

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

October 9, 2013

Ronald Michael Johns, P.A.
1149 Sulgrave Drive
Brookfield, OH 44403

RE: Case No. 13-CRF-039

Dear Mr. Johns:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 9, 2013, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio, and adopting an Amended Order.

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

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



J. Craig Stafford, M.D., M.P.H.
Secretary

JCS:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7032 2896 8816
RETURN RECEIPT REQUESTED

Mailed 10-25-13

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 9, 2013, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Ronald Michael Johns, P.A., Case No. 13-CRF-039, 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)


J. Craig Strafford, M.D., M.P.H.
Secretary

October 9, 2013

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 13-CRF-039

RONALD MICHAEL JOHNS, P.A.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 9, 2013.

Upon the Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

Rationale for Amendment: The failure to establish completion of required treatment, lack of documentation to support claimed sobriety, drug felony convictions, and surrender of a professional license constitute grounds for permanent denial of the application.

It is hereby ORDERED that:

The application of Ronald Michael Johns, P.A., for a Certificate to Practice as a Physician Assistant in the State of Ohio is PERMANENTLY DENIED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.


J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

October 9, 2013

Date

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BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 13-CRF-039

Ronald Michael Johns, P.A.,

*

Hearing Examiner Blue

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated May 8, 2013, the State Medical Board of Ohio ("Board") notified Ronald Michael Johns, P.A., that it intended to determine whether to grant or deny his application for a certificate to practice as a physician assistant in Ohio or take other disciplinary action. The Board stated that its proposed action was based on the following allegations: 1) on December 2, 2010, Mr. Johns was found guilty of five felony counts of Aggravated Possession of Drugs, in violation of Ohio Revised Code Sections ("R.C.") 2925.11(A) and (C)(1)(b) and five felony counts of Illegal Processing of Drug Documents, in violation of R.C. 2925.23(B)(1) and (F)(1); 2) Mr. Johns is impaired in his ability to practice as a physician assistant according to acceptable and prevailing standards of care; and 3) Mr. Johns does not hold current certification by the National Commission on Certification of Physician Assistants.

The Board further alleged that Mr. Johns' acts, conduct, and/or omissions, individually and/or collectively, constitute:

- "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in R.C. 4730.25(B)(11).
- "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs," as set forth in R.C. 4730.25(B)(17).
- "Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as set forth in R.C. 4730.25(B)(5).
- Failure to fulfill a requisite condition for eligibility to receive a certificate to practice as a physician assistant in that an "applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board," as set forth in R.C. 4730.11(A)(3).

Accordingly, the Board advised Mr. Johns of his right to request a hearing and received his request for hearing on June 6, 2013. (State's Exhibits ("St. Exs.") 1A, 1B)

Appearances:

Mike DeWine, Attorney General of Ohio, and Katherine Bockbrader, Senior Assistant Attorney General, for the State of Ohio. Mr. Johns appeared on his own behalf.

Hearing Date: August 13, 2013

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. Ronald Michael Johns, P.A., was born in 1974 in Butler, Pennsylvania. Mr. Johns was first licensed as a physician assistant ("P.A.") in Ohio in 2006. Mr. Johns testified that he was last employed as a P.A. in July 2008. He explained that he was terminated from his employment because of allegations of drug abuse. His P.A. certificate expired on January 31, 2010, and revoked by the Board later that year. His license is currently inactive. In addition, Mr. Johns permanently surrendered his paramedic certificate in November 2010. (Hearing Transcript ("Tr.") at 11-13; St. Exs. 2, 3; State of Ohio *eLicense* Center, <https://license.ohio.gov/lookup>, accessed on August 19, 2013)
2. In July 2012, Mr. Johns submitted an application to the Board for a certificate to practice as a physician assistant in Ohio. His application is currently pending. (St. Exs. 1A, 2)
3. In his Application, Mr. Johns answered "yes" to several questions, including those asking about prior Board actions, criminal convictions, and the revocation and/or surrender of a professional license. (St. Ex. 2)

2009 Consent Agreement

4. On January 15, 2009, Mr. Johns entered into a Step I Consent Agreement ("2009 Consent Agreement") with the Board in lieu of formal proceedings based upon his violations of R.C. 4730.25(B)(5) and (B)(12).¹ In the 2009 Consent Agreement, Mr. Johns made certain admissions, including that he is chemically dependent and that he had inappropriately obtained controlled substances for his own use. Mr. Johns' certificate to

¹ R.C. 4730.25(B)(12) states in pertinent part: "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."

practice as a physician assistant was suspended for an indefinite period of time, but not less than 180 days, and one of the conditions for reinstatement required Mr. Johns to successfully complete at least 28 days of inpatient treatment at a Board-approved treatment provider. (St. Ex. 3 at 1-13)

July 2010 Notice of Opportunity for Hearing and November 2010 FOJE

5. On July 14, 2010, the Board issued a Notice of Opportunity for Hearing to Mr. Johns based on his alleged violations of R.C. 4730.25(B)(5) and (B)(20). Mr. Johns did not request a hearing. On November 10, 2010, based upon a report of Proposed Findings and Proposed Order (“PFPO”), the Board issued its Findings, Order and Journal Entry (“FOJE”). (St. Ex. 3)

In the November 2010 PFPO, it was noted that:

Mr. Johns is impaired and there is no evidence that he has completed 28 days of inpatient treatment at a Board-approved treatment provider. Moreover, since October 2009, Mr. Johns has failed to comply with the requirements of his January 2009 Step I Consent Agreement. * * * The Board should not grant any future application from Mr. Johns until, at the very least, he is able to prove that he is in a stable recovery program and can document to the Board’s satisfaction that he has maintained continuous sobriety for at least one year, and show that he is able and willing to comply with any probationary conditions that the Board deems necessary to protect the public.

