

**SUBJECT:** Consideration of Review for **Chris Johnston**, Case No. **C-2012-083-R**

**SUBMITTED BY:** Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education

**MANAGEMENT TEAM REVIEW:** May 2, 2013

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**BACKGROUND INFORMATION:**

**Chris Johnston** applied for a Substitute Certificate on October 29, 2012.

Mr. Johnston answered “yes” to having been arrested for an offense for which he was fingerprinted. In 2000, he was arrested for Aggravated Assault (convicted of lesser Misdemeanor Assault), and in 2007, he was arrested for Sexual Abuse (not guilty by jury).

Mr. Johnston answered “yes” to having any professional certificate or license revoked or suspended, and having received disciplinary action involving a professional certification or license. His Arizona Registered Nurse License was revoked by the Arizona Board of Nursing on November 15, 2011, for a minimum of five years.

Mr. Johnston was advised that his application required a review by the Professional Practices Advisory Committee (“PPAC”) of the State Board of Education (“State Board”).

On March 12, 2013, and April 9, 2013, the PPAC conducted a review of Mr. Johnston’s application. Mr. Johnston denied nearly all of the allegations in the Arizona Board of Nursing Consent Agreement and Order of Revocation including fondling female patients, making inappropriate sexual comments to female patients and colleagues, and sexually harassing female colleagues.

The PPAC found that the following conduct occurred:

- 2000 arrest for Aggravated Assault (convicted for lesser Misdemeanor Assault)
- 2007 arrest for Sexual Abuse (not guilty)
- 2010 Suspension of Arizona Registered Nurse License
- 2011 automatic Revocation of Arizona Registered Nurse License
- A physician who completed an evaluation of Mr. Johnston for the Arizona Board of Nursing recommended that Mr. Johnston be limited to adult males with direct supervision; that in the Order of Suspension, the Arizona Board of Nursing limited Mr. Johnston’s license to males only and prohibited him from providing nursing care to females.
- From September 2002, until November 2010, numerous separate and unrelated reports were made by females in applicant’s work settings complaining of sexual harassment.

The PPAC found the following aggravating factors:

- Long-term pattern of incidents of sexual harassment in the work environment

The PPAC found the following mitigating factors:

- Evidence of compliance with the evaluation and educational courses required by the 2010 Amended Consent Agreement with the Arizona Board of Nursing.

By a vote of 4 to 0, the PPAC recommended that the State Board **deny Chris Johnston’s** application for certification.

**BOARD ACTION REQUESTED:**  INFORMATION  ACTION/DESCRIBED BELOW:

That the Board accept(s) the findings of facts, conclusions of law, and the recommendation of the PPAC to **deny Chris Johnston's** application for certification.

**ATTACHMENTS:** YES  NO