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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RALPH G. KOCH, R.Ph.,	MODIFICATION OF ORDER
RESPONDENT.	(October 1999)

To: Ralph G. Koch R.Ph.
3614 Highcliff Ct.
Sheboygan, WI 53083

On June 16, 1999, the State of Wisconsin Pharmacy Examining Board issued a *Final Decision and Order* in the above-captioned matter. Among the terms and conditions set forth in the board's order are that Mr. Koch participate in a program of random, witnessed collection of breath, urine and/or blood specimens for monitoring for the presence of alcohol and its metabolites. The order further provides as follows:

"Respondent shall appear and provide a specimen not later than 5 hours following a request for a specimen, and forthwith if requested to provide a breath sample."

Mr. Koch has requested a clarification of the above provision. He asks whether the terms require him to close the pharmacy and take a breathalyzer test immediately upon notification or if he can wait until after the pharmacy is closed to respond to the breathalyzer test. Mr. Koch is the sole pharmacist where he works, with the pharmacy's hours being from 10:00 a.m. to 7:00 p.m.

The above provision requires Mr. Koch to appear "forthwith" if requested to provide a breath sample. Common dictionary definitions of "forthwith" include "at once" and "immediately". Accordingly, the above provision requires Mr. Koch to immediately close the pharmacy and appear to provide a sample.

However, in reviewing the circumstances submitted the board believes that a modification to this requirement should be made so as to not unduly inconvenience patients, while still providing for the integrity of the monitoring by breathalyzer test. Accordingly, the board voted to permit Mr. Koch to appear and provide a breath sample not later than 5 hours following a request, which is the same as the time required after a request for a specimen. The board believes this will cause less inconvenience to patients if he is afforded adequate time to plan on closing his pharmacy earlier than normal when requested to take a breath test.

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Based upon the foregoing,

IT IS HEREBY ORDERED that the *Final Decision and Order* in this matter is modified to require the respondent, Ralph G. Koch, R.Ph., to appear and provide a requested specimen or breath sample, not later than 5 hours following a request.

FURTHERMORE, IT IS ORDERED that in all other respects, the previous orders of the board in this matter remain in full force and effect.

Dated: October 14th, 1999.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

Daniel F. Luce, R.Ph.
Chairman