



SUPERINTENDENT OF PUBLIC INSTRUCTION

Randy I. Dorn Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

RE: Lawanda Johnson
OSPI Case No.: D15-04-022
Document: Final Order of Revocation

Regarding your request for information about the above-named educator; attached is a true and correct copy of the document on file with the State of Washington, Office of Superintendent of Public Instruction, Office of Professional Practices. These records are considered certified by the Office of Superintendent of Public Instruction.

Certain information may have been redacted pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **None**

If you have any questions or need additional information regarding the information that was redacted, if any, please contact:

OSPI Public Records Office
P.O. Box 47200
Olympia, WA 98504-7200
Phone: (360) 725-6372
Email: PublicRecordsRequest@k12.wa.us

You may appeal the decision to withhold or redact any information by writing to the Superintendent of Public Instruction, OSPI P.O. Box 47200, Olympia, WA 98504-7200.



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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D15-04-022
)	
Lawanda Johnson)	FINAL ORDER
Certificate No. 226930F)	OF REVOCATION
)	

INTRODUCTION

After receiving and investigating notification from NASDTEC Clearinghouse (National Association of State Directors of Teacher Education and Certification) regarding the above referenced educator, and based upon the facts available as of the date of this Final Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that Lawanda Johnson lacks the good moral character and personal fitness required of a Washington certificated educator by engaging in a multi-year health care benefits fraud scheme, filing federal false income tax returns, and aiding and abetting in filing false federal income tax returns; which resulted in federal convictions.

I. FINDINGS OF FACT

1. On February 1, 1978, Lawanda Johnson, hereafter referred to as Ms. Johnson, was issued Washington Education Certificate, No. 226930F. That certificate currently remains valid.

2. From, at least 2003 through January 14, 2009, Ms. Johnson and her son, Dr. Antoine Johnson, hereafter referred to as Dr. Johnson, owned and operated medical clinics in three Washington counties.

a. Dr. Johnson was a licensed physician in Washington State.

1. Dr. Johnson was a contracted medical provider with the Medicaid program, Medicare Program, Washington State Department of Labor and Industries (L&I) and other health care benefit programs.
2. Dr. Johnson was a Drug Enforcement Agency (DEA) registrant authorized to prescribe and dispense controlled substances.
- b. The four clinics owned and operated by Ms. Johnson and Dr. Johnson were pain management clinics.
 1. The clinics are collectively referred to as the "Johnson Clinics".
 2. Dr. Johnson was the only physician practicing on a regular basis at the Johnson Clinics.
 3. Ms. Johnson had primary responsibility for managing the day to day business operations of the Johnson Clinics.
- c. The patients of the four clinics were primarily patients who were or became addicted to Schedule II and Schedule III controlled substances.
 1. Schedule II controlled substances are defined in Revised Code of Washington (RCW) 69.50.206.
 2. Schedule III controlled substances are defined in RCW 69.50.208.
3. From, at least, 2003 through January 14, 2009, Ms. Johnson and Dr. Johnson created and participated in a scheme and artifice to defraud health care benefit programs in connection with the payment for health care benefit services by knowingly submitting and causing to be submitted false, fraudulent health care claims.
 - a. The health care benefit programs included the Medicare and Medicaid Programs, the Washington State Industrial Insurance Program sponsored by L&I, and for certain periods, various privately sponsored health insurance programs.
 - b. Ms. Johnson and Dr. Johnson regularly submitted or caused the submission of claims of health care benefit programs at a higher level or service than was provided to patients.
 - c. Ms. Johnson and Dr. Johnson regularly submitted or caused the submission of claims of health care benefit programs for services not provided.

