



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120403-245)

In The Matter Of:

HUBERT W. RIDGWAY, JR., R.Ph.

312 Linden Street

West Liberty, Ohio 43357

(R.Ph. Number 03-2-10343)

INTRODUCTION

The Matter of Hubert W. Ridgway, Jr. came for consideration on Tuesday, June 12, 2012, before the following members of the Board: Donald M. Casar, R.Ph. (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Kevin J. Mitchell, R.Ph. and Michael A. Moné, R.Ph.

Hubert W. Ridgway, Jr. was not present nor was he represented by counsel. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Todd Knauss, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

1. Copy of Amended Summary Suspension Order/Notice of Opportunity for Hearing letter [04-19-12]
1A-1B. Procedurals
2. West Liberty Police Department Ohio Uniform Incident Report [03-02-12]
3. Evidence Submission Sheet [03-08-12]
4. Accountability Statements [04-09-12]
5. State Board of Pharmacy Order in re Hubert W. Ridgway, Jr., R.Ph. [04-07-89]

Respondent's Exhibits:

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Hubert W. Ridgway, Jr. was originally licensed in the State of Ohio on January 4, 1973, pursuant to examination, and Hubert W. Ridgway Jr.'s license to practice pharmacy in Ohio was summarily suspended effective April 19, 2012. Records further reflect that Hubert W. Ridgway, Jr. was previously disciplined by this Board on April 7, 1989.
- (2) Hubert W. Ridgway, Jr. is abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: the West Liberty Police Department conducted a search warrant on Hubert W. Ridgway, Jr.'s residence and found numerous prescription drugs for which Hubert W. Ridgway, Jr. admittedly did not have prescriptions. Hubert W. Ridgway, Jr. admitted to Agents of the State Board of Pharmacy that he is addicted to Valium and hydrocodone products. Such conduct indicates that Hubert W. Ridgway, Jr. is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Hubert W. Ridgway, Jr. admitted to Agents of the State Board of Pharmacy that he has been stealing drugs from his employers for over 40 years in order to feed this addiction. Such conduct indicates that Hubert W. Ridgway, Jr. is guilty of dishonesty or unprofessional conduct in the practice of pharmacy as stated in Section 4729.16(A)(2) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Hubert W. Ridgway, Jr. on April 19, 2012.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Hubert W. Ridgway, Jr. as follows:

(A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10343, held by Hubert W. Ridgway, Jr. effective as of the date of the mailing of this Order.

(B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10343, held by Hubert W. Ridgway, Jr. effective as of the date of the mailing of this Order.

(C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10343, held by Hubert W. Ridgway, Jr. effective as of the date of the mailing of this Order.

(D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10343, held by Hubert W. Ridgway, Jr. effective as of the date of the mailing of this Order.

Hubert W. Ridgway, Jr., pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Deborah Lange moved for Findings of Fact; Michael Moné seconded the motion. Motion passed (Aye-7/Nay-0).

Kevin Mitchell moved for Conclusions of Law; (Mr. Gahm) seconded the motion. Motion passed (Aye-7/Nay-0).

Brian Joyce moved for Action of the Board; Kevin Mitchell seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Hubert W. Ridgway, Jr., R.Ph.

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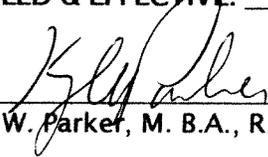
Order of the Board

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: JULY 11, 2012

By: 

Kyle W. Parker, M. B.A., R.Ph., Executive Director

KWP/vf

Certified Mail / Return Receipt
7011 2970 0004 0908 4808

c: Sean M. Culley, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-890206-098)

In The Matter Of:

HUBERT W. RIDGWAY JR., R.Ph.
1600 S. Detroit St., Apt. #50
Bellefontaine, Ohio 43311

INTRODUCTION

THE MATTER OF HUBERT W. RIDGWAY JR. CAME TO HEARING ON FEBRUARY 28, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

HUBERT W. RIDGWAY JR. WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Joseph Holliday - Board of Pharmacy
- (2) Hubert W. Ridgway Jr. - Respondent

Respondent's Witnesses:

(None)

(B) Exhibits

State's Exhibits:

- (1) Exhibit D - Notice of Opportunity letter dated February 6, 1989.
- (2) Exhibit 1A - Copy of Certified Entry of Plea, Case #87-CR-1861 on Hubert W. Ridgway Jr. from the Montgomery County Common Pleas Court dated January 12, 1988.
- (3) Exhibit 2A - Prescription #52604 dated January 24, 1986 for Leslie Fields.
- (4) Exhibit 2B - Prescription #134801 dated 5-30-86 for Leslie Fields.
- (5) Exhibit 2C - Prescription #224017 dated 8-24-86 for Leslie Fields.