(St. Ex. 3 at 29)

6. Effective November 12, 2010, the Board revoked Mr. Johns’ certificate to practice as a physician assistant in Ohio based on his violations of R.C. 4730.25(B)(5) and (B)(20), based upon Mr. Johns’ impairment and failure to comply with conditions placed upon him by the Board. (St. Ex. 3)

Criminal Convictions

7. On December 2, 2010, in the Trumbull County Court of Common Pleas, in Warren, Ohio, Mr. Johns pleaded guilty to and was found guilty of three counts of Aggravated Possession of Drugs, in violation of R.C. 2925.11(A) and (C)(1)(c), felonies of the second degree; five counts of Illegal Processing of Drug Documents, in violation of R.C. 2925.23(B)(1) and (F)(1), felonies of the fourth degree; and two counts of Aggravated Possession of Drugs, in violation of R.C. 2925.11(A) and (C)(1)(b), felonies of the third degree. (St. Ex. 4)

8. As set forth in the Judgment Entry filed on January 18, 2011, Mr. Johns was sentenced to one year in prison. (St. Ex. 4)

Testimony of Mr. Johns

Substance Abuse History

9. Mr. Johns testified that he first used opiates in October 2007 because of low back pain. He explained that he first obtained opiates from friends and then later forged the names of physicians to obtain prescription drugs. (Tr. at 12, 14)
10. Mr. Johns acknowledged that, in January 2009, he entered into a Step I Consent Agreement with the Board which required him to, among other things, enter a 28-day inpatient treatment program at Glenbeigh Hospital. He testified that he started treatment at Glenbeigh but only completed 10 days. (Tr. at 13-14, 39) He explained why he did not complete 28 days of treatment at Glenbeigh:

I was in rehab and I - - you know, being from this addiction, I was - - guess I just wasn't ready. I was not - - you know, I'm not going to make excuses, but there was a lot of issues going on as far as being at Glenbeigh; you know, others still using there. And I didn't feel I needed to be there.

And I - - when I left there, I submitted - - I voluntarily admitted to Turning Point in Pennsylvania and did complete the 28 days there.

(Tr. at 15)

11. From July 31, 2008 through August 28, 2008, Mr. Johns completed 28 days of inpatient treatment at Turning Point Chemical Dependency Treatment Center in Franklin, Pennsylvania. However, he acknowledged that Turning Point is not a Board-approved treatment provider. (St. Ex. 3; Tr. at 15-16, 40-41)
12. Mr. Johns testified that, in 2009, he relapsed on Percocet and returned to Glenbeigh Hospital for inpatient treatment in August 2009. He stated that he was there for 23 days and was discharged by Glenbeigh for tampering with his drug screen, which he denied having done. (Tr. at 41-42)
13. Mr. Johns acknowledged that, in 2010, his license was revoked by the Board because he did not comply with his 2009 Consent Agreement. (Tr. at 15)
14. In regard to his criminal convictions, Mr. Johns explained that he "forged prescriptions" for himself for Opana and Oxycontin. Mr. Johns testified that, as a result of his convictions, he served 355 days in prison. He stated that, while he was in prison, he was

enrolled in a 90-day outpatient therapy program, which included random urine screens, and completed 305 AA/NA meetings. However, Mr. Johns admitted that he was unable to secure any documentation to support this claim. (Tr. at 18-20)

15. Mr. Johns testified that, since his release from prison in December 2011, he has had three negative drug screens at work and has attended one NA meeting per week due to his work schedule. However, he acknowledged that he does not have any documentation to support this claim. (St. Ex. 5; Tr. at 21-22)
16. Mr. Johns testified that his sobriety date is January 13, 2011, the day he was sentenced to prison. (St. Ex. 5; Tr. at 20)

NCCPA Certification

17. Mr. Johns acknowledged that he currently does not hold a certificate from the National Commission on the Certification of Physician Assistants (“NCCPA”). (Tr. at 23)
18. Cathy Hacker, the P.A. Program Administrator for the Board, testified that a current certificate from the NCCPA is one of the requirements for licensure as a physician assistant for the State of Ohio and affirmed that Mr. Johns does not hold a current certificate. (St. Ex. 2 at 31; Tr. at 25-27)
19. Mr. Johns explained why he does not hold a certificate from NCCPA:

[w]hen I called [NCCPA], they said that they needed a letter from the State Medical Board of Ohio that [it’s] willing to accept the application and it had to be sent to them in writing before I’m allowed to reschedule the exam.

(Tr. at 34)

Explanation for His Prior Conduct and His Commitment to Recovery

20. Mr. Johns testified that he has accepted responsibility for his prior conduct and is willing to follow the Board’s recommendations. (Tr. at 35) He further explained:

At this point in my life now, being in recovery and doing what I am doing, I have acquired a lot of - - of effective tools to avoid, you know, a lot of pitfalls, and I have grown more gracious and compassionate as far as, you know, following orders, doing what I’m supposed to do.

And I know I would not have a problem entering and fulfilling any consent agreement that they feel necessary. I mean, back then it was, you know, I was just coming out of addiction. Mind is confused, really didn’t

know what to do. First time I've ever been through that process. And I - - guess I just - - I had other thought processes going on other than fulfilling this.

And now that I have been away from it for so long, I have - - know now that I have - - I would have no problem fulfilling that.

(Tr. at 38)

21. Mr. Johns added that he is serious about his sobriety because he is the only living parent for his two children ages 8 and 12. (Tr. at 45-46)
22. Mr. Johns stated that he would submit to 28 days of inpatient treatment at a Board-approved treatment provider if it was required by the Board but added that he would have to save money for three to four years because he does not currently have medical insurance. (Tr. at 38, 46)
23. In regard to his current employment, Mr. Johns testified that he drives for the Amish during the work week from 4:30 a.m. to 6:00 p.m. and paints on the weekends. (Tr. at 21)

FINDINGS OF FACT

1. In July 2012, Ronald Michael Johns, P.A., filed an application for a certificate to practice as a physician assistant in Ohio, which is currently pending. In the Application, Mr. Johns answered "yes" to several questions, including those asking about prior Board actions, criminal convictions, and the revocation and/or surrender of a professional license.
2. In July 2008, Mr. Johns was terminated from his employment as a physician assistant due to drug abuse allegations.
3. On January 15, 2009, Mr. Johns entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based upon his violation of R.C. 4730.25(B)(5) and (B)(12). In the January 2009 Step I Consent Agreement, Mr. Johns made certain admissions, including that he was chemically dependent, and that he had inappropriately obtained controlled substances for his own use. Mr. Johns' certificate to practice as a physician assistant was suspended for an indefinite period of time, but not less than 180 days, and one of the conditions for reinstatement required Mr. Johns to successfully complete at least 28 days of inpatient treatment at a Board-approved treatment provider.

Mr. Johns did not successfully complete at least 28 days of inpatient treatment for chemical abuse/dependency at a Board-approved treatment provider.

