Certified Urologist . . . that [Respondent]'s bladder cancer required urgent care.

15 7) Respondent's primary physician advised the Court that Respondent
16 needed an "immediate biopsy and a specific chemotherapy treatment designed with the
17 histology results in hand."

18 8) Respondent is at immediate risk for a pulmonary embolism.

19 a) Respondent was treated for an episode of deep vein thrombosis
20 (DVT) in January and February 2002.

21 b) "Since incarceration [he] has lost his ability to walk unassisted. His
22 muscle weakness has progressed to the point that he now has insufficient
23 strength to get up off the floor if he falls down. His ankles are swollen and it is
24 clear that circulation in his lower legs is significantly compromised."

25 c) Respondent needs physical therapy and retraining in ambulation.

26 9) Respondent "has progressive degenerative lumbar spine disease."

27 ⁵ The median life expectancy of a person with Stage IV cancer is 12 months.

28 ⁶ At the time, Respondent had three adult issue living in Southern California.

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10) Respondent's primary physician further advised that Respondent's "mobility is very limited and [Respondent] can hardly walk."

11) "[Respondent] has a history of serious depression for which he has been treated with electric shock therapy."

12) According to one of Respondent's children, "My [f]ather has melancholic severe recurrent depression treated in the past with electric convulsive therapy and multiple medications. The only medications that have kept him out of a psychotic depressed state were Cymbalta 120 mg in the morning, Saphris 40 mg at night, Ambien 5 mg at night, Trazodone 75 mg at night and Provigil 200 mg in the morning. These not only treat his severe depression but also the neuropathic pain from Guillain Barre disease⁷ and his spinal stenosis pain."

13) "[Respondent's] spine condition is such that for him to be confined would be a serious detriment to his health."

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⁷ Guillain-Barré syndrome (GBS) is a disorder in which the body's immune system attacks part of the peripheral nervous system.

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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:

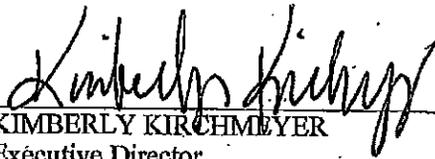
1. Revoking or suspending Physician's and Surgeon's Certificate No. A20315, issued to David R. Johnson, M.D.

2. Revoking, suspending or denying approval of David R. Johnson, M.D.'s authority to supervise physician assistants, pursuant to Business and Professions Codes section 3527, and advanced practice nurses;

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

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

DATED: SEPTEMBER 6, 2017



KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs

State of California

Complainant