



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

January 10, 1992

Clayborne B. Johnson, M.D.  
80 Sterncrest Drive  
Moreland Hills, Ohio 44022

Dear Doctor Johnson:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on January 8, 1992, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

  
Henry G. Gramblett, M.D.  
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 055 327 564  
RETURN RECEIPT REQUESTED

cc: John S. Pyle, Esq.

CERTIFIED MAIL RECEIPT NO. P 055 327 565  
RETURN RECEIPT REQUESTED

*Mailed 1/13/92*



# STATE MEDICAL BOARD OF OHIO

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## CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on January 8, 1992, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Clayborne B. Johnson, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Henry G. Cramblett, M.D.  
Secretary

January 10, 1992

Date



REPORT AND RECOMMENDATION  
IN THE MATTER OF CLAYBORNE BLAINE JOHNSON, M.D.

The Matter of Clayborne Blaine Johnson, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on October 24, 1991.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of July 8, 1991 (State's Exhibit #1), the State Medical Board notified Clayborne Blaine Johnson, M.D, of the suspension of his license to practice medicine and surgery in Ohio, pursuant to Section 3719.121(C), Ohio Revised Code, and of his opportunity for hearing. The Board further advised Dr. Johnson that it proposed to take disciplinary action against his license to practice medicine and surgery based upon his convictions in the Cuyahoga County Common Pleas Court, on or about June 7, 1991, of 66 counts of trafficking in drugs in violation of Section 2925.03, Ohio Revised Code, and 257 counts of illegal processing of drug documents in violation of Section 2925.23, Ohio Revised Code. The Board alleged that these judicial findings of guilt and the acts underlying those findings constituted "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code, and/or "a plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.
- B. By letter received by the State Medical Board on August 2, 1991 (State's Exhibit #2), John S. Pyle, Esq., requested a hearing on behalf of Dr. Johnson.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Odella Lampkin, Assistant Attorney General
- B. In lieu of personal appearance, Dr. Johnson, through counsel, submitted written stipulations and exhibits (see Board Exhibit #1).

III. Testimony Heard

No witnesses were presented.

IV. In addition to State's Exhibits #1 and #2, noted above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #3: August 6, 1991, letter to John S. Pyle, Esq., from the State Medical Board, advising that a hearing initially set for August 16, 1991, was postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit #4: August 12, 1991, letter to Attorney Pyle from the State Medical Board, scheduling the hearing for September 26, 1991.
3. State's Exhibit #5: August 15, 1991, notice of the appearance of Odella Lampkin, Assistant Attorney General, as counsel for the State.
4. State's Exhibit #6: State's August 15, 1991, request for list of witnesses and documents.
5. State's Exhibit #7: Certified copy of Journal Entry filed in the Cuyahoga County Court of Common Pleas on June 13, 1991, in Case No. CR-251940, State v. Johnson, setting forth the court's finding of guilty as charged in counts 1 through 324 of the indictment.
6. State's Exhibit #8: Certified copy of indictments filed in the Cuyahoga County Common Pleas Court on April 18, 1990, in Case No. CR-251940, State v. Johnson, setting forth 324 counts of violations of Sections 2925.03 and/or 2925.23, Ohio Revised Code.
7. State's Exhibit #9: Copy of Section 2925.03, Ohio Revised Code.
8. State's Exhibit #10: Copy of Section 2925.23, Ohio Revised Code.

B. Board Exhibits

Board Exhibit #1: October 22, 1991, letter from John S. Pyle, Esq., setting forth stipulations in lieu of attendance at hearing.

C. Presented by the Respondent

1. Respondent's Exhibit A: July 17, 1991, memorandum filed in the Cuyahoga County Common Pleas Court, Case No. CR-251940, State v. Johnson, in support of Dr. Johnson's motion for a judgment of acquittal or a new trial.
2. Respondent's Exhibit B: Transcripts of proceedings in the Cuyahoga County Common Pleas Court in Case Nos. CR-251940 and CR-253103, State v. Johnson et. al., on the following dates: January 28, 1991 (Vol. 1, pp. 1-54); February 4, 1991 (Vol. 1, pp. 55-56); May 13, 1991 (Vol. 1, pp. 57-219); May 14, 1991 (Vol. 1, pp. 220-376); May 15, 1991 (Vol. 2, pp. 377-547); May 16, 1991 (Vol. 2, pp. 548-717); May 17, 1991 (Vol. 2, pp. 718-887); May 20, 1991 (Vol. 3, pp. 888-1085); May 21, 1991 (Vol. 3, pp. 1086-1238); May 23, 1991 (Vol. 3, pp. 1239-1360); June 7, 1991 (Vol. 3, pp. 1361-1362); and July 19, 1991 (Vol. 4, pp. 1-81).