4. On July 14, 2010, the Board issued a Notice of Opportunity for Hearing to Mr. Johns based on his alleged violations of R.C. 4730.25(B)(5) and (B)(20). On November 10, 2010, the Board issued its Findings, Order and Journal Entry, with an effective date of November 12, 2010, which revoked Mr. Johns' certificate to practice as a physician assistant in Ohio. The November 2010 FOJE was based on his violations of R.C. 4730.25(B)(5) and (B)(20), and was related to Mr. Johns' impairment and failure to comply with conditions placed upon him by the Board.
5. In November 2010, Mr. Johns permanently surrendered his paramedic certificate in Ohio.
6. On December 2, 2010, in the Trumbull County Court of Common Pleas, in Warren, Ohio, Mr. Johns pleaded guilty to and was found guilty of three counts of Aggravated Possession of Drugs, in violation of R.C. 2925.11(A) and (C)(1)(c), felonies of the second degree; five counts of Illegal Processing of Drug Documents, in violation of R.C. 2925.23(B)(1) and (F)(1), felonies of the fourth degree; and two counts of Aggravated Possession of Drugs, in violation of R.C. 2925.11(A) and (C)(1)(b), felonies of the third degree. On January 13, 2011, the court sentenced Mr. Johns to prison for one year.
7. Although Mr. Johns claims that his sobriety date is January 13, 2011, Mr. Johns did not submit any documentation at the hearing that supports his claim.
8. Mr. Johns does not hold current certification by the National Commission on Certification of Physician Assistants or a successor organization that is recognized by the Board.

CONCLUSIONS OF LAW

1. The plea of guilty and/or judicial finding of guilt of Ronald Michael Johns, P.A., as set forth above in Finding of Fact 6, individually and/or collectively, constitutes "a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in R.C. 4730.25(B)(11).
2. The plea of guilty and/or judicial finding of guilt of Mr. Johns, as set forth in Finding of Fact 6, individually and/or collectively, constitutes "a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs," as set forth in R.C. 4730.25(B)(17).
3. Mr. Johns' acts, conduct, and/or omissions, as set forth in Findings of Fact 1 through 8, individually and/or collectively, establishes "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use of abuse of drugs, alcohol, or other substances that impair ability to practice," as set forth in R.C. 4730.25(B)(5).

4. As set forth in Findings of Fact 8, Mr. Johns does not qualify for a certificate to practice as a physician assistant in the State of Ohio because he does not “hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board,” as set forth in R.C. 4730.11(A)(3).

DISCUSSION OF PROPOSED ORDER

The Hearing Examiner recommends that the Board deny Mr. Johns’ application for a certificate to practice as a physician assistant at this time. Since the Board revoked his license in November 2010, Mr. Johns has not successfully completed 28 days of inpatient treatment at a Board-approved treatment provider. Although Mr. Johns claims that he has been sober since January 2011, he has not provided any documentation to support this claim including, but not limited to, negative drug screens, AA/NA logs, or any proof of his outpatient therapy treatment in prison. In addition, since November 2010, Mr. Johns was found guilty of ten drug-related felony counts, served one year in prison, and has permanently surrendered his paramedic certificate in Ohio. Finally, Mr. Johns does not hold a current certificate from the NCCPA which is statutorily required in Ohio for licensure as a P.A.

However, the Hearing Examiner notes that her recommendation is not a permanent denial. If Mr. Johns reapplies for a license in the future, he should be able to prove to the Board that he is in a stable recovery program, can document to the Board’s satisfaction that he has maintained continuous sobriety for at least one year, and show that he is able to comply with any probationary conditions that the Board deems necessary. Mr. Johns will also have to hold a current certificate from the NCCPA.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Ronald Michael Johns, P.A., for a Certificate to Practice as a Physician Assistant in the State of Ohio is DENIED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Danielle R. Blue, Esq.
Hearing Examiner

State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 9, 2013

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Steinbergh announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Steinbergh asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Steven Francis Brezny, M.D.; Ronald Michael Johns, P.A.; and Mahendrakumar Chiman Shah, M.D.

A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye (except in the matter of Dr. Brezny)
	Dr. Saferin	- aye
	Dr. Sethi	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

Dr. Steinbergh noted that she did not read or consider the hearing record and other materials concerning Dr. Brezny. Dr. Steinbergh will recuse from the discussion and vote in that matter.

Dr. Steinbergh asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation or permanent denial. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Saferin	- aye
	Dr. Sethi	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

Dr. Steinbergh noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code,

specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the matters before the Board today, Dr. Strafford served as Secretary, Dr. Bechtel served as Supervising Member, and Dr. Steinbergh acted as Acting Secretary in the matter of Dr. Brezny.

Dr. Steinbergh reminded all parties that no oral motions may be made during these proceedings.

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

.....
RONALD MICHAEL JOHNS, P.A., Case No. 13-CRF-039
.....

Dr. Soin moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Ronald Michael Johns, P.A. Dr. Ramprasad seconded the motion.

.....
Mr. Kenney moved to amend the Proposed Order of the Report and Recommendation to permanently deny Mr. Johns' application for a license to practice as a physician assistant in Ohio. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Saferin	- aye
	Dr. Sethi	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to amend carried.

Dr. Soin moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Ronald Michael Johns, P.A. Mr. Kenney seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
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Dr. Bechtel	- abstain
Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Saferin	- aye
Dr. Sethi	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to approve carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

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May 8, 2013

Case number: 13-CRF- 039

Ronald Michael Johns, P.A.
1149 Sulgrave Dr.
Brookfield, OH 44403

Dear Mr. Johns:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, or suspend your certificate to practice as a physician assistant, refuse to issue or reinstate your certificate, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) In or around July 2012, you caused to be submitted to the Board an Application for Physician Assistant Certificate to Practice [Application], which is currently pending. In your Application, you answered "yes" to several questions, including those asking about Board actions, criminal convictions, and the revocation and/or surrender of a professional license.
- (2) In the materials and information you provided to the Board and that the Board obtained during its investigation, the information and documentation revealed, in part, the following:
 - (a) Since initially being licensed as a physician assistant in Ohio in or around 2006, you have had an extensive history of prior actions by the Board, including:
 - (i) On or about January 15, 2009, you entered into a Step I Consent Agreement [January 2009 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Sections 4730.25(B)(5) and (B)(12), Ohio Revised Code, which suspended your certificate to practice as a physician assistant for an indefinite period of time, but not less than 180 days. In the January 2009 Step I Consent Agreement, you made certain admissions, including that you were chemically dependent, and that you had inappropriately obtained controlled substances for your own use.

Mailed 5-9-13

- (ii) On or about July 14, 2010, the Board issued a Notice of Opportunity to you, based on your alleged violations of Sections 4730.25(B)(5) and (B)(20), Ohio Revised Code.

On or about November 10, 2010, the Board issued Findings, Order and Journal Entry, with an effective date of November 12, 2010 [November 2010 FOJE], which revoked your certificate to practice as a physician assistant in Ohio. The November 2010 FOJE was based on your violation of Sections 4730.25(B)(5) and (B)(20), Ohio Revised Code, and was related to your impairment and failure to comply with conditions placed upon you by the Board.

