



**STATE OF
OHIO**
BOARD OF PHARMACY

IN THE MATTER OF:

CASE NO. A-2022-0328

John Liam Johnson, RPh
2710 S. Willow Way
Portsmouth, OH 45662

License No. 03-326500

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and John Liam Johnson, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and John Liam Johnson are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. John Liam Johnson is a licensed pharmacist in the state of Ohio under license number 03-326500.
3. John Liam Johnson is the Responsible Person of Fruth Pharmacy #16, located at 101 James Road, Waverly, Ohio.

FACTS

1. The Board initiated an investigation of John Liam Johnson, pharmacist license number 03-326500, and Fruth Pharmacy #16, related to an error in dispensing.
2. On or about November 7, 2022, the Board sent a Notice of Opportunity for Hearing to John Liam Johnson, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

77 South High Street, 17th Floor, Columbus, Ohio 43215

T: (614) 466.4143 | F: (614) 752.4836 | contact@pharmacy.ohio.gov | www.pharmacy.ohio.gov



NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. John Liam Johnson neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 7, 2022; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. John Liam Johnson agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to John Liam Johnson's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. John Liam Johnson must obtain six hours of approved continuing pharmacy education (.6 CEUs) which may not also be used for license renewal. The .6 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on John Liam Johnson's pharmacist license, number 03-326500.
6. John Liam Johnson agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. John Liam Johnson understands that he has the right to be represented by counsel for review and execution of this agreement.
8. John Liam Johnson agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
9. John Liam Johnson waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

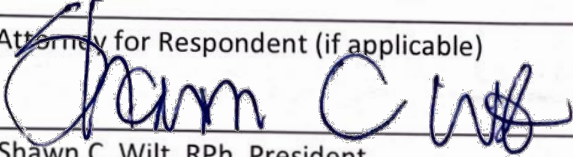
Approved by:



John Liam Johnson, Respondent

12/2/22

Date of Signature

Attorney for Respondent (if applicable)


Shawn C. Wilt, RPh, President,
State of Ohio Board of Pharmacy

Date of Signature
12.13.2022

Date of Signature



**STATE OF
OHIO**
BOARD OF PHARMACY



**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

IN THE MATTER OF:

CASE NO. A-2022-0328

John Liam Johnson, RPh
2710 S. Willow Way
Portsmouth, OH 45662

License No. 03-326500

November 7, 2022

Dear John Liam Johnson:

You are notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to take action against your license for violations of Chapter 4729. of the Revised Code and Chapter 4729 of the Administrative Code under authority of Section 4729.16 of the Revised Code.

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 (effective October 9, 2021) of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of this section:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Rule 4729:1-4-01 of the Ohio Administrative Code (OAC) provides that the Board may discipline or deny the issuance of a license to practice pharmacy as a pharmacist in Ohio.
3. John Liam Johnson is a licensed pharmacist in the state of Ohio under license number 03-326500, who is listed as the Responsible Person of Fruth Pharmacy #16, located at 101 James Road, Waverly, Ohio.



ALLEGATIONS

1. On or about October 16, 2021, while you were working as the Responsible Person at Fruth Pharmacy #16, located at 101 James Road, Waverly, Ohio, prescription #2349540, written for 120 oxycodone 10 mg tablets (a Schedule II controlled substance), was processed for patient J.C. On or about October 16, 2021, prescription #2349540 was dispensed to patient J.C. as 520 oxycodone 10 mg tablets, instead of the prescribed quantity of 120 tablets. Prescription #2349540 was sold to T.C., the caretaker of patient J.C.
2. The error in dispensing wasn't discovered until on or about January 25, 2022.
3. On or about March 3, 2022, you spoke with an agent of the Board. You stated:
 - a. The error occurred while filling prescription #2349540 for patient J.C. when you accidentally chose a #500 count bottle from the pharmacy safe instead of a #100 count bottle.
 - b. Pharmacy Technician Trainee Herbert Chester scanned the incorrect #500 count bottle and labeled with a prescription label as #100 tablets.
 - c. You did not discover the error during final product verification.
 - d. The #100 count manufacturer bottle and #500 count manufacturer bottle are very similar in size.
 - e. A review of the perpetual inventories of both the #100 count bottle and the #500 count bottle indicated a scan of a #500 count bottle on October 16, 2021, when the prescription was filled, and no scan of a #100 manufacturer bottle on October 16, 2021.
 - f. You discovered the error in January 2022, at which time you notified Fruth Pharmacy leadership and the patient's caregiver.
4. On or about April 27, 2022, you met with an agent of the Board. You provided the daily log from October 16, 2021, which showed prescription #2349540 and included your signature in ink indicating your positive ID and responsibility for dispensing the prescription.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.52(A)(2) of the ORC, the adulteration or misbranding of any food, drug, device, or cosmetic, a misdemeanor of the fourth degree, punishable by a maximum penalty of \$250.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.64(A)(1), Misbranded drug – its labeling is false or misleading in any particular, punishable by a maximum penalty of \$150.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes the following violations of divisions (A)(10) of section 3715.64 of the ORC, Misbranding, each violation punishable by a maximum penalty of \$150: It is a drug and its container is so made, formed, or filled as to be misleading, ORC Section 3715.64(A)(10)(a).

4. Such conduct as set forth in the Allegations Section, if proven, also constitutes a violation of Rule 4729:5-5-08(A)(5) of the OAC, as effective December 1, 2020, Incorrect drug dosage, punishable by a maximum penalty of \$500.
5. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of October 9, 2021, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or
 - c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC 4729.16(A)(2)(l).
6. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective March 20, 2020, each violation punishable by a maximum penalty of \$500:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
 - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations..., OAC Rule 4729:1-4-01(B)(2)(m); and/or
 - d. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(p).

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

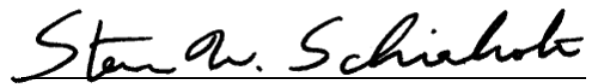
IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. You may

appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the State of Ohio Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing, and may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division RC 4729.16(A).

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY


Steven W. Schierholt, Esq., Executive Director

SWS/alg/kll

Enclosure: Patient ID Key

CMRRR: 9414 7118 9956 2937 7482 62

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.



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

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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.
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- (42) Exhibit 1O—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.