

IN THE MATTER OF

* BEFORE THE

JON D. JOHNSON, P.D.

* MARYLAND STATE

License No. 06686

* BOARD OF PHARMACY

Respondent

*

CONSENT ORDER

BACKGROUND

Based on the information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to the Maryland Pharmacy Act, Maryland Pharmacy Act, Md. Code Ann., Health Occ. §12-101 et seq. (1994 Repl. Vol.), (the "Act"). The Board charged Jon D. Johnson, P.D. License Number: 06686 (the "Respondent"), with violation of certain provisions of §12-313. Specifically, the Board charged the Respondent with violation of the following provisions of §12-313 of the Act:

Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (14) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (24) Violates any rule or regulation adopted by the Board.

The Board also charged the Respondent with violating COMAR 10.34.18.02 which states:

(A) A pharmacist licensed to practice in Maryland applying for renewal shall earn 30 hours of approved continuing pharmaceutical education within the two (2) year period immediately preceding the licensee's renewal application.

(B) A pharmacist shall attest to the fact that the pharmacist has completed the continuing education requirement on the verified form. The licensee shall retain supporting documents for inspection by the

Board for four (4) years after the date of renewal for which the continuing education credits were used.

The Respondent was given notice of the charges and the issues underlying those charges, by letter and charging document sent to the Respondent on or about October 1, 1997. A case resolution conference was held on December 4, 1997. The case resolution conference was attended by Board members, W. Irving Lottier, Jr. P.D., and Rev. William E. Johnson, Jr.; Norene Pease, Executive Director to the Board; Paul Ballard, Assistant Attorney General and Counsel to the Board; Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor; the Respondent, and Todd K. Pounds, Esquire, Counsel for the Respondent. As a result of discussions held at the foregoing case resolution conference, the parties agreed to enter into this final consent order.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the charges herein, the Respondent was licensed to practice pharmacy in the State of Maryland.
2. On or about September 30, 1996, the Respondent submitted an application for renewal of his pharmacy license. The Respondent signed and dated his renewal application and the continuing education record sheet affirming that the information and answers contained therein were true and correct.
3. In the Spring of 1997, the Board informed the Respondent that they were conducting an audit of the Respondent's continuing education credits for the period ending September 30, 1996. As part of the audit process, the Board asked the Respondent to provide them with a copy of his certificate for each continuing education course listed on his renewal application.
4. In response to the Board's request, the Respondent submitted ten (10) acceptable

continuing education certificates and seven (7) unacceptable continuing education certificates as verification for the required thirty (30) continuing education credits for the Respondent's license renewal.

5. The Board contacted Pharm Con, the continuing education course provider for six (6) of the unacceptable continuing education certificates. The Board sought from Pharm Con, verification that the Respondent had earned credit for the courses during the Respondent's license renewal period. Pharm Con had no record of the Respondent ever attending or completing any of the six (6) courses in question.

6. After several requests from the Board, the Respondent was unable to produce acceptable continuing education certificates, even though the Respondent signed his renewal application oath certifying that the Respondent earned thirty (30) hours of Continuing Education, and listed on his continuing education record sheet, courses totaling thirty-one and one half (31½) continuing education credits.

7. The Board recognizes that the allegations against Mr. Johnson were solely related to his continuing education credits. There were never any allegations whatsoever at any time regarding Mr. Johnson's competency to practice pharmacy in any manner in the Board's investigation. The Board further finds that during its investigation of the continuing education credits that Mr. Johnson in no way violated any law, regulation or practice concerning the disbursement of any controlled substance or the actual practice of pharmacy. The only violation the Board found concerned Mr. Johnson's continuing education credits.

8. That all publications by the Board will reflect the understanding as stated in Paragraph 7 of this Consent Order.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Facts, the Board finds that the Respondent violated 12-313 (b) (24) and COMAR 10.34.18.02. (A) and (B).

