

**STATE OF VERMONT
SECRETARY OF STATE
BOARD OF OSTEOPATHIC PHYSICIANS**

IN RE:)
JOHN R. JOHANSSON) **Docket No.:2014-249**
)
License No.032.0000304

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Annika Green, and Respondent, John R. Johansson, by and through his attorney, Ian Carlton, Esq., and hereby stipulate and agree:

Board Authority

1. The Vermont Board of Osteopathic Physicians and Surgeons ("Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against osteopathic physicians and surgeons pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. §§ 1791, 1792, 1842 and 1843; the Rules of the Board; and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. John R. Johansson ("Respondent") of Essex Junction, VT, is licensed by the State of Vermont as an Osteopathic Physician under license number 032.0000304. This license is active and set to expire on September 30, 2016.
3. In April, 2014, the Office of Professional Regulation ("OPR") received an anonymous report regarding Respondent. The report indicated that Respondent had been obtaining several scheduled drugs from different physicians during the same period of time.
4. OPR Investigator John Lewis obtained records from the Vermont Prescription Monitoring System ("VPMS") for the time period April, 2013 through April, 2014.
5. The VPMS records indicated that Respondent obtained two drugs, Vicodin (a schedule II narcotic) and Nuvigil, from three different doctors at three different practices during that time period.
6. Respondent obtained overlapping prescriptions for Vicodin by going to three physicians and several pharmacies in order to obtain excessive amounts of the drug. He did not disclose to the physicians that he was obtaining Vicodin and Nuvigil from the other physicians simultaneously.
7. At all times relevant, Respondent was practicing in Vermont as an Osteopathic Physician.

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
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Violations

8. The above acts and circumstances, alone or in combination, violate:
 - a. 3 V.S.A. §129a(a)(3) (Failure to comply with provisions of federal or state statutes or rules governing the practice of the profession) and:
 - b. 3 V.S.A. §129a(b)(2) failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

9. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent agrees to the conditions outlined below.
10. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
11. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
12. The Respondent is voluntarily waiving the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
13. The Respondent is of sound mind and is not under the influence of drugs or alcohol at the time of signature of this stipulation and consent order.
14. Respondent agrees that the Order set forth below may be entered by the Board.
15. The Respondent agrees to pay any and all costs associated with this Stipulation and Consent Order.

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CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- 1) Term of Conditions:

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned." Respondent shall be subject to the conditions until Respondent

completes a **minimum of one (1) year** of supervised practice in which he works at least forty (40) hours every two (2) weeks as an Osteopathic Physician. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. The Respondent shall be prohibited from working more than forty (40) hours per week during the conditioned period.

2) Evaluators:

Within 30 days of the date of entry of this Order, Respondent shall propose the names of three (3) Osteopathic Physicians that are licensed and in good standing to the Board. The Board, or its designee, may approve one of the practitioners. If the proposed practitioners are not approved, Respondent shall submit additional names until the Board approves of one to provide the following services:

1. The reviewing practitioner shall review Respondent's practice, demeanor, medical records and documentation and shall report back to the Board monthly.

3) Out-of-State Practice and Licensing.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. Failure to seek approval shall result in out-of-state practice not being credited toward the fulfillment of the terms and conditions of this Consent Order.

If the Respondent receives discipline on his license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

4) Notification of Employment/ Personal Address/Telephone Number:

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of his current place of employment, personal address, and telephone number.

Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

5) Notification to Other States:

In the event that the Respondent is licensed in any other state(s), he must inform the other licensing boards of the conditional status of his Vermont license within thirty (30) days of the date of entry.

6) License Renewal and Costs:

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If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. Respondent must timely apply for renewal and pay the applicable fee.

The Respondent shall bear all costs of complying with this Consent Order.

7) Violation of this Order:

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

8) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. Respondent shall have the burden of proof.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8.14.15

By: *Annika Green*
Annika Green
State Prosecuting Attorney

STATE OF VERMONT

JOHN R. JOHANSSON
RESPONDENT

Dated: 8/14/15

By: *John R. Johansson*
John R. Johansson



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IAN CARLTON, ESQ.
ATTORNEY FOR RESPONDENT

Dated: 8/12/15

By: 
Ian Carlton, Esq.
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APPROVED AND SO ORDERED:

VERMONT BOARD OF
OSTEOPATHIC PHYSICIANS AND
SURGEONS

Dated: 11/20/2015

By: 
Chairperson (Acting)

Date of Entry: 11/20/15

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