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Order of the Board

- (6) Exhibit 2D - Prescription #60287 dated Oct. 29, 1986 for Leslie Fields.
- (7) Exhibit 3 - Statement from Hubert W. Ridgway Jr. dated June 18, 1987.
- (8) Exhibit 4 - Transcript of interview between Joseph Holliday of the Board of Pharmacy, Fred Williams of the Board of Pharmacy, and Hubert W. Ridgway Jr.
- (9) Exhibit 5 - Typed notarized statement from Dr. Kevin Reid, D.O. dated May 27, 1987.
- (10) Exhibit 6 - Typed notarized statement from Dr. George Denka, D.O. dated June 12, 1987.
- (11) Exhibit 7 - Third Party Claim Form for James Fields signed by Leslie Fields for prescription #52604.
- (12) Exhibit 8 - Rite Aid Third Party Signature Log signed by Leslie Fields for prescription #224017 dated 8-24-86.
- (13) Exhibit 9 - Handwritten statement from Leslie Fields dated July 13, 1987 to Agent Joseph Holliday of the Ohio Board of Pharmacy.
- (14) Exhibit 10 - Handwritten statement from Leslie Fields dated February 2, 1987 to Rite Aid Supervisor, Dave Merrell.
- (15) Exhibit 11 - Handwritten statement from Hubert W. Ridgway Jr. dated February 2, 1987 to Rite Aid Supervisor, Dave Merrell.
- (16) Exhibit 12 - Prescription #59527 dated 8-24-86 for Leslie Fields.
- (17) Exhibit 13 - Prescription #413541 dated 1-17-87 for Leslie Fields.

Respondent's Exhibits:

(None)

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr., on December 3, 1987, was found guilty of one count of Illegal Processing of Drug Documents in the Montgomery County Court of Common Pleas, a fourth degree felony, in violation of Section 2925.23 of the Ohio Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr., on December 3, 1987, was found guilty of one count of Trafficking in the Montgomery County Court of Common Pleas, a fourth degree felony, in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr. did, on one or more occasions between January 24, 1986 and October 29, 1986, intentionally make false or forged prescriptions, to wit: Prescription #52604 dated January 24, 1986; Prescription #134801 dated May 30, 1986; Prescription #224017 dated August 24, 1986; and, Prescription #60287 dated October 29, 1986. Such conduct is prohibited by Section 2925.23 of the Ohio Revised Code.

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- (4) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr. did willfully aid and abet the violation of Section 2925.22 of the Ohio Revised Code, to wit: Hubert W. Ridgway Jr. did aid and abet Leslie Fields in obtaining 1,200 tablets of Valium-10mg and 12 capsules of Restoril-15mg by deception, both of which are dangerous drugs.
- (5) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr. did willfully aid and abet the violation of Section 2925.11 of the Ohio Revised Code, to wit: Hubert W. Ridgway Jr. did aid and abet Leslie Fields in obtaining 1,200 tablets of Valium-10mg, a dangerous drug and Schedule IV controlled substance, in violation of Chapters 3715. and 3719. of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr. did knowingly sell 120 tablets of Valium-10mg, a Schedule IV controlled substance, in an amount equal to or exceeding three times the bulk amount, as defined in Section 2925.01 of the Ohio Revised Code. Such conduct is prohibited by Division (A)(7) of Section 2925.03 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (3) of the Findings Of Fact constitutes being guilty of a felony.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (6) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (6) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, and aiding and abetting the violation of the provisions of Chapters 2925. and 3719. of the Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-10343, held by Hubert W. Ridgway Jr.:

(A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Hubert W. Ridgway Jr. for 36 months, effective January 1, 1988.

HUBERT W. RIDGWAY JR., R.Ph.
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(B) Further, the Board will suspend 18 months of the 36-month suspension imposed in paragraph (A) above on condition that Hubert W. Ridgway Jr.:

- (1) successfully completes a Jurisprudence examination offered by the Board in June, 1989;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P-417-664-700

ORDER MAILED: APRIL 7, 1989

FZW/pw

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General

OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY
(Docket No. D-881205-036)

In The Matter Of:

HUBERT W. RIDGWAY JR., R.Ph.
1600 S. Detroit St., Apt. #50
Bellefontaine, Ohio 43311

INTRODUCTION

THE MATTER OF HUBERT W. RIDGWAY JR. CAME TO HEARING ON FEBRUARY 28, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

HUBERT W. RIDGWAY JR. WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Jack D. Smittle - Board of Pharmacy
- (2) Hubert W. Ridgway Jr. - Respondent

Respondent's Witnesses:

(None)

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated December 5, 1988.
- (2) Exhibit B - Hearing Request letter dated January 5, 1989.
- (3) Exhibit C - Hearing Schedule letter dated January 23, 1989.
- (4) Exhibit 1 - Registered Pharmacist renewal application for Hubert W. Ridgway Jr.'s 1988/1989 pharmacist renewal.
- (5) Exhibit 2 - Notification of Incomplete Application For Renewal dated October 7, 1988.

Respondent's Exhibits:

(None)

OHIO STATE BOARD OF PHARMACY

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr. failed to submit a continuing pharmacy education report form in accordance with Chapter 4729-7 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Hubert W. Ridgway Jr. has not continued his pharmacy education as required by Section 4729.12 of the Ohio Revised Code.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in the above Findings Of Fact constitutes failure to meet the requirements for renewal as set forth in Section 4729.12 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.12 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the renewal application submitted by Hubert W. Ridgway Jr. for a 1989/1990 pharmacist identification card to practice pharmacy in Ohio.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.