ORDER

Based upon the foregoing Findings of Facts, Conclusions of Law and agreement of the parties, it is this 18th day of MARCH 1998, by a majority of the quorum of the Board, it is hereby

ORDERED that the Respondent is hereby placed on **PROBATION** for a period of **EIGHTEEN (18) MONTHS**.

1. The Respondent shall earn a total of twenty-four (24) Board-approved continuing education credits. Three (3) of the twenty-four (24) continuing education credits shall be in the area of Ethics. The continuing education credits required by this order can not be used to satisfy the continuing education requirements for the renewal of a pharmacy license. All twenty-four (24) continuing education credits should be completed no later than the said probationary period set forth herein.

2. The Respondent shall be audited for two (2) consecutive license renewal periods; and be it further

3. The Respondent shall pay the Board one hundred dollars (\$100.00) for each continuing education credit that Respondent failed to earn during the renewal period ending September 1997. The total amount of credits that Respondent failed to earn during the renewal period ending September 1997 is two (2).

4. The Respondent shall pay the Board two hundred fifty dollars (\$250.00) for each credit that the Respondent list on his September 30, 1996 renewal application that the Respondent failed

to provide proper documentation that the Respondent earned those continuing education credit during the two (2) years prior to the September 30, 1996 renewal period. Total credits that the Respondent failed to provide proper documentation that the continuing education credits were earned two (2) years prior to the September 30, 1996 renewal period is six (6); and be it further

ORDERED, that in the event that the State Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the State Board of Pharmacy finds for any reason, in good faith, that the Respondent has violated any provision of Title 12 of the Health Occupation article or regulations thereunder, or has violated the conditions of probation herein, the Board may take immediate action against the Respondent's license, including but not limited to, revocation or suspension, after giving the Respondent notice of the charges and the opportunity for a hearing; and be it further

ORDERED that no ^{EARLIER} ~~later~~ than (1) year from the commencement date of the Respondent's probation, the Board shall entertain a written petition for termination of the Respondent's probationary status and full reinstatement of his license to practice as a pharmacist without probationary conditions. The Board shall terminate the Respondent's probationary status and restore Respondent's license to practice as a Pharmacist without conditions or restrictions, only after the Respondent has demonstrated to the Board that he has complied with the terms of this Consent Order; and be it further

ORDERED that the conditions of this Consent Order be and the same hereby are, effective as of the date of this Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to §10-611 et seq. of the State Government Article, Annotated Code of Maryland.

ORDERED that for purposes of public disclosure, as permitted by §10-617(h), Md. Code Ann., State Gov't Art. this document consists of the contents of the foregoing Background, Findings of Facts, Conclusions of Law and Order.



David Russo, P.D. MBA, President
Board of Pharmacy

CONSENT OF JON D. JOHNSON, P.D.

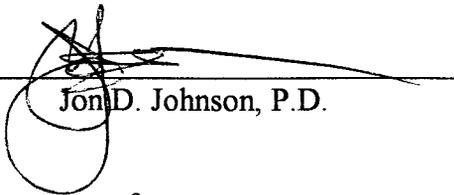
I, Jon D. Johnson, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by Todd K. Pounds, Esquire and I have had the opportunity to consult with counsel before signing this document;
2. I am aware that without my consent, my license to practice as a pharmacist in this State, cannot be limited except pursuant to the provisions of §13-316 of the Act, Md. Code Ann., State Gov't Art. (B) (201) et seq. and COMAR 10.34.18.02. (A) and (B).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and Md. State Gov't Art. 10-201 et seq. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice as a pharmacist in the State of Maryland.

2/21/98

Date


Jon D. Johnson, P.D.

STATE OF MARYLAND

CITY/COUNTY OF: Prince George's

I HEREBY CERTIFY that on this 21st day of February, 1998, a Notary Public of the State of Maryland and (City/County), Jon D. Johnson, personally appeared Jon D. Johnson, P.D., License Number 06686, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.

Jessica G. Fritch
Notary Public

My Commission Expires: 9-1-2000

A:JOHNSON.CON
01/09/98