



Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

December 28, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nancy Ann Johnson, M.D.
a/k/a Nancy A. Kermath, M.D.
3670 Gettysburg Avenue
Apartment 70
St. Louis Park, Minnesota 55426

RE: License No. 138516
Effective Date: 01/04/96

Dear Dr. Johnson:

Enclosed please find Order #BPMC 95-311 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Rebecca Egge Moos, Esq.
Bassford & Lockhart
3550 Multifoods Tower
Minneapolis, Minnesota 55402

Daniel Guenzburger, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

NANCY ANN JOHNSON, M.D.
a/k/a NANCY A. KERMATH, M.D.

SURRENDER
ORDER

BPMC #95-311

Upon the Application of NANCY ANN JOHNSON, M.D., a/ka/ NANCY A. KERMATH M.D. (Respondent) to Surrender his/her license as a physician in the State of New York, which application is made a part hereof, it is

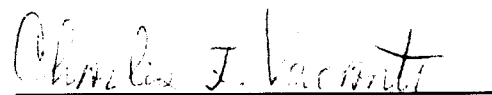
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED.

DATED 23 December 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

APPLICATION TO
SURRENDER
LICENSE

IN THE MATTER
OF
NANCY ANN JOHNSON, M.D.
a/k/a NANCY A. KERMATH, M.D.

STATE OF MINNESOTA)
COUNTY OF)

ss.:

NANCY ANN JOHNSON, M.D. a/k/a NANCY A. KERMATH, M.D., being duly sworn, deposes and says:

On or about June 2, 1979, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 138516 by the New York State Education Department.

My current address is 3670 Gettysburg Avenue, Apt. 70, St. Louis Park, Minnesota 55426.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the allegations in the Statement of Charges in full satisfaction of the charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

(Johnson)
Nancy A. Kermath

NANCY ANN JOHNSON, M.D.
a/k/a NANCY A. KERMATH, M.D.
Respondent

Sworn to before me this

13th day of *November*, 1995

Darlene Jean Collins

NOTARY PUBLIC




NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
NANCY ANN JOHNSON, M.D.
a/k/a NANCY A. KERMATH, M.D.


APPLICATION TO
SURRENDER
LICENSE

The undersigned agree to the attached application of the Respondent to
surrender his license.

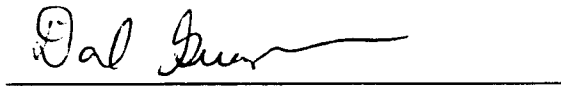
Date: 12/13/, 1995


NANCY ANN JOHNSON, M.D.
a/k/a NANCY A. KERMATH, M.D.
Respondent

Date: November 27, 1995


REBECCA EGGE MOOS, Esq.
Attorney for Respondent

Date: 12/19/95, 1995


DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 12/21, 1995

Kathleen M. Tanner

Acting ~~KATHLEEN M. TANNER~~
Director
Office of Professional Medical Conduct

Date: 23 December, 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional Medical Conduct

"EXHIBIT A"

IN THE MATTER
OF
NANCY ANN JOHNSON , M.D.
a/k/a NANCY A. KERMATH, M.D.

STATEMENT
OF
CHARGES

NANCY ANN JOHNSON, M.D., a/k/a NANCY A. KERMATH, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 2, 1979, by the issuance of license number 138516 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 17, 1994, the Respondent entered into an Amended Stipulation and Order with the Minnesota Board of Medical Practice ("Board") in which she admitted her conduct was a reasonable basis to justify disciplinary action. The Minnesota Board viewed Respondent's conduct as requiring Board action under Minn. Stat. § 147.091, subdivisions 1 (l) and 1(r) (1992). A person violates subdivision 1(l) by having an inability to practice medicine with reasonable skill and safety by reason of illness, drunkenness, use of drugs, narcotics, chemicals or as a result of any mental or physical condition. A person violates subdivision 1(r) by becoming addicted or habituated to a drug or intoxicant.

The Board found that Respondent had a history of manic depressive illness and a chemical dependency to alcohol. The Board had initially restricted Respondent's license in July 1990, by requiring that Respondent receive treatment for her alcohol dependency and mental illness, agree to random blood and urine monitoring for the detection of alcohol, restrict her practice to a setting approved by the Board, and

obtain a supervising physician to monitor her medical practice. On November 14, 1992, the Board lifted the restrictions on Respondent's medical license. The Respondent relapsed into alcohol abuse in December 1992. On or about September 17, 1994, the Board entered into an Amended Stipulation and Order with Respondent in which she agreed that her license would be restricted for a minimum of five years under terms that were similar to those the Board had previously imposed in July 1990.

SPECIFICATION OF CHARGES
FIRST SPECIFICATION
OUT OF STATE DISCIPLINARY ACTION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(b) (McKinney Supp. 1995), in that she has been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State. The conduct for which Respondent was disciplined in the out-of state disciplinary proceeding, if committed in New York State, would have constituted professional misconduct under N.Y. Educ. Law §6530(8) (McKinney Supp. 1995) ("Habitual use of drugs"). The Petitioner charges:

1. The facts in paragraphs A.

DATED: October , 1995
 New York, New York

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct