

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Wayne A. Hudson
(License No. 9930)

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**CONSENT ORDER OF
DISCIPLINE**

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46.2008. This Conference was scheduled for June 18, 2007 and, after appropriate notice, was heard on that day by Board member Wallace E. Nelson at the office the Board. The Respondent Wayne A. Hudson (hereinafter "Respondent" or "Hudson") was present and was represented by counsel Barry S. Cobb. Counsel Alexander Elkan represented the Board. Members of the Board's investigative staff were also present at the Conference.

Respondent has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. Respondent also stipulates that he waives his right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order by his consent. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. The North Carolina Board of Pharmacy is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder.

2. Respondent is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 9930. Respondent was, at all relevant times referred to herein, a pharmacist employed at Carolinas Medical Center-Mercy, 2001 Vail Avenue, Charlotte, North Carolina (Permit No. 9065) (the "Hospital"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. On November 18, 2006, Respondent misinterpreted a physician's order regarding Lovenox, and dispensed Lovenox that was administered to a patient on November 18 and 19, 2006.

4. Respondent testified that he interpreted the physician's order as to "renew" a previous prescription for Lovenox.

5. The physician's order was to "review" the previous Lovenox prescription.

6. Respondent testified that he understood that nursing staff was going to follow up with the physician as to the physician's intention concerning the Lovenox order; however, Respondent dispensed the medication without hearing back from the nurse or from the physician.

7. In the clinical context of the order, Respondent should have confirmed the physician's intention before arranging for the Lovenox to be dispensed.

CONCLUSIONS OF LAW

1. All parties are properly before the Board, and the Board has jurisdiction over Respondent and the subject matter of this proceeding.

2. Respondent's conduct, as set out in the findings of fact above constitute grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38 because Respondent caused Lovenox to be

improperly dispensed in violation of N.C. Gen. Stat. §§ 90-85.38(9) and 90-85.40(f), and 21 NCAC 46.1414(a), 46.1805, and 46.2501;

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the Respondent, the Board enters the following:

ORDER OF DISCIPLINE

1. Respondent Wayne A. Hudson's license to practice pharmacy (License No. 9930) is hereby suspended for a period of ten (10) days. The suspension is stayed. The stay is conditioned upon Respondent's compliance with the terms of this Consent Order. If at the end of a period of five (5) years from the date of entry of this Consent Order, Respondent has violated no terms of this Consent Order, Respondent shall not be required to serve the suspension;

2. Respondent shall complete an error reductions course providing a minimum of 5 hours of CE. These CE requirements shall be in addition to the annual CE requirement of 10 hours, shall be approved by the Executive Director, and shall be completed within twelve (12) months of the date this Consent Order is accepted by the Board. Respondent shall submit documentation to the Executive Director of the Board that the required CE has been completed within the time period set forth;

3. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;

4. Respondent shall violate no rules or regulations of the Board;

5. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation and comply with the provisions of this Consent Order;

6. If Respondent fails to comply with any terms or conditions of this Consent Order, Respondent may be subject to additional disciplinary action by the Board.

This the 16th day of October, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director

Wayne A. Hudson, the holder of license number 9930, has full knowledge that he has the right to a formal hearing in this matter, at which he would have the right to be represented at his expense by counsel. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

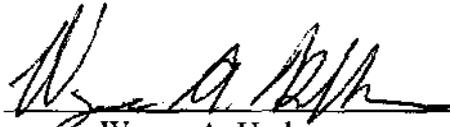
The undersigned understands and agrees that by entering into this Consent Order, he certifies that he has read the foregoing Consent Order and that he voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter.

The undersigned further understands that should he violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action.

The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The undersigned understands that he has the right to have counsel of his choice review and advise him with respect to his rights and this Consent Order, and represents that he enters this Consent Order after consultation with his counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:


Wayne A. Hudson
(License No. 9930)

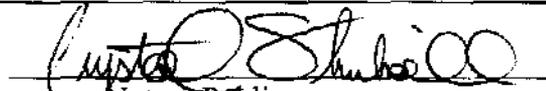
Date 10-5-07

NORTH CAROLINA

Rocky Mount COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: _____

Date: 10/5/07


Notary Public

My commission expires: July 1, 2012

REJECTED BY:

Wayne A. Hudson
(License No. 9930)

Date _____