- (b) Following the Board's revocation of your certificate to practice as a physician assistant in November 2010, you subsequently were convicted of felony drug offenses. On or about December 2, 2010, the Trumbull County Common Pleas Court in Warren, Ohio, accepted your plea of guilty to, and found you guilty of, the charges as contained in a plea agreement that you signed, wherein you pled guilty to five felony counts of Aggravated Possession of Drugs, in violation of Sections 2925.11(A) and (C)(1)(b), Ohio Revised Code, and five felony counts of Illegal Processing of Drugs Documents, in violation of Sections 2925.23(B)(1) and (F)(1), Ohio Revised Code. On or about January 13, 2011, the court sentenced you to serve a total prison term of one year.
- (3) You are impaired in your ability to practice as a physician assistant according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances. Such impairment is shown by the following:
- (a) In the January 2009 Step I Consent Agreement, you admitted that you were impaired. Although your certificate to practice as a physician assistant was never subsequently reinstated or restored by the Board, the January 2009 Step I Consent Agreement provided that before requesting reinstatement or restoration, you were required to demonstrate, among other things, that you successfully completed at least twenty-eight days of inpatient treatment for chemical abuse/dependency at a Board-approved treatment provider, as set forth in the administrative rules.
 - (b) While you entered inpatient treatment for chemical dependency on or about August 31, 2009, at Glenbeigh Hospital, a Board-approved treatment provider in Rock Creek, Ohio, you were discharged from Glenbeigh "at staff request" on or about September 23, 2009, before you completed twenty-eight days of inpatient treatment at a Board-approved treatment provider.

- (c) In the November 2010 FOJE, the Hearing Examiner stated the following:
- Mr. Johns is impaired and there is no evidence that he has completed 28 days of inpatient treatment at a Board-approved treatment provider. Moreover, since October 2009, Mr. Johns has failed to comply with the requirements of his January 2009 Step I Consent Agreement. * * * The Board should not grant any future application from Mr. Johns until, at the very least, he is able to prove he is in a stable recovery program and can document to the Board's satisfaction that he has maintained continuous sobriety for at least one year, and show that he is able and willing to comply with any probationary conditions that the Board deems necessary to protect the public.
- (d) After the Board issued the November 2010 FOJE, in or around December 2010, you pled guilty to, and the trial court found you guilty of, the felony drug offenses that were set forth in paragraph (2)(b) above.
- (e) Additional negative consequences that you suffered as a result of your impairment include the termination from employment as a physician assistant in or around August 2008, and the surrender of your Ohio paramedic certificate in or around February 2011.
- (f) In response to a request for additional information, you informed the Board in or around March 2013 that your sobriety date was January 13, 2011, which was the approximate date that you were sentenced by the court, and that your drugs of choice were opiates. You stated that you were subject to several random urine screens while you were incarcerated and all the screens were negative. You also indicated that you continued a 12-step program while you were incarcerated and after your release; that you attended 351 AA/NA meetings while you were incarcerated; that you have continued to attend one, and sometimes two, meetings per week since your release; and that following your release from incarceration, you became employed with a temporary service that required random urine screens, which have all been negative. However, you further indicated that you were "not sure of how to acquire [the] documents to show to the Medical Board."
- (4) The Application that you submitted to the Board in or around July 2012 fails to show that you have met all the prerequisites to be eligible to receive a certificate to practice as a physician assistant, including, but not limited to, the requirement that an applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the Board.

The facts as alleged in paragraphs (1) and (2) above, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4730.25(B)(11), Ohio Revised Code.

Further, the facts as alleged in paragraphs (1) and (2) above, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs,” as that clause is used in Section 4730.25(B)(17), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4730.25(B)(5), Ohio Revised Code.

Further, as alleged in paragraphs (1) and (4) above, individually and/or collectively, you have applied for a certificate to practice as a physician assistant in Ohio, but you have failed to fulfill a requisite condition for eligibility to receive such a certificate in that an “applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board,” as required by Section 4730.11(A)(3), 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 days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, 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 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 or suspend your certificate to practice as a physician assistant, refuse to issue or reinstate your certificate or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant to an applicant a certificate to

practice as a physician assistant or a certificate to prescribe, revokes an individual's certificate, refuses to issue a certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the certificate and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Further, pursuant to Section 4730.50, Ohio Revised Code, "If a sanction under section 4730.25 of the Revised Code applies to a physician assistant's certificate to practice, the same sanction is placed on the physician assistant's certificate to prescribe while the sanction applies to the certificate to practice."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Craig Strafford, M.D., M.P.H.".

J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/MRB/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7031 2768 6583
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

November 10, 2010

Ronald Michael Johns, P.A.
8239 Venice Heights Drive
Warren, OH 44484

RE: Case No. 10-CRF-085

Dear Mr. Johns:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on November 10, 2010.

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

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3487 5942
RETURN RECEIPT REQUESTED

Mailed 11-12-10

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on November 10, 2010, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Ronald Michael Johns, P.A., Case Number 10-CRF-085, as it appears in the Journal of the State Medical Board of Ohio.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

November 10, 2010

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
 : Case No. 10-CRF-085
RONALD MICHAEL JOHNS, P.A. :

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration before the State Medical Board of Ohio on November 10, 2010, pursuant to a Notice of Opportunity for Hearing issued to Ronald Michael Johns, P.A., on July 14, 2010. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner R. Gregory Porter, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Mr. Porter's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby adopts the Proposed Findings and Proposed Order.

Accordingly, it is hereby ORDERED that:

1. The certificate of Ronald Michael Johns, P.A., to practice as a physician assistant in the State of Ohio shall be REVOKED.
2. Upon becoming effective, this Order shall supersede the terms and conditions set forth in the January 1, 2009, Step I Consent Agreement between Mr. Johns and the Board.

This Order shall become effective immediately upon mailing of the notification of approval by the Board.


Lance A. Talmage, M.D.
Secretary

(SEAL)

November 10, 2010
Date

STATE MEDICAL BOARD
OF OHIO
2010 SEP 29 AM 9:02

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 10-CRF-085

Ronald Michael Johns, P.A.,

*

Hearing Examiner Porter

Respondent.

