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IN THE MATTER OF THE

DISCIPLINARY PROCEEDINGS AGAINST

KEVIN M. PAMPUCH, R.Ph.,

RESPONDENT

ORDER TERMINATING STAY

LS 9906165 PHM

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Kevin M. Pampuch, R.Ph.

370 W. Lagoon Ln. #1416

Oak Creek, WI 53154

Pharmacy Examining Board

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

This matter came before the Board on August 30, 2000, at a duly noticed meeting. Respondent was notified of this proceeding by Motion which was mailed to his address of record (listed above) on August 24, 2000. The appearances at the meeting were: Arthur Thexton, Prosecuting Attorney; Theodore Nehring, Department Monitor; there was no appearance by or on behalf of respondent. Based upon the Motion, the documentation provided of the results of the laboratory tests, and the oral evidence of Theodore Nehring presented at the meeting, the Board makes the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. Respondent, Kevin M. Pampuch, R.Ph. (dob 4/22/1973) is and was at all times relevant to the facts set forth herein a registered pharmacist licensed in the State of Wisconsin pursuant to license #12635, originally granted on 4/18/1997.
2. Respondent's license is currently suspended, that suspension is stayed until September 12, 2000 by order of the board dated August 9, 2000, pursuant to the conditions set forth in the Board's Order of March 10, 1999, (the "Order") as modified by subsequent orders. Pursuant to the Order, respondent submits to random tests of his urine.
3. Respondent provided a sample of his urine for testing on Monday, August 14, 2000 at 2:53 PM.
4. The sample of his urine was tested by standard laboratory methods by the program which respondent has selected as his treatment and screening program, on or about August 17, 2000.
5. The sample tested positive for ethanol, and the result was confirmed by gas chromatography. The quantitative test showed that respondent's BAC was 0.07 gm/dl.
6. Respondent has admitted to the Department Monitor, Theodore Nehring, that he consumed ethanol in the form of beverage alcohol on or about Sunday, August 13, 2000, when he learned that a family member's

medical condition was worse than previously believed. Respondent's therapist told the Department Monitor that respondent had failed to report this consumption to her in a therapy session which she had with him after the sample was given; he subsequently admitted it to her when she confronted him with the test result. Respondent told his therapist that he had consumed beer at a baseball game.

7. Respondent continued to practice pharmacy on days subsequent to consuming alcohol, and did not report his consumption to the Department Monitor.
8. The Board infers that the alcohol consumed by the respondent on or about August 14, 2000, was not prescribed by a practitioner for a legitimate medical purpose.

CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to §450.10(1), Wis. Stats. and ch. Phar 10, Wis. Adm. Code .

B. The Respondent has violated ¶2.a of the board's Order which provides in part, "Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes".

C. ¶8 of the Order provides that a violation of any of the terms of the Order may result in termination of a stay of suspension granted under the terms of the Order.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that effective on the date of this Order:

1. The stay of suspension of the pharmacist license of respondent granted by the board on August 9, 2000, is terminated.
2. The previously ordered suspension of the pharmacist license of respondent is in effect.
3. Respondent shall not be in the professional area of any pharmacy while his license is suspended, and shall forthwith return his credentials for pharmacist license number 12635 to the Department Monitor.

IT IS FURTHER ORDERED: that respondent may apply for a stay of suspension at such time as he can demonstrate that he has been in compliance with the Board's Order of 3/10/99 for three months. At that time, the Board shall consider whether to stay the suspension, on the terms and conditions set forth in that Order.

IT IS FURTHER ORDERED: that Patrick D. Braatz, Administrator, Division of Health, Department of Regulation & Licensing, is authorized to sign this Order on behalf of the Board, and to cause it to be served upon respondent forthwith.

PHARMACY EXAMINING BOARD

By: Patrick D. Braatz, Administrator

August 30, 2000

(as authorized by the Board)

Date