



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-931217-032)

In The Matter Of:

ROBERT C. HUDSON, R.Ph.

3231 Regal Lane

Cincinnati, Ohio 45251

(R.Ph. No. 03-2-13802)

INTRODUCTION

THE MATTER OF ROBERT C. HUDSON CAME TO HEARING ON APRIL 14, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ROBERT C. HUDSON WAS REPRESENTED BY HARRY B. PLOTNICK, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Christopher Reed, Ohio State Board of Pharmacy
- (2) Officer George Rudemiller, Cincinnati Police Department
- (3) Robert C. Hudson, Respondent

Respondent's Witnesses:

- (1) Robert C. Hudson, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated December 17, 1993.
- (2) Exhibit 1A - Hearing Request letter dated December 27, 1993.
- (3) Exhibit 1B - Hearing Schedule letter dated January 3, 1994.
- (4) Exhibit 1C - Pharmacist File Front Sheet of Robert Charles Hudson, Jr. showing original date of registration as August 1, 1980; and Renewal

Application for Pharmacist License No. 03-2-13802, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Robert Charles Hudson dated July 2, 1993.

- (5) Exhibit 1D - Renewal Applications for Annual License, Terminal Distributor of Dangerous Drugs for the years 1988, 1989, and 1990, of Becker Drugs, License No. 02-133300.
- (6) Exhibit 2 - Twenty-seven prescriptions numbered as follows: 251442, 254196, 255835, 260888, 262784, 264905, 267085, 268588, 270486, 272462, 273997, 275483, 276940, 278563, 280337, 281855, 283158, 285087, 287102, 288935, 290700, 295728, 298350, 300143, 301953, 303886, and 305807.
- (7) Exhibit 3 - Handwritten Statement of James F. Liebetrau signed and notarized on March 1, 1991.
- (8) Exhibit 4 - Handwritten Statement of Elizabeth Hayden signed and notarized on December 19, 1991.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Robert C. Hudson was originally licensed in the state of Ohio on August 1, 1980, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further indicate that in all time periods stated below, Robert C. Hudson was the responsible pharmacist at Becker Drugs, 5449 North Bend Rd., Cincinnati, Ohio 45247, (nka Rite Aid Discount Pharmacy #2719).
- (2) Robert C. Hudson as responsible pharmacist at Becker Drugs did, between May 20, 1988, and December 13, 1990, knowingly sell a controlled substance in an amount greater than three times the bulk amount but less than one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on twenty-seven occasions Robert C. Hudson sold and/or aided and abetted in the sale of Preludin 75mg, a schedule II controlled substance, pursuant to illegitimate prescriptions written by Dr. James R. Loeb:

<u>Rx. No.</u>	<u>Date</u>	<u>Quantity</u>	<u>R.Ph.</u>
251442	05/20/88	30	JL
254196	07/11/88	30	JL
255835	08/11/88	30	JL
260888	11/13/88	30	JL
262784	12/15/88	30	JL
264905	01/16/89	30	JL
267085	02/22/89	30	JL
268588	03/21/89	30	JL
270486	04/24/89	30	RCH
272462	05/26/89	30	JL
273997	06/22/89	30	RCH
275483	07/20/89	30	RCH
276940	08/17/89	30	JL

<u>Rx. No.</u>	<u>Date</u>	<u>Quantity</u>	<u>R.Ph.</u>
278563	09/15/89	30	JL
280337	10/16/89	30	JL
281855	11/11/89	30	RCH
283158	12/04/89	30	RCH
285087	01/04/90	30	RCH
287102	02/01/90	30	RCH
288935	03/01/90	30	RCH
290700	03/29/90	30	JL
295728	06/21/89	30	JL
298350	08/09/90	30	JL
300143	09/09/90	30	RCH
301953	10/09/90	30	RCH
303886	11/10/90	30	RCH
305807	12/13/90	15	JL

The prescriptions were written to patient Elizabeth Hayden for weight control. The medication was prescribed and dispensed for a period of time beyond that which would be for a legitimate medical purpose and also during a time after which the use of schedule II stimulants for weight control had been prohibited. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (3) Robert C. Hudson as responsible pharmacist at Becker Drugs did, between May 20, 1988, and December 13, 1990, intentionally make and/or knowingly possess false prescriptions, to wit: on twenty-seven occasions Robert C. Hudson and/or a pharmacist under his control sold Preludin 75mg to patient Elizabeth Hayden, pursuant to false prescriptions, not written for a legitimate medical purpose, and Mr. Hudson maintained such false prescriptions in the pharmacy:

<u>Rx. No.</u>	<u>Date</u>	<u>Quantity</u>	<u>R.Ph.</u>
251442	05/20/88	30	JL
254196	07/11/88	30	JL
255835	08/11/88	30	JL
260888	11/13/88	30	JL
262784	12/15/88	30	JL
264905	01/16/89	30	JL
267085	02/22/89	30	JL
268588	03/21/89	30	JL
270486	04/24/89	30	RCH
272462	05/26/89	30	JL
273997	06/22/89	30	RCH
275483	07/20/89	30	RCH
276940	08/17/89	30	JL
278563	09/15/89	30	JL
280337	10/16/89	30	JL
281855	11/11/89	30	RCH
283158	12/04/89	30	RCH
285087	01/04/90	30	RCH
287102	02/01/90	30	RCH
288935	03/01/90	30	RCH
290700	03/29/90	30	JL
295728	06/21/89	30	JL
298350	08/09/90	30	JL
300143	09/09/90	30	RCH
301953	10/09/90	30	RCH
303886	11/10/90	30	RCH
305807	12/13/90	15	JL

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, 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 any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Robert C. Hudson:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of \$500.00 due and owing within 30 days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.
- (B) Further, on the basis of the Findings of Fact and Conclusions of Law set forth above, Robert C. Hudson must attend the Jurisprudence Review offered by the Board in August, 1994. If Robert C. Hudson fails to attend the Jurisprudence Review, without good cause, his license to practice pharmacy in Ohio will be immediately suspended for one year.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, 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.