

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

**FILED**  
JUN 30 2015  
KS State Board of Healing Arts  
*[Signature]*

**In the Matter of** )  
**LYNETTE JOHNSON, M.D.** )  
 )  
**Kansas License No. 04-29731** )  
\_\_\_\_\_ )

**KSBHA Docket No. 15-HA00101**

**FINAL ORDER SUSPENDING LICENSE**

**NOW** on this 12<sup>th</sup> day of June, 2015, comes on for conference hearing before the Kansas State Board of Healing Arts (“Board”) the Petition for Discipline filed against LyNette Johnson, M.D.’s (“Licensee”) license to practice medicine and surgery in the State of Kansas. Anne Barker Hall, Associate Litigation Counsel, appears on behalf of the Petitioner Board. Licensee appears in person and *pro se*.

Pursuant to the authority granted to the Board by the Healing Arts Act, K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-29731 on approximately August 17, 2002. Licensee’s current license designation is Inactive. Licensee’s license has been Inactive since May 19, 2006.

2. On or about April 28, 2015, Petitioner filed a Petition for disciplinary action against Licensee’s license alleging that Licensee had violated the Healing Arts Act, specifically,

K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(1), K.S.A. 65-2837(b)(4), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(25), and K.S.A. 65-2836(k) as set forth in K.A.R. 100-24-1.

3. The Petition alleged that in May of 2014, Licensee maintained a website which offered prescriptions for HCG for weight-loss. Dr. Johnson was offering HCG prescriptions for weight-loss based solely on an online questionnaire. Patients were not required to present for an in-person evaluation prior to being prescribed HCG. At this time, Dr. Johnson was only licensed to actively practice medicine and surgery in Arkansas. Licensee's Inactive Kansas license designation did not permit her to practice in Kansas.

4. Dr. Johnson's website stated "we are available to do presentations (in Wichita and surrounding areas) in regards to the HCG diet for all groups who are interested in how this diet works." Dr. Johnson's website also contained pictures of her at the Wichita Women's Fair 2012 promoting the HCG diet.

5. Pursuant to Board subpoena, Dr. Johnson provided medical records for eight (8) Kansas resident patients that had contacted her via her website for prescriptions of HCG or B12. The subpoena required Dr. Johnson to provide "ANY and ALL business records, medical records, including but not limited to laboratory reports, radiographic imaging and reports, treatment records, notes and correspondence in [her] possession and control or subject to [her] possession and control, regardless of source." Pursuant to the subpoena, Dr. Johnson provided the online application for the eight (8) Kansas patients. Dr. Johnson did not have any additional patient records.

6. At the conference hearing on this matter, Licensee did not dispute the material facts alleged in the Petition.

7. At the conference hearing, Licensee did express that at the time she was offering HCG and B12 on her website, she did not realize that she needed to be licensed to actively practice in each state in which she prescribed HCG and B12. Licensee stated that she no longer has a website offering HCG and B12 and that she now requires all patients wishing to use HCG and/or B12 to present in person at her clinic for a physical evaluation.

8. The Board concludes that Licensee's acts and conduct as alleged in the Petition, constitute a violations of K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12) and K.S.A. 65-2837(b)(25).

9. The Board concludes that Licensee's acts and conduct as alleged in the Petition, constitute violations of K.S.A. 65-2836(k), specifically K.A.R. 100-24-1.

10. The Board concludes the evidence presented failed to sufficiently demonstrate that Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(1) and K.S.A. 65-2837(b)(4).

11. In contemplating the appropriate measure of discipline for Licensee's unprofessional conduct, the Board considers its public protection purpose to be of paramount importance.

12. The Board concludes that Licensee's violations warrant suspension of her license to practice medicine and surgery in the State of Kansas for thirty (30) days, which is consistent with the agency's "Guidelines for the Imposition of Disciplinary Sanctions."

13. Such suspension shall commence upon filing of this order.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Licensee's license to practice medicine and surgery is hereby **SUSPENDED** for a period of thirty (30) days.

IT IS SO ORDERED THIS 30 DAY OF JUNE 2015, IN THE CITY OF  
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Confidential

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts

**NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above foregoing **FINAL ORDER SUSPENDING LICENSE** was served this 30<sup>th</sup> day of June 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

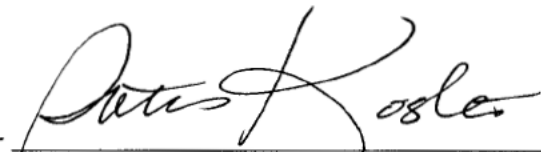
LyNette Johnson, MD  
**Confidential**  
Harrison, AR 72601

And a copy was hand-delivered to:

Anne Barker Hall, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.

*for*   
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Cathy Brown, Executive Assistant