- d. Ms. Johnson and Dr. Johnson regularly submitted or caused the submission of claims of health care benefit programs for services that should not have been billed because they were provided only by a nursing assistant.
- e. It was part of the scheme and artifice to defraud that Dr. Johnson and Ms. Johnson regularly accepted cash payments from Medicaid beneficiaries in violation of Medicaid rules.
- f. It was part of the scheme and artifice to defraud that Dr. Johnson and Ms. Johnson created fraudulent entries in patient files after they had received notice from the patients' health care benefits program that records for said patients were subject to an upcoming audit.
- g. It was part of the scheme and artifice to defraud that Dr. Johnson and Ms. Johnson falsely and fraudulently included in medical records details of examinations that Dr. Johnson did not perform.
- h. It was part of the scheme and artifice to defraud that Dr. Johnson and Ms. Johnson submitted or caused the submission of claims of to L&I that represented Dr. Johnson had performed an E&M service with a patient when all that had actually occurred was Dr. Johnson signed a necessary L&I form.
- i. It was part of the scheme and artifice to defraud that Dr. Johnson and Ms. Johnson submitted or caused the submission of claims to a health care benefit program that represented Dr. Johnson had performed a specific level, per health care benefit program standards and definitions, when in fact, all that had occurred was the patient was provided a prescription, pre-signed by Dr. Johnson, but provided by a clinic employee.
 1. Such prescriptions were often Schedule II or Schedule III controlled substances.

4. Beginning in an unknown time in 2006 up to on or about October 16, 2006, Ms. Johnson aided and assisted in preparing and presenting to the U.S. Internal Revenue Service a falsified 2005 income tax return for one of the Johnson Clinics, named as Broadway Clinic.

5. On or about May 5, 2007, Ms. Johnson presented to the U.S. Internal Revenue Service a falsified 2006 income tax return for one of the Johnson Clinics, named as Broadway Clinic.

6. Beginning in an unknown time in 2008 up to on or about July 10, 2008, Ms. Johnson aided and assisted in preparing and presenting to the U.S. Internal Revenue Service a falsified 2007 income tax return for one of the Johnson Clinics, named as Broadway Clinic.

7. On or about January 19, 2007, Ms. Johnson presented to the U.S. Internal Revenue Service a falsified 2005 individual income tax return.
8. On or about October 18, 2007, Ms. Johnson presented to the U.S. Internal Revenue Service a falsified 2006 individual income tax return.
9. On or about August 11, 2007, Ms. Johnson presented to the U.S. Internal Revenue Service a falsified 2007 individual income tax return.
10. On January 14, 2009, search warrants were executed by law enforcement officers at the four Johnson Clinics.
 - a. On an unknown exact date after the search warrants were executed, Ms. Johnson and Dr. Johnson fled the country.
11. On January 30, 2009, a Complaint for Violation and Affidavit were filed in United States District Court, Western Washington District; U.S. District Court, Western Washington, Case No. MJ09-5027
 - a. A Warrant for Arrest was issued by U.S. District Court, Western Washington.
 - b. Dr. Johnson and Ms. Johnson were detained by law enforcement in Madagascar and returned to the United States on or about October 5, 2009; upon which they were arrested by federal law enforcement officers.
12. On October 7, 2009, an Indictment was filed in US District Court, Western Washington, charging Dr. Johnson and Ms. Johnson with twenty-five (25) counts of Health Care Fraud, Title 18, United States Code, Sections 1347 and 2. U.S. District Court, Western Washington, Case No. CR09-5703
13. On May 4, 2010, a Superseding Indictment was filed in US District Court, Western Washington, charging Dr. Johnson and Ms. Johnson with additional criminal charges. U.S. District Court, Western Washington, Case No. CR09-5703

- a. The Superseding Indictment charged Dr. Johnson and Ms. Johnson with thirty-five (35) counts of Health Care Fraud; Title 18, United States Code, Sections 1347 and 2.
- b. Dr. Johnson was also charged with: four (4) counts Filing a False Income Tax Return; Title 26, United States Code, Section 7206(1); and twelve (12) counts of Illegal Distribution on Controlled Substances, Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(c) and Title 18, United States Code, Section 2.
- c. Ms. Johnson was also charged with two (2) counts Aiding and Assisting in the Filing a False Income Tax Return, Title 26, United States Code, Section 7206(2) and four (4) counts Filing a False Income Tax Return; Title 26, United States Code, Section 7206(1).

