OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: **614/466-4143** *E-MAIL:* **exec@bop.state.oh.us** *FAX:* **614/752-4836**
TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750 *URL:* http://www.pharmacy.ohio.gov

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040812-015)

In The Matter Of:

JOHN JOSEPH JOHNSON
1317 High Street
Portsmouth, Ohio 45662

INTRODUCTION

THE MATTER OF JOHN JOSEPH JOHNSON CAME FOR HEARING ON JUNE 6, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JOHN JOSEPH JOHNSON WAS REPRESENTED BY RICHARD A. CLINE. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. John Johnson, Respondent

Respondent's Witnesses

1. Lynn Grimshaw, Attorney at Law
2. Jason Lovins
3. Ralph Nolfi
4. Reverend Rick Clark

State's Exhibits

1. Copy of Proposal to Deny/Notice of Opportunity For Hearing letter [08-12-04]
1A-1F. Procedurals
2.
3. State Board of Pharmacy Order in re John Joseph Johnson, R.Ph. [12-06-96]
4.
5.
6.
7.
8.

Respondent's Exhibits

A1.
A2.
A3.
A4.
B1-B7.
C1. Letter of Support [04-12-05]
C2. Kiwanis International Certificate of Recognition for John Johnson [2004-05]
C3-C7. Five letters of support [09-18-96 to 05-03-05]
D1-D4.

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

(1) Records of the Board of Pharmacy indicate that John Joseph Johnson submitted an application for examination as a pharmacist on or about July 22, 2004. Records further indicate that John Joseph Johnson was originally licensed to practice pharmacy in the State of Ohio on July 27, 1989; and, on December 6, 1996, John Joseph Johnson's license was revoked in accordance with Section 4729.16 of the Ohio Revised Code.

(2) On December 6, 1996, John Joseph Johnson's license to practice pharmacy in the State of Ohio was revoked due to the following:

(A)

(B)

(C)

(D)

CONCLUSIONS OF LAW

(1)

(2)

(3)

DECISION OF THE BOARD

Pursuant to Section 4729.07 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application For Examination As A Pharmacist submitted by John Joseph Johnson on July 22, 2004.

Further, the Board places John Joseph Johnson on probation for ten years beginning on the date of the issuance of his pharmacist license. The terms of probation are as follows:

(A) John Joseph Johnson, for one year from the date of the issuance of his pharmacist license, may not work alone and may only work with a pharmacist whose license is in good standing.

(B) John Joseph Johnson, for 10 years, from the issuance of his pharmacist license, is denied the privilege of being a preceptor and training pharmacy interns, pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(C) John Joseph Johnson must not violate the drug laws of Ohio, any other state, or the federal government.

(D) John Joseph Johnson must abide by the rules of the State Board of Pharmacy.

(E) John Joseph Johnson must comply with the terms of this Order.

(F) John Joseph Johnson's license will not be in good standing until successful completion of the probationary period.

(G) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-2/Abstain-2).

MOTION CARRIED.

SO ORDERED.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **JULY 14, 2005**

=\=\==/=/=

OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, Ohio 43215-6126

-Equal Opportunity Employer and Service Provider-

PHONE: **614/466-4143** ***FAX:*** **614/752-4836** ***E-MAIL:*** **exec@bop.state.oh.us**

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750 *URL:* http://www.state.oh.us/pharmacy/

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-950126-034)

In The Matter Of:

JOHN JOSEPH JOHNSON, R.Ph.
3120 Richards Road
Portsmouth, Ohio 45622
(R.Ph. No. 03-2-17934)

INTRODUCTION

THE MATTER OF JOHN JOSEPH JOHNSON CAME TO HEARING ON OCTOBER 24, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOHN JOSEPH JOHNSON WAS REPRESENTED BY ROGER CLARK, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) Joseph Holliday, Ohio State Board of Pharmacy
(2) Vince Mullenax, Rite-Aid Corporation
(3) John Joseph Johnson, Respondent

Respondent's Witnesses:

(1) Keith Hiles, Southern Ohio Medical Center
(2) Michael Joseph Puccini, Kroger Company
(3) John Joseph Johnson, Respondent

(B) Exhibits

State's Exhibits:

(1) Exhibit 1--Summary Suspension Order/Notice of Opportunity for Hearing letter dated January 26, 1995.
(2) Exhibit 1A--Addendum Notice dated May 16, 1995.
(3) Exhibit 1B--Hearing Request letter dated February 15, 1995.
(4) Exhibit 1C--Hearing Schedule letter dated February 17, 1995.

(5) Exhibit 1D--Pharmacist File Front Sheet of John Joseph Johnson showing registration date as July 27, 1989; and Renewal Application for Pharmacist License, No. 03-2-17934, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of John Joseph Johnson dated June 25, 1994.
(6)
(7) Exhibit 1F--Hearing Schedule letter dated June 27, 1995.
(8) Exhibit 1G--Hearing Schedule letter dated June 28, 1995.
(9) Exhibit 1H--Hearing Schedule letter dated July 11, 1995.
(10)
(11) Exhibit 1J--Hearing Schedule letter dated November 1, 1995.
(12) Exhibit 1K--Hearing Schedule letter dated November 8, 1995.
(13)
(14) Exhibit 1M--Hearing Schedule letter dated March 19, 1996.
(15)
(16)
(17)
(18)
(19)
(20)
(21)
(22)
(23)
(24)
(25)
(26)
(27)
(28)
(29)
(30)
(31)
(32)
(33)
(34)
(35)
(36)
(37)
(38)
(39)
(40)
(41)
(42) Exhibit 10—Letter from Jason Lovins dated February 19, 1996.
(43)
(44)
(45)

Respondent's Exhibits:

(1)
(2)
(3)
(4)
(5)
(6)

(7)
(8) Exhibit H--Letter from Jason Lovins dated October 2, 1996.
(9) Exhibit I--Copy of letter from Robert E. Lee dated May 19, 1995.
(10)
(11)

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

(1) Records of the Board indicate that John Joseph Johnson was originally licensed to practice pharmacy in the state of Ohio on July 27, 1989, pursuant to examination; and, on May 16, 1995, John Joseph Johnson's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.

(2)

(3)

(4)

(5)

CONCLUSIONS OF LAW

(1)

(2)

(3)

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued January 26, 1995.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of John Joseph Johnson:

(A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-17934, held by John Joseph Johnson effective as of the date of the mailing of this Order.

(B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-17934, held by John Joseph Johnson effective as of the date of the mailing of this Order.

(C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification

card, No. 03-2-17934, held by John Joseph Johnson effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.