*

PROPOSED FINDINGS AND PROPOSED ORDER

Basis for Hearing

Notice of Opportunity for Hearing [Notice]: By letter dated July 14, 2010, the State Medical Board of Ohio [Board] notified Ronald Michael Johns, P.A., that it intended to determine whether to take disciplinary action against his certificate to practice as a physician assistant in Ohio. The Board based its proposed action on allegations that Mr. Johns is impaired in his ability to practice as a physician assistant according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances in violation of Section 4730.25(B)(5), Ohio Revised Code; and/or that Mr. Johns violated the terms of his January 2009 Step I Consent Agreement with the Board in violation of Section 4730.25(B)(20), Ohio Revised Code. The Board advised Mr. Johns of his right to a hearing in this matter if requested in writing within 30 days of the Notice's mailing. (Exhibit 1B)

No Request for Hearing: By certified mail, return receipt requested, the Board mailed its Notice to Mr. Johns on July 15, 2010, to his most recent address of record, and mailed a duplicate copy to a second address in Brookfield, Ohio. The Board received signed return receipts for both mailings. The Board's Senior Executive Staff Attorney attested in a sworn affidavit that the thirtieth and final day upon which Mr. Johns could request a hearing was August 16, 2010, and that, as of August 18, 2010, the Board had not received a hearing request from Mr. Johns. (Exhibits 1B, 3)

Request for Proposed Findings and Proposed Order: In a memorandum dated August 23, 2010, the Board's Senior Executive Staff Attorney requested that a Hearing Examiner review the evidence as provided, and prepare a report of Proposed Findings and Proposed Order. (Exhibit 6)

Evidence Examined:

Exhibit 1: Statement of Barbara A. Jacobs, the Board's Senior Executive Staff Attorney, certifying that the following are true and accurate copies of the originals maintained by the Board:

Exhibit 1A: Copy of Mr. Johns' January 2009 Step I Consent Agreement with the Board.

Exhibit 1B: Copy of July 14, 2010, Notice issued to Mr. Johns, and the July 19 and 26, 2010, signed certified mail receipts.

Exhibit 2: August 18, 2010, Affidavit of Kay L. Rieve, the Board's Administrative Officer, regarding Mr. Johns' last known address of record.

Exhibit 3: August 18, 2010, Affidavit of Ms. Jacobs regarding the Board's actions to serve Mr. Johns with the Notice, and also attesting that, as of August 18, 2010, the Board had not received a hearing request from Mr. Johns.

Exhibit 4: August 18, 2010, Affidavit of Danielle C. Bickers, the Board's Compliance Supervisor, concerning Mr. Johns' compliance with his January 2009 Step I Consent Agreement, and attesting to the following attachments:

Exhibit 4A: Copy of September 14, 2009, letter to Mr. Johns from Board staff scheduling him to appear for a probationary office conference on October 13, 2009.

Exhibit 4B: Copy of December 17, 2009, letter to Mr. Johns from Board staff scheduling him to appear for a probationary office conference on January 11, 2010.

Exhibit 4C: Copy of March 19, 2010, letter to Mr. Johns from Board staff scheduling him to appear for a probationary office conference on April 12, 2010.

Exhibit 4D: Printouts of monthly call-in and urine screen selection dates for Mr. Johns for the months of October 2009 through June 2010.

Exhibit 5: August 23, 2010, Affidavit of Mark R. Blackmer, Board Enforcement Attorney, concerning the investigation of complaints against Mr. Johns, and attesting to the following attachments:

Exhibit 5A: Certified copies of Mr. Johns' treatment record from Glenbeigh Health Service. (This exhibit is sealed from public disclosure to protect patient confidentiality.)

Exhibit 5B: May 6, 2010, written statement of a family member of Mr. Johns'. (This exhibit is sealed from public disclosure to protect confidential investigatory records.)

Exhibit 6: August 23, 2010, memorandum from Ms. Jacobs attaching the above-referenced exhibits and requesting a report of Proposed Findings and Proposed Order.

PROPOSED FINDINGS

1. On January 6, 2006, Ronald Michael Johns, P.A., was granted a certificate to practice as a physician assistant in Ohio. His certificate expired on January 31, 2010, and is currently inactive.

This proposed finding is supported by the following evidence: Exhibit 1A at 2; Ohio e-License Center <<https://license.ohio.gov/Lookup/>>, accessed September 24, 2010.

2. Effective January 15, 2009, Mr. Johns entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based upon his violations of Sections 4730.25(B)(5) and (B)(12), Ohio Revised Code. In the January 2009 Step I Consent Agreement, Mr. Johns made certain admissions, including that he is chemically dependent, and that he had inappropriately obtained controlled substances for his own use. Further, Mr. Johns' certificate to practice as a physician assistant was suspended for an indefinite period of time, but not less than 180 days. Moreover, one of the conditions for reinstatement set forth in the Consent Agreement requires Mr. Johns to successfully complete at least 28 days of inpatient treatment at a Board-approved treatment provider. Mr. Johns remains subject to the terms and conditions of the January 2009 Step I Consent Agreement.

This proposed finding is supported by the following evidence: Exhibit 1A.

3. On August 31, 2009, Mr. Johns entered inpatient treatment for chemical dependency at Glenbeigh Health Services [Glenbeigh], a Board-approved treatment provider. However, Mr. Johns was discharged from Glenbeigh "At Staff Request" on September 23, 2009, before he had completed the required 28 days of inpatient treatment.

This proposed finding is supported by the following evidence: Exhibit 5.

4. Mr. Johns' records from Glenbeigh and other information obtained by the Board establishes the following:
 - (a) Mr. Johns provided conflicting information to Glenbeigh regarding his use of drugs, after he had executed the January 2009 Step I Consent Agreement. He reported to certain representatives of Glenbeigh that he had used heroin from May 2009 to August 29, 2009. However, when speaking to other representatives of Glenbeigh, he denied that he had used heroin in 2009. Further, although the urine screens that Mr. Johns provided while in residential treatment were negative, Glenbeigh determined that the urine samples had been adulterated.

This proposed finding is supported by the following evidence: Exhibit 5A at 7, 9-10, 27, 39, 79, 82-84, 108, 111.

- (b) Although Mr. Johns provided conflicting data to Glenbeigh relating to his use of drugs, he admitted in September 2009 to representatives of Glenbeigh that he had consumed alcohol on three occasions during the previous year. He consumed alcohol at a social event in or around March 2009. In addition, in July 2009, he admitted to a family member that he had relapsed on drugs.

Mr. Johns' consumption of alcohol and/or use of drugs in 2009 violates Paragraphs 3 and 4 of the January 2009 Step I Consent Agreement, which respectively provide that he "shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who

has full knowledge of [his] history of chemical dependency,” and that he “shall abstain completely from the use of alcohol.”

This proposed finding is supported by the following evidence: Exhibit 1A; Exhibit 5; Exhibit 5A at 10; Exhibit 5B.

5. Paragraph 7 of the January 2009 Step I Consent Agreement provides that Mr. Johns “shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement,” and that the “quarterly declarations must be received in the Board’s offices on or before the first day of every third month.”