14. On November 10, 2011, in U.S. District Court, Western Washington, Ms. Johnson, after a jury trial, was found guilty of:

- a. Twenty-two (22) counts of Health Care Fraud; Title 18, United States Code, Sections 1347 and 2. Case No. CR09-5703
- b. Two (2) counts Aiding and Assisting in the Filing a False Income Tax Return, Title 26, United States Code, Section 7206(2). Case No. CR09-5703
- c. Four (4) counts Filing a False Income Tax Return; Title 26, United States Code, Section 7206(1). Case No. CR09-5703

15. On March 29, 2012, in U.S. District Court, Western Washington, Ms. Johnson was sentenced to:

- a. Eighty-seven (87) months imprisonment with the United States Department of Prisons for twenty-two (22) counts of Health Care Fraud. Case No. CR09-5703
- b. Thirty-six (36) months imprisonment with the United States Department of Prisons for two (2) counts of Aiding and Assisting in the Filing a False Income Tax Return and four (4) counts of Filing a False Income Tax Return. Case No. CR09-5703
- c. The sentences are to run concurrently.
- d. Restitution in the amount of \$1,227,746.34
- e. Other conditions.

16. On November 16, 2014, the State of California Commission on Teacher Credentialing revoked Ms. Johnson's California education credentials and certifications.

17. On April 17, 2015, Ms. Johnson was sent the Notice of Complaint letter and accompanying packet from the Office of Superintendent of Public Instruction, Office of Professional Practices.

- a. On April 22, 2016, Ms. Johnson received the certified mail from the U.S. Postal Service.
- b. The letter and accompanying packet notified Ms. Johnson of the Office of Professional Practices investigation.
- c. In the letter, Ms. Johnson was advised of her ability to provide a response concerning the allegations to the Office of Professional Practices.
- d. As of the date of this Order, the Office of Professional Practices has not received a response from Ms. Johnson.

18. On September 21, 2015, after appeals and other motions filed by Ms. Johnson, the U.S. Court of Appeals, Ninth Circuit, denied a certificate of appealability.

II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010. (RCW 28A.410.090) WAC 181-86 and WAC 181-87 further implement OPSI's authority.

2. OSPI has jurisdiction over Lawanda Johnson and the subject matter discussed herein.

3. Lawanda Johnson has exhibited behavior demonstrating a lack of good moral character and personal fitness as defined in WAC 181-86-013.

4. There is clear and convincing evidence that Lawanda Johnson has exhibited behavior demonstrating a lack of good moral character and personal fitness as defined in WAC 181-86-013. WAC 181-86-170 (Burden and Standard of Proof).

5. Pursuant to WAC 181-86-080 eleven factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:

1. The seriousness of the act(s) and the actual or potential harm to persons or property;
2. The person's criminal history including the seriousness and amount of activity;
3. The age and maturity level of participant(s) at the time of the activity;
4. The proximity or remoteness of time in which the acts occurred;
5. Any activity that demonstrates a disregard for health, safety or welfare;
6. Any activity that demonstrates a behavioral problem;
7. Any activity that demonstrates a lack of fitness;
8. Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
9. Any information submitted that demonstrates aggravating or mitigating circumstances;
10. Any information submitted to support character and fitness; and
11. Any other relevant information submitted.

6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-075 (Grounds for Issuance of an Order of Revocation), RCW 28A.410.090, and WAC 181-86-013, -014, Lawanda Johnson's education certificate should be revoked for unprofessional conduct.

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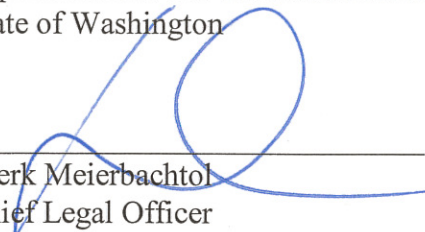
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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 226930F, of Lawanda Johnson be revoked.

DATED This 9th day of September, 2016.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Dierk Meierbachtol
Chief Legal Officer
Office of Superintendent of Public Instruction