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HEALTH SERVICES REGULATIONS

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH**
**DIVISION OF HEALTH SERVICES REGULATION**
**BOARD OF PHARMACY**

**In the Matter of:**
**JAVIER JOHNSON**
**LICENSE NUMBER PH103965**
**COMPLAINT NUMBER C15-701**

## CONSENT ORDER

Pursuant to Rhode Island General Laws § 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health (Department), Board of Pharmacy (Board) has investigated a complaint charging Javier Johnson, pharmacy technician 1 (hereinafter "Respondent"), with violations of RIGL § 5-19.1 of the R.I. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors. After consideration by the Board and the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent was licensed as a pharmacy technician I in the State of Rhode Island and held license number PH103965.
2. On or about 7/26/15 while employed as a pharmacy technician I at Wal-Mart Pharmacy #103301 in Providence, RI, Respondent admitted to the diversion of alprazolam, a schedule IV controlled substance pursuant to R.I. General Laws 21-28-2.08.
3. Pursuant to § 5-19.1-21, the foregoing facts constitute unprofessional conduct in the State of Rhode Island.

Based on the foregoing, the parties agree as follows:

1. Respondent was a pharmacy technician I and was able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
4. Respondent hereby acknowledges and waives:
   a) The right to appear personally or by counsel or both before the Department;
   b) The right to produce witnesses and evidence in his behalf at a hearing;
   c) The right to cross-examine witnesses;
   d) The right to have subpoenas issued by the Department;
   e) The right to further procedural steps except for those specifically contained herein;
   f) Any and all rights of appeal of this Consent Order;
   g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
   h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
   i) Any objection to the fact that the Department reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing; and
   j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Department.

6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.

7. Respondent hereby agrees to this Reprimand of his pharmacy technician I license.

8. Respondent's pharmacy technician I license shall be suspended for a period of 1 year from the date of this consent order.

9. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

12/12/15
Date

Javier Johnson
License Number PH103965

1/21/16
Date

Leo Lariviere, RPh.
Chairperson
Rhode Island Board of Pharmacy

Ratified by the Board of Pharmacy on this 21 day of January, 2016.