Despite this provision, Mr. Johns has failed to provide and/or timely provide quarterly declarations to the Board which were due no later than October 1, 2009; January 1, 2010; April 1, 2010; and July 1, 2010.

This proposed finding is supported by the following evidence: Exhibits 1A, 4.

6. Paragraph 8 of the January 2009 Step I Consent Agreement requires Mr. Johns to make personal appearances before a designated representative of the Board, and that such appearances “must occur every three months * * * and/or as otherwise requested by the Board.”

Despite this provision, Mr. Johns failed to appear for quarterly appearances that were scheduled for him on October 13, 2009; January 11, 2010; and April 12, 2010.

This proposed finding is supported by the following evidence: Exhibits 1A, 4, 4A-4C.

7. Paragraph 9 of the January 2009 Step I Consent Agreement provides, in pertinent part, as follows:

Mr. Johns shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Mr. Johns shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. * * *

* * *

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site, * * * and the screening process shall require a daily call-in procedure.

Mr. Johns shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. * * * Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Despite the aforementioned provisions, from October 1, 2009, to June 30, 2010, Mr. Johns failed to make *any* of the daily calls that he was required to make to FirstLab, the Board-approved drug testing facility. Further, on four occasions during each month from October 2009 through June 2010, Mr. Johns would have been scheduled to provide a random urine specimen, which he also failed to provide. Accordingly, Mr. Johns failed to submit to random urine screenings for drugs and alcohol at least four times per month as required by the January 2009 Step I Consent Agreement.

This proposed finding is supported by the following evidence: Exhibits 1A, 4, 4D.

8. Paragraph 13 of the January 2009 Step I Consent Agreement requires Mr. Johns to undertake and maintain participation in an alcohol and drug rehabilitation program no less than three times per week. Paragraph 13 further provides that he “shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board’s offices no later than the due date for Mr. Johns’ quarterly declarations.”

Despite the aforementioned provisions, since July 6, 2009, Mr. Johns has failed to provide and/or timely provide the Board with documentary evidence of continuing compliance with the program, and the logs he did provide only included meetings through July 3, 2009.

This proposed finding is supported by the following evidence: Exhibits 1A, 4.

9. Mr. Johns’ acts, conduct, and/or omissions as described in Proposed Findings 1 through 8, individually and/or collectively, constitute “[v]iolation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement,” as that clause is used in Section 4730.25(B)(20), Ohio Revised Code.
10. Further, Mr. Johns’ acts, conduct, and/or omissions as described in Proposed Findings 2 through 4, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4730.25(B)(5), Ohio Revised Code.
11. Section 4731.22(M)(3), Ohio Revised Code, states:

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

* * *

- (3) Failure by an individual to renew a certificate of registration in accordance with this chapter shall not remove or limit the board’s jurisdiction to take any disciplinary action under this section against the individual.

Accordingly, the Board may take action against Mr. Johns’ certificate even though it expired in January 2010 and is currently inactive.

Comments on the Proposed Order

Mr. Johns is impaired and there is no evidence that he has completed 28 days of inpatient treatment at a Board-approved treatment provider. Moreover, since October 2009, Mr. Johns has failed to comply with the requirements of his January 2009 Step I Consent Agreement. Accordingly, his certificate to practice as a physician assistant in Ohio should be revoked. The Board should not grant any future application from Mr. Johns until, at the very least, he is able to prove that he is in a stable recovery program and can document to the Board's satisfaction that he has maintained continuous sobriety for at least one year, and show that he is able and willing to comply with any probationary conditions that the Board deems necessary to protect the public.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Ronald Michael Johns, P.A., to practice as a physician assistant in the State of Ohio shall be REVOKED.
2. Upon becoming effective, this Order shall supersede the terms and conditions set forth in the January 15, 2009, Step I Consent Agreement between Mr. Johns and the Board.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.


R. Gregory Porter
Hearing Examiner



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

Memorandum

TO: BOARD MEMBERS
FROM: R. Gregory Porter, Hearing Examiner *RGP*
RE: Ronald Michael Johns, P.A.
Case No. 10-CRF-085
DATE: September 29, 2010

Please find enclosed copies of the exhibits and the Proposed Findings and Proposed Order concerning the review of the above-referenced matter by Hearing Examiner Porter.

This matter is scheduled for consideration at the November 10, 2010, Board meeting.

The allegations contained in the Board's notice of opportunity for hearing concern the following issues: Impairment, violation of CA.

The following sections of the Disciplinary Guidelines were considered in drafting the Proposed Order in this matter. Please note, however, that the Disciplinary Guidelines do not limit any sanction that the Board may impose, and that the range of sanctions available in this matter extends from dismissal to permanent revocation.

VII.B: VIOLATION OF CONDITIONS OF LIMITATION, OTHER THAN PRACTICE PROHIBITIONS, PLACED BY THE BOARD.

- The minimum penalty for section VII.B is: Stayed revocation; indefinite suspension, min. as appropriate, with conditions for reinstatement; subsequent probation, min. 5 years.
- The maximum penalty for section VII.B is: Permanent revocation of certificate or permanent denial of application.

IX.A: IMPAIRMENT OF ABILITY TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF CARE BECAUSE OF HABITUAL OR EXCESSIVE USE OR ABUSE OF DRUGS, ALCOHOL, OR OTHER SUBSTANCES. THIS SECTION APPLIES TO: 1) ALL CURRENT AND ACTIVE LICENSEES, AND 2) ALL APPLICANTS FOR LICENSURE OR REINSTATEMENT UNLESS THE APPLICANT FOR LICENSURE OR REINSTATEMENT HAS BEEN THROUGH TREATMENT AND HAS DEMONSTRATED CONTINUOUS CURRENT SOBRIETY FOR MORE THAN ONE YEAR.

- The minimum penalty for section IX.A is: Indefinite suspension, min. as appropriate with conditions for reinstatement; subsequent probation, min. 5 years.

- The maximum penalty for section IX.A is: Permanent revocation of certificate or permanent denial of application.

The Proposed Order is within the penalties delineated for each of the Disciplinary Guidelines noted above.

enclosures



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 14, 2010

Case number: 10-CRF-085

Ronald Michael Johns, P.A.
8239 Venice Hts. Dr.
Warren, OH 44484

Dear Mr. Johns:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, or suspend your certificate to practice as a physician assistant, refuse to issue or reinstate your certificate, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about January 15, 2009, you entered into a Step I Consent Agreement [January 2009 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violations of Sections 4730.25(B)(5) and (B)(12), Ohio Revised Code, which suspended your certificate to practice as a physician assistant for an indefinite period of time, but not less than 180 days. In the January 2009 Step I Consent Agreement, you made certain admissions, including that you were chemically dependent, and that you had inappropriately obtained controlled substances for your own use.

