

IN THE MATTER OF * **BEFORE THE**
THOMAS MCLEAN BOLTON * **MARYLAND STATE**
Respondent-Pharmacist * **BOARD OF PHARMACY**
LICENSE NUMBER: 12598 * **Case Number: 23-166**

* * * * *

CONSENT ORDER

On February 19, 2025, the Maryland State Board of Pharmacy (the “Board”) charged **THOMAS MCLEAN BOLTON** (the “Respondent-Pharmacist”), License Number: **12598**, under the Maryland Pharmacy Act, (the “Act”) Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol. & 2024 Supp.).

The Board charged the Respondent-Pharmacist with violating the following provisions of Md. Code Ann., Health Occupations (“Health Occ.”):

Health Occ. § 12-313. Denials, reprimands, suspensions, and revocations—Grounds.

....

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the licensee:

...

(2) Fraudulently or deceptively uses a license;

...

(21) Is professionally, physically, or mentally incompetent; [or]

....

(25) Violates any rule or regulation adopted by the Board[.]

The Board charged the Respondent-Pharmacist with violating the following provisions of the Code of Maryland Regulations (“COMAR”):

COMAR 10.34.10.01. Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
 - (a) United States Code, Title 21,
 - (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
 - (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03;
- (2) Verify the accuracy of the prescription before dispensing the drug or device if the pharmacist has reason to believe that the prescription contains an error; and
- (3) Maintain proper sanitation, hygiene, biohazard precautions, and infection control when performing tasks in the prescription process.

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

COMAR 10.34.20.02. Requirements for Prescription Validity.

A. A valid prescription shall be:

- (1) Valid in the professional judgment of the pharmacist responsible for filling the prescription; and

COMAR 10.34.20.03. Prescription Records.

The pharmacy permit holder shall maintain prescription records in a form that:

- A. Is readily and accurately retrievable;
- B. Is maintained for at least 5 years from the date of dispensing; and
- C. Protects the confidentiality and security of the prescription information.

COMAR 10.34.20.04. Controlled Dangerous Substances.

Transmission and dispensing of controlled dangerous substances shall be in accordance with applicable State and federal statutes and regulations.

COMAR 10.34.24.03. Minimum Requirements for Maintenance of Drug Acquisition Records.

- A. A pharmacy permit holder shall maintain records of all drug inventory acquisitions.
- B. The records maintained shall include:
 - (1) The name and principal address of the source of the drugs;
 - (2) The identity and quantity of the drugs received; and
 - (3) The date the drugs were received.
- C. The acquisition records shall be kept for a period of 2 years from the date the inventory was received.

COMAR 10.34.32.03. Requirements to Administer Vaccinations.

D. A pharmacist shall:

- (1) Have proof of active certification in basic cardiopulmonary resuscitation readily available.

COMAR 10.19.03.07. Prescriptions.

....

C. Purpose of Issue of Prescription (21 CFR §1306.04)

- (1) A prescription for a controlled dangerous substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of the individual practitioner's professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Maryland Controlled Dangerous Substances Act Criminal Law Article