

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE: :
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SPENCER F. JOHNSON, MD :
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License No.: MD17232 :
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Respondent :

CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2016 Repl.). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia. The Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C. 1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C. 1989). And the HORA “was designed to ‘address modern advances and community needs with the paramount consideration of protecting the public interest.’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Dr. Spencer Johnson (Respondent) has been licensed to practice as a physician in the District of Columbia since April 26, 1988. Respondent is also licensed in Maryland. The Maryland State Board of Physicians (Maryland Board) suspended Respondent's Maryland license on July 9, 2019 (Maryland Suspension Order which can be found here – <https://www.mbp.state.md.us/bpqapp/Orders/D5164507.099.PDF>) but delayed the suspension for three (3) months to allow Respondent to make arrangements for his patients. The suspension was entered due to the following findings:

On January 31, 2018, Disciplinary Panel A of the Maryland Board charged Respondent with unprofessional conduct in the practice of medicine in violation of Md. Code Ann., Health Occ. § 14-404(a)(3)(ii). The charges alleged that Respondent had an inappropriate sexual relationship with a patient's adult daughter and that he provided financial support to the patient and her daughter. The charges also alleged that Respondent improperly disclosed confidential medical information about two patients.

On August 14 and 15, 2018, an Administrative Law Judge ("ALJ") held an evidentiary hearing at the Office of Administrative Hearings. On November 13, 2018, the ALJ issued a proposed decision concluding that Respondent was guilty of unprofessional conduct in the practice of medicine. The ALJ recommended that Respondent's medical license be suspended for six months and that he complete courses on confidentiality and professional boundaries.

The Administrative Prosecutor filed exceptions on behalf of the State, arguing that Respondent's license be revoked. Respondent filed a response requesting that Maryland Board uphold the findings of facts and conclusions of law, but asked it to shorten the suspension period. After an exceptions hearing, the Maryland Board adopted the ALJ's proposed findings of fact

and found that Respondent’s actions constituted unprofessional conduct in the practice of medicine because of (1) his boundary violations and sexual relationship with a patient’s adult daughter and (2) disclosure of confidential information of two patients. The Maryland Board suspended Respondent’s license to practice medicine in Maryland for a minimum of one year and required Respondent to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and comply with MPRP’s requirements. The Maryland Suspension Order provided that after one year, if MPRP determined that it were safe for Respondent to return to the practice of medicine and Respondent fully and satisfactorily complied with the terms of the suspension he could petition to lift the suspension and, if the Maryland Board agreed that Respondent was safe to return to practice, the suspension could be terminated and Respondent placed on probation.

The Maryland Board entered an Order Terminating Suspension and Imposing Probation on November 20, 2020 (“Maryland Probation Order”), which found that Respondent had complied with the terms of the Suspension Order and that it was safe for him to practice medicine if certain probationary terms and conditions are in place, as set forth in the Maryland Probation Order which runs until November 20, 2025.

Conclusions of Law

The Board is authorized to sanction Respondent under the HORA for his actions, which are related to the practice of medicine. The HORA provides, in pertinent part:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

* * *

(3) Is disciplined by a licensing or disciplinary authority or peer review body or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section; D.C. Official Code § 3-1205.14(a) (3).

The Maryland Board placed Respondent on probation for engaging in unprofessional conduct in the practice of medicine in violation of Md. Code Ann., Health Occ. § 14-404(a)(3)(ii). Therefore, Respondent has had disciplinary action taken against him by the proper licensing authority of another state. These acts violate:

- D.C. Official Code § 3-1205.14(a)(26) (Fails to conform to standards of acceptable conduct and prevailing practice within a health profession).

Accordingly, Respondent's conduct has provided the D.C. Board with a basis in law and fact to take reciprocal action against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3).

ORDER

ACCORDINGLY, based on the foregoing, it is by the District of Columbia Board of Medicine hereby,

ORDERED that the Respondent shall comply with and complete all terms set forth in the November 20, 2020 Maryland Probation Order which can be found here –

<https://www.mbp.state.md.us/bpqapp/Orders/D5164511.200.PDF>, and which is attached as

Exhibit A and incorporated herein, and provide an annual affidavit to the D.C. Board by

December 1st of each year (beginning with December 1, 2021) as to his compliance with the

2020 Maryland Probation Order until it is terminated or completed; and it is further

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

ORDERED that if Respondent is unable to comply with the terms of this Consent Order, he should contact the Board immediately; and it is further

ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia; and it is further

ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the D.C. Board may issue a notice of intent to take additional disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

12.02.2021

Date



By: Andrea Anderson, MD, FAAFP
Chairperson

AGREEMENT OF RESPONDENT

By signing this public consent order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to the terms set forth in this agreement. I fully acknowledge that by signing this consent order, I am waiving my right to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling by the Board that might have followed any such hearing. By signing this settlement agreement, I waive all such rights.

I have had the opportunity to review this document and to seek the advice of my own legal counsel. I choose to sign this consent order willingly and without reservation and am fully aware of its meaning and effect.

11/30/2021
Date

Spencer F. Johnson, MD
Spencer F. Johnson, MD
License No.: MD17232

Sworn to and subscribed before me this 30th day of November, 2021.

Loni D. Graham
Notary Public
Queen Anne's County, MD
My Commission Expires December 20, 2021

Loni D. Graham
Notary Public

This Consent Order shall be deemed a public document and shall be distributed as appropriate.

