



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

THE STATE BOARD OF PHARMACY

VS

ROBERT M. HAUBERT, R.Ph.

THE MATTER OF ROBERT M. HAUBERT, DOCKET NO. 6-116-3, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON TUESDAY, OCTOBER 1, 1985. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Robert M. Haubert did, between June 1, 1983 and June 22, 1984 at Eastwind Pharmacy, 829 Eastwind Drive, Westerville, Ohio 43081, without a written or oral prescription given by a practitioner, dispense a quantity of approximately 3,856 capsules of Dexedrine-15mg, approximately 920 tablets of Dexedrine-5mg, approximately 430 tablets of Percocet-5, and approximately 175 capsules of Dexedrine-10mg, all of which are Schedule II controlled substances and drugs which may be dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Robert M. Haubert, as the responsible pharmacist and owner of Eastwind Pharmacy, 829 Eastwind Drive, Westerville, Ohio 43081, Terminal Distributor of Dangerous Drugs License No. 02-170900, did not keep a record of all controlled substances dispensed; in violation of the provisions of Section 3719.07 of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Robert M. Haubert, between August 27, 1984 and April 6, 1985 at St. Ann's Apothecary, 480 S. Cleveland Avenue, Westerville, Ohio 43081, obtained or exerted control over approximately 365 capsules of Dexedrine-15mg, approximately 115 capsules of Dexedrine-10mg, and approximately 120 tablets of Dexedrine-5mg without the consent or beyond the consent of the owner. Such conduct is prohibited by Section 2925.21(A) of the Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Robert M. Haubert did, on one or more occasions between August 27, 1984 and April 6, 1985, knowingly make false statements in records required by Chapter 3719. of the Revised Code, to wit: official DEA-form 222's - No. P213A0102, P213A0103, and P213A0105. Such conduct is in violation of Section 2925.23(A) of the Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Robert M. Haubert willfully violated Section 4729.12 of the Revised Code, to wit: Mr. Haubert did not renew his identification card to practice pharmacy in Ohio on the fifteenth of September, 1984.
- (6) From the evidence presented, the State Board of Pharmacy finds that Robert M. Haubert did dispense and sell dangerous drugs in Ohio while not being a registered pharmacist between September 16, 1984 and April 6, 1985; in violation of the provisions of Section 4729.28 of the 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 (6) of the Findings Of Fact constitutes gross immorality, within the meaning of Division (A)(1) of Section 4729.16 of the Revised Code.
- (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, within the meaning of Division (B) of Section 4729.16 of the Revised Code.
- (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 willful violation of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Robert M. Haubert, R.Ph. No. 03-2-10027:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Robert M. Haubert.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Robert M. Haubert.

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Order of the Board

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Robert M. Haubert.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, . . . , 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

ORDER ISSUED: November 13, 1985

FZW/sb

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General
cc/South Carolina Board of Pharmacy