



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-070809-002)

In The Matter Of:

GENE ALAN JOHNSON, R.Ph.

5655 County Road 13
Centerburg, Ohio 43011
(R.Ph. No. 03-1-26043)

This Settlement Agreement is entered into by and between Gene Alan Johnson and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Gene Alan Johnson voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Gene Alan Johnson acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Gene Alan Johnson is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about August 9, 2007, pursuant to Chapter 119. of the Ohio Revised Code, Gene Alan Johnson was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Gene Alan Johnson requested a hearing; it was scheduled. The August 9, 2007, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Gene Alan Johnson was originally licensed by the State of Ohio as a pharmacist on March 17, 2004, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Gene Alan Johnson did, on or about February 18, 2006, misbrand a drug, to wit: when Gene Alan Johnson received a prescription for Provera 10 mg, #30, "one PO qd," Rx #530405, he dispensed megestrol 40 mg, "one tablet every day," which had not been specifically prescribed by the physician. The patient subsequently was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (3) Gene Alan Johnson did, on or about August 6, 2006, misbrand a drug, to wit: when Gene Alan Johnson received a refill for Rx #530405, for Provera 10 mg, #30, "one PO qd," he again dispensed megestrol 40 mg, "one tablet every day," which had not

been specifically prescribed by the physician. The patient was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (4) Gene Alan Johnson did, on or about September 8, 2006, misbrand a drug, to wit: when Gene Alan Johnson received a refill for Rx #530405, for Provera 10 mg, #30, "one PO qd," he dispensed megestrol 40 mg, "one tablet every day," which had not been specifically prescribed by the physician. The patient was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Gene Alan Johnson neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 9, 2007; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Gene Alan Johnson knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Gene Alan Johnson agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Gene Alan Johnson must obtain, within six months from the effective date of this Agreement, five hours of continuing pharmacy education (0.5 CEUs) on preventing medication errors, which may not also be used for license renewal

Gene Alan Johnson acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Gene Alan Johnson waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Gene Alan Johnson waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

_____ Gene Alan Johnson, R.Ph., Respondent	09/29/07 _____ Date of Signature
_____ Gregory Braylock, President, Ohio State Board of Pharmacy	10/09/07 _____ Date of Signature
_____ Sally Ann Steuk, Ohio Assistant Attorney General	10/09/07 _____ Date of Signature