FINDINGS OF FACT

1. On or about June 7, 1991, Clayborne Blaine Johnson, M.D., was found guilty in the Cuyahoga County Court of Common Pleas of 66 felony counts of trafficking in drugs in violation of Section 2925.03, Ohio Revised Code, and 258 felony counts of illegal processing of drug documents in violation of Section 2925.23, Ohio Revised Code. The acts of Dr. Johnson upon which the judicial finding of guilt was based were committed in the course of his practice of medicine.

These facts are established by State's Exhibits #7 through #10, Board Exhibit #1, and Respondent's Exhibit B.

CONCLUSIONS

1. The judicial finding of guilt of 324 felony counts and the acts of Clayborne Blaine Johnson, M.D., underlying this finding constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or

a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

2. Further, with regard to each of the 324 offenses, the judicial finding of guilt constitutes "a plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

\* \* \* \* \*

This Board has in the past deemed felony convictions, particularly with regard to felonies committed in the course of practice, to constitute a breach of public trust which cannot be tolerated in a physician licensed in this state. The acts of Dr. Johnson which resulted in his conviction of 324 felony drug offenses were committed in the course of his medical practice. The trial transcripts (Vol. 4) indicate that Dr. Johnson closed his medical practice in July, 1991.

PROPOSED ORDER

It is hereby ORDERED that the certificate of Clayborne Blaine Johnson, M.D., to practice medicine and surgery in the State of Ohio, shall be and is hereby permanently REVOKED. This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

  
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Wanita J. Sage  
Attorney Hearing Examiner



# STATE MEDICAL BOARD OF OHIO

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## EXCERPT FROM THE MINUTES OF JANUARY 8, 1992

### REPORTS AND RECOMMENDATIONS

Dr. Gretter advised that the findings and orders appearing on the Board's agenda are those in the matters of Brad L. Hayman, D.P.M.; Clayborne B. Johnson, M.D.; and Robert A. Komer, D.O.

Dr. Gretter asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and order, and any objections filed in the matters of Brad L. Hayman, D.P.M.; Clayborne B. Johnson, M.D.; and Robert A. Komer, D.O. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- abstain
	Mr. Albert	- aye
	Dr. Stephens	- aye
	Mr. Jost	- abstain
	Dr. Garg	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye
	Dr. Gretter	- aye

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

All Assistant Attorneys General and all Enforcement Coordinators left the meeting at this time.

### REPORT AND RECOMMENDATION IN THE MATTER OF CLAYBORNE B. JOHNSON, M.D.

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MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF CLAYBORNE B. JOHNSON, M.D. DR. HOM SECONDED THE MOTION.

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A roll call vote was taken on Mr. Albert's motion:



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EXCERPT FROM THE MINUTES OF JANUARY 8, 1992  
IN THE MATTER OF CLAYBORNE B. JOHNSON, M.D.

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ROLL CALL VOTE:

Dr. Cramblett	- abstain
Mr. Albert	- aye
Dr. Stephens	- aye
Mr. Jost	- abstain
Dr. Garg	- aye
Dr. Kaplansky	- aye
Dr. Heidt	- aye
Dr. Hom	- aye
Dr. Agresta	- aye

The motion carried.



# **STATE MEDICAL BOARD OF OHIO**

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

July 8, 1991

## **NOTICE OF SUSPENSION AND OPPORTUNITY FOR HEARING**

Clayborne Blaine Johnson, M.D.  
80 Sterncrest Drive  
Moreland Hills, OH 44022

Dear Doctor Johnson:

In accordance with Sections 2929.17 and 4731.223(B), Ohio Revised Code, the office of the Prosecuting Attorney of Cuyahoga County, Ohio, has submitted to this Board information which indicates that on or about June 7, 1991 you were found guilty in the Court of Common Pleas of Cuyahoga County, Ohio of violations of Sections 2925.03 and 2925.23 of the Ohio Revised Code, which are felony drug abuse offenses.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- 1) On or about June 7, 1991 you were found guilty in Cuyahoga County Court of Common Pleas of sixty-six (66) counts of Trafficking in drugs in violation of Section 2925.03, Ohio Revised Code, and two hundred fifty-seven (257) counts of Illegal processing of drug documents in violation of Section 2925.23, Ohio Revised Code.

July 8, 1991

This judicial finding of guilt as alleged in paragraph (1) above, and the acts underlying this finding, individually and/or collectively, constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, this judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitutes "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

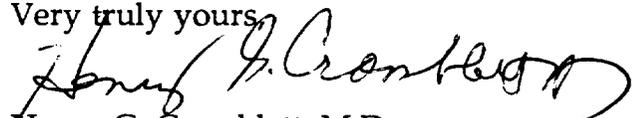
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

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

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

  
Henry G. Cramblett, M.D.  
Secretary

HGC:jmb  
Enclosures:

CERTIFIED MAIL #P 055 328 906  
RETURN RECEIPT REQUESTED

cc: John S. Pyle, Esq.