To date, you are subject to all the terms, conditions and limitations of the January 2009 Step I Consent Agreement, a copy of which is attached hereto and incorporated herein.

- (2) Following the effective date of your January 2009 Step I Consent Agreement, you entered inpatient treatment for chemical dependency on or about August 31, 2009, at Glenbeigh Hospital [Glenbeigh], a Board-approved treatment provider in Rock Creek, Ohio. One of the conditions for reinstatement set forth in the January 2009 Step I Consent Agreement required you to successfully complete at least twenty-eight days of inpatient treatment at a Board-approved treatment provider. However, you were discharged from Glenbeigh on or about September 23, 2009, before you completed twenty-eight days of inpatient treatment. Your

Mailed 7-15-10

records from Glenbeigh and other information obtained by the Board indicated the following:

- (a) You provided conflicting information to Glenbeigh regarding your use of drugs, after you had executed the January 2009 Step I Consent Agreement. You reported to certain representatives of Glenbeigh that you had used heroin from in or around May 2009 to on or about August 29, 2009. However, when speaking to other representatives of Glenbeigh, you denied that you had used heroin in or around 2009. Although the urine screens that you provided to Glenbeigh during the time you were in residential treatment were negative, it was determined subsequently that the urine samples were adulterated.
- (b) Although you provided conflicting data to Glenbeigh relating to your use of drugs, you admitted in or around September 2009 to representatives of Glenbeigh that you consumed alcohol on multiple occasions. You also consumed alcohol at a social event in or around March 2009. In addition, in or around July 2009, you admitted to a family member that you had relapsed on drugs.

Your consumption of alcohol and/or use of drugs in or around 2009 violates Paragraphs 3 and 4 of the January 2009 Step I Consent Agreement, which respectively provide that you “shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to [you] by another so authorized by law who has full knowledge of [your] history of chemical dependency,” and that you “shall abstain completely from the use of alcohol.”

Pursuant to Rule 4731-16-02(B)(2), Ohio Administrative Code, an individual’s relapse following treatment constitutes independent proof of impairment and shall support license suspension without the need for an examination.

- (3) Paragraph 7 of the January 2009 Step I Consent Agreement provides that you “shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement,” and the “quarterly declarations must be received in the Board’s offices on or before the first day of every third month.”

Despite this provision, you have failed to provide and/or timely provide quarterly declarations to the Board, which declarations were due no later than October 1, 2009, January 1, 2010, April 1, 2010, and July 1, 2010.

- (4) Paragraph 8 of the January 2009 Step I Consent Agreement requires you to make personal appearances before a designated representative of the Board, and such

appearance “must occur every three months . . . , and/or as otherwise requested by the Board.”

Despite this provision, you failed to appear for your quarterly appearances that were scheduled for you on or about October 13, 2009, January 11, 2010, and April 12, 2010.

- (5) Paragraph 9 of the January 2009 Step I Consent Agreement provides, in pertinent part, as follows:

Mr. Johns shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Mr. Johns shall ensure that all screenings reports are forwarded directly to the Board on a quarterly basis.

* * *

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site, * * * and the screening process shall require a daily call-in procedure.

Mr. Johns shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. * * * Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Despite the aforementioned provisions in the January 2009 Step I Consent Agreement, from on or about October 1, 2009, to on or about June 30, 2010, you failed to make any of the calls that you were required to do on a daily basis to FirstLab, the Board-approved drug testing facility, and on four occasions during each month from October 2009 through June 2010, you would have been scheduled to provide a random urine specimen, which you also failed to provide. As such, you have also failed to submit to random urine screenings for drugs and alcohol at least four times per month.

- (6) Paragraph 13 of the January 2009 Step I Consent Agreement requires you to undertake and maintain participation in an alcohol and drug rehabilitation program no less than three times per week. Paragraph 13 of the January 2009 Step I Consent Agreement further provides that you “shall submit acceptable documentary evidence of continuing compliance with this program, including

submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Mr. Johns' quarterly declarations."

Despite the aforementioned provisions in the January 2009 Step I Consent Agreement, you have failed to provide and/or timely provide the Board with documentary evidence of continuing compliance with the program, as you last submitted meeting logs to the Board on or about July 6, 2009, and those logs only included meetings through on or about July 3, 2009.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (6) above, individually and/or collectively, constitute a "[v]iolation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement," as that clause is used in Section 4730.25(B)(20), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4730.25(B)(5), 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 days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, 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 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 or suspend your certificate to practice as a physician assistant, refuse to issue or reinstate your certificate or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant to an applicant a certificate to practice as a physician assistant or a certificate to prescribe, revokes an individual's certificate, refuses to issue a certificate, or refuses to reinstate an individual's certificate,

Ronald Michael Johns, P.A.

Page 5

the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the certificate and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/MRB/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3486 8616
RETURN RECEIPT REQUESTED

Duplicate Mailing:

Ronald Michael Johns, P.A.
1149 Sulgrave
Brookfield, OH 44403

CERTIFIED MAIL #91 7108 2133 3934 3486 8623
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

cc: Kevin P. Byers, Esq.
107 South High Street
Suite 400
Columbus, OH 43215

CERTIFIED MAIL #91 7108 2133 3934 3486 8630
RETURN RECEIPT REQUESTED

STEP I
CONSENT AGREEMENT
BETWEEN
RONALD MICHAELS JOHNS, P.A.,
AND
THE STATE MEDICAL BOARD OF OHIO

STATE MEDICAL BOARD

2008 DEC -9 P 2 03

This Consent Agreement is entered into by and between Ronald Michael Johns, P.A. [Mr. Johns], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4730. and 4731., Ohio Revised Code.

Mr. Johns enters into this Consent 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.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4730.25(B), 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 violation of Section 4730.25(B)(5), Ohio Revised Code, "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;" and/or Section 4730.25(B)(12), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4730.25(B)(5), Ohio Revised Code, and Section 4730.25(B)(12), Ohio Revised Code, to wit: Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code, and/or Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code, as set forth in Paragraph E below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4730. of the Revised Code, whether occurring before or after the effective date of this Agreement. Such express reservation includes, but is not limited to, violations related to patient care, regardless of whether acts underlying such additional violations are related to the violations set forth herein, violations based on any methods used by Mr. Johns to obtain controlled substances or drugs for self-use other than as particularly described herein, and violations based on criminal acts other than as specifically referenced herein.

