NEW YORK STATE OF OPPORTUNITY. | Department of Health

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Acting Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

Public

February 19, 2015

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Eric R. Johnson, M.D.
59 West Avenue
Brockport, NY 14420

Re: License No. 180005

Dear Dr. Johnson:

Enclosed is a copy of the vacated New York State Board for Professional Medical Conduct (BPMC) Order No. 15-034. This vacatur order goes into effect February 26, 2015.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Thomas H. Brandt, Esq.
Brandt, Roberson & Brandt, PC
929 Lincoln Avenue
Lockport, NY 14094

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 15-034

IN THE MATTER OF ERIC R. JOHNSON, M.D.	VACATUR ORDER

Upon the proposed Application for a Vacatur Order Pursuant to N.Y. Pub. Health Law § 230(10)(q) of ERIC R. JOHNSON, M.D. (LICENSEE), which is made a part of this Vacatur Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Vacatur Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order, either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 2/18/2015

ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF ERIC R. JOHNSON, M.D.	APPLICATION FOR VACATUR ORDER

ERIC R. JOHNSON, M.D., represents that all of the following statements are true:

That on or about September 19, 1989, I was licensed to practice as a physician in the State of New York, and issued License No. 180005 by the New York State Education Department.

My current address is 59 West Avenue, Brockport, New York 14420, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to a Consent Order (BPMC # 13-350) of the State Board for Professional Medical Conduct (Attachment I) (henceforth "Original Order"), which went into effect on October 30, 2013. Given the existence of new and material evidence not available at the time of the Original Order, specifically the November 25, 2014 issuance of a Remittutur by the New York State Court of Appeals dismissing the accusatory instrument, and granting a motion to suppress evidence, supporting the criminal conviction which was the basis for the Original Order, I, pursuant to N.Y. Pub. Health Law § 230(10)(q), hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Vacatur Order"), vacating the Original Order, and allowing for the refund of the amount of the assessed fine previously paid.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 2/10/15

ERIC R. JOHNSON, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Application for Vacatur Order and to its proposed penalty, terms and conditions.

DATE: 2/10/15

[redacted]
THOMAS H. BRANDT, ESQ.
Attorney for Respondent

DATE: 2/12/15

[redacted]
DAVID W. QUIST
Associate Attorney
Bureau of Professional Medical Conduct

DATE: 2/12/15

[redacted]
KEITH W. SERVIS
Director
Office of Professional Medical Conduct