

**CONSENT AGREEMENT
BETWEEN
RODGER L. JOHNSON, M.D.
AND**

THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT is entered into by and between RODGER L. JOHNSON, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

RODGER L. JOHNSON, M.D. enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(22), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "(t)he limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," to wit: Section 4731.22 (B)(2), Ohio Revised Code, "(f)ailure to use reasonable care discrimination in the administration of drugs," and Section 4731.22 (B)(6), Ohio Revised Code, "(a) departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established".
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22 (B)(22), and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. DOCTOR JOHNSON is licensed to practice medicine or surgery in the State of Ohio.
- D. On or about April 6, 1989 the Minnesota Board of Medical Examiners entered into a Stipulation and Order with RODGER L. JOHNSON, M.D., a copy of which is attached hereto and incorporated herein.
- E. On or about November 18, 1989 the Minnesota Board of Medical Examiners Ordered that an unconditional license to practice medicine and surgery in the State of Minnesota be conferred upon RODGER L. JOHNSON, M.D., a copy of which is attached hereto and incorporated herein.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, RODGER L. JOHNSON, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions, and limitations:

- 1. When practicing medicine or surgery in the State of Ohio, DOCTOR JOHNSON shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio including Chapter 4731-11 of the Ohio Administrative Code.
- 2. Within 30 days of his return to practice medicine in the State of Ohio, DOCTOR JOHNSON shall notify the State Medical Board of Ohio in writing of his new home address and place of practice;

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RODGER L. JOHNSON, M.D.
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3. Following his return to the practice of medicine or surgery in the State of Ohio, DOCTOR JOHNSON shall make a personal appearance before the Board or its designated representative;
4. DOCTOR JOHNSON shall provide all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges in the State of Ohio with a copy of this Consent Agreement; Ohio with a copy of this Consent Agreement;
5. Following his return to the practice of medicine or surgery in the State of Ohio, DOCTOR JOHNSON shall submit to the Board, with all subsequent applications for biennial license renewal to practice medicine or surgery in the State of Ohio, a written declaration stating whether there has been compliance with all of the provisions of this Consent Agreement.

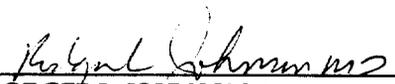
The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of five (5) years prior to any request for termination of said Agreement.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR JOHNSON appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

Any action initiated by the BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR JOHNSON hereby releases THE STATE MEDICAL BOARD OF OHIO, its Members, Employees, Agents, Officers and Representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and shall become effective upon the last date of signature below.



RODGER L. JOHNSON, M.D.

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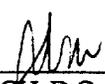
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HENRY G. CRAMBLETT, M.D.
Secretary

11/26/90

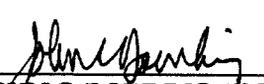
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JOHN E. RAUCH, D.O. Timothy S. Just
Supervising Member

11/27/90

DATE



JOHN C. DOWLING, ESQ.
Assistant Attorney General

11/26/90

DATE

In the Matter of the
Medical License of
Roger L. Johnson, MD

STIPULATION
AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Roger L. Johnson, MD (hereinafter "Respondent"), and the Minnesota Board of Medical Examiners (hereinafter "Board") by George B. Martin, MD, Chairman of the Discipline Committee, as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota;

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Respondent's 1986 practice for originating and refilling prescriptions for controlled substances from his office resulted in a failure to adequately document some of those prescriptions in patients' clinical charts;

b. Respondent's 1986 protocol for handling telephone requests for refills of controlled substances gave the office nurse authority to order refills without specific approval from Respondent.

3. The Board views Respondent's practices as constituting a violation of Minn. Stat. § 147.091, subd. 1(f) and (o) (1986). Respondent denies any wrongdoing. Respondent has instituted appropriate changes. See Attachments A, B, and C. Accordingly, the Board and Respondent agree to resolve this matter through the terms of this Stipulation and Order;

4. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby

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consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order conditioning and restricting Respondent's license to practice medicine and surgery in the State of Minnesota as follows: Respondent shall meet on a quarterly basis with a designated Board member. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings.

5. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms provisions, and conditions herein, the license of Respondent to practice medicine and surgery in the State of Minnesota shall be suspended immediately upon written notice by the Board to Respondent, such a suspension to remain in full force and effect until Respondent shall petition the Board to terminate the suspension after a hearing. Nothing contained herein shall prevent the Board from revoking or suspending Respondent's license to practice medicine and surgery in the State of Minnesota after any such hearing;

6. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto;

7. In the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine;

8. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein;

9. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: _____, 1989

Dated: April 5, 1989


ROGER L. JOHNSON, MD
Respondent


CATHERINE E. AVINA
Attorney for Board

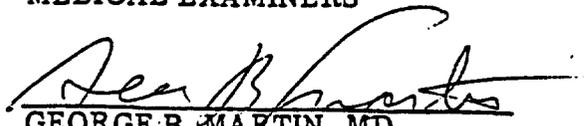

THOMAS M. CONLIN
Attorney for Respondent


JOHN E. BRANDT
Attorney for Respondent

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this ^{6th} ~~21st~~ day of ^{April} ~~January~~, 1989.

MINNESOTA BOARD OF
MEDICAL EXAMINERS


GEORGE B. MARTIN, MD
Chairman, Discipline Committee