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- C. Mr. Johns is licensed to practice as a physician assistant in the State of Ohio, License number 50.002409. Further, Mr. Johns admits that he currently has pending an Application for Provisional Certificate to Prescribe, and hereby requests that said application for provisional prescriptive authority in the State of Ohio be withdrawn.
- D. Mr. Johns states that he is also licensed to practice as a physician assistant in the State of Pennsylvania.
- E. Mr. Johns admits that he is chemically dependent, that he has inappropriately obtained controlled substances for his own self-use, and that his drugs of choice are opiates. Mr. Johns admits that on or about July 21, 2008, he voluntarily entered treatment for chemical dependency at Glenbeigh Hospital, a Board-approved treatment provider in Rock Creek, Ohio; however, he states that he only completed approximately eight days of inpatient treatment at that facility, as he left on or about July 29, 2008. Mr. Johns further states that on or about July 31, 2008, he entered inpatient treatment at Turning Point Chemical Dependency Treatment Center [Turning Point], a treatment provider in Franklin, Pennsylvania. Mr. Johns further states that he completed twenty-eight days of inpatient treatment at Turning Point, on or about August 28, 2008. Mr. Johns further admits that he self-reported his substance abuse issues to the Board.

Mr. Johns admits that he began inappropriately using opiates in or around November 2006, and that his last improper use was on or about July 29, 2008. Mr. Johns further admits that, during the time period from in or around November 2006 through July 2008, he obtained controlled substances for self-use exclusively through the following methods: Mr. Johns obtained Vicodin by purchasing it on the street; and Mr. Johns obtained methadone and Oxycontin by creating false prescriptions, by writing prescriptions in his own name and forging the name of the purported prescribing physician. Mr. Johns specifically denies obtaining any controlled substances for self-use by any other methods, and he specifically attests that at no time did he ever divert, sell, or give any controlled substances to anyone else. Mr. Johns further states that he never directly or indirectly involved patients in his efforts to obtain controlled substances for self-use.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Mr. Johns knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Mr. Johns to practice as a physician assistant in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 180 days.

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Obey all Laws

2. Mr. Johns shall obey all federal, state, and local laws.

Sobriety

3. Mr. Johns shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Mr. Johns' history of chemical dependency. Further, in the event that Mr. Johns is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Mr. Johns shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Mr. Johns received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Mr. Johns shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.
4. Mr. Johns shall abstain completely from the use of alcohol.

Absences from Ohio

5. Mr. Johns shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Mr. Johns resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Mr. Johns may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Mr. Johns is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Mr. Johns shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. Johns' chemical dependency or

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related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Mr. Johns further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

7. Mr. Johns shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
8. Mr. Johns shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Mr. Johns shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Mr. Johns shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board, and shall include Mr. Johns' drug(s) of choice.

Mr. Johns shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Mr. Johns acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site, except as provided in Paragraph 10 below, and the screening process shall require a daily call-in procedure.

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Mr. Johns shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Mr. Johns shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Mr. Johns shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, within thirty days of making such arrangements, Mr. Johns shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Mr. Johns and the Board-approved drug testing facility and/or collection site. Mr. Johns' failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Mr. Johns shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Mr. Johns and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Mr. Johns shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Mr. Johns must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Mr. Johns shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Mr. Johns acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or

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collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Mr. Johns and the Board agree that it is the intent of this Consent Agreement that Mr. Johns shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Mr. Johns, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Mr. Johns:
 - a. Within thirty days of the date upon which Mr. Johns is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Mr. Johns, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Mr. Johns shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Mr. Johns' residence or employment location, or to a physician who practices in the same locale as Mr. Johns. Mr. Johns shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Mr. Johns acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
 - b. Mr. Johns shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.
 - c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Mr. Johns must immediately notify the Board in writing. Mr. Johns shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to

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serve, Mr. Johns shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Mr. Johns.

- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Mr. Johns' designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Mr. Johns' quarterly declaration. It is Mr. Johns' responsibility to ensure that reports are timely submitted.
12. The Board retains the right to require, and Mr. Johns agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Mr. Johns, or for any other purpose, at Mr. Johns' expense upon the Board's request and without prior notice. Mr. Johns' refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Mr. Johns shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Mr. Johns shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Mr. Johns' quarterly declarations.

14. Immediately upon completion of any required treatment for chemical dependency, Mr. Johns shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided

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that, where the terms of the aftercare contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.

CONDITIONS FOR REINSTATEMENT

15. The Board shall not consider reinstatement or restoration of Mr. Johns' certificate to practice as a physician assistant until all of the following conditions are met:
 - a. Mr. Johns shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.
 - b. Mr. Johns shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Mr. Johns has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.
 - ii. Evidence of continuing full compliance with, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Mr. Johns' ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Mr. Johns. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Mr. Johns shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Mr. Johns, and any conditions, restrictions, or limitations that should be

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imposed on Mr. Johns' practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

- c. Mr. Johns shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Mr. Johns are unable to agree on the terms of a written Consent Agreement, then Mr. Johns further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code. The Board shall provide notice to Mr. Johns that said hearing has been scheduled, advising Mr. Johns of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Mr. Johns' certificate to practice as a physician assistant in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Mr. Johns shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Mr. Johns has maintained sobriety.

16. In the event that Mr. Johns has not been engaged in the active practice as a physician assistant for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4730.28, Ohio Revised Code, to require additional evidence of Mr. Johns' fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

17. Within thirty days of the effective date of this Consent Agreement, Mr. Johns shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Mr. Johns shall promptly provide a copy of this

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Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Mr. Johns provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Mr. Johns shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Mr. Johns shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

18. Within thirty days of the effective date of this Consent Agreement, Mr. Johns shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Mr. Johns further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Mr. Johns shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
19. Mr. Johns shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Mr. Johns chemical dependency treatment or monitoring. Further, Mr. Johns shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the

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person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Mr. Johns shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Mr. Johns, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Mr. Johns appears to have violated or breached any term or condition of this Consent Agreement, the Board 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 Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Mr. Johns acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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.

Mr. Johns hereby releases the Board, 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. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Mr. Johns acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

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EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



RONALD MICHAEL JOHNS, P.A.



LANCE A. TALMAGE, M.D.
Secretary

12-10-08

DATE

1-14-09

DATE



KEVIN P. BYERS
Attorney for Mr. Johns



RAYMOND J. ALBERT
Supervising Member

12/26/08

DATE

1/15/09

DATE



MARK R. BLACKMER
Enforcement Attorney

January 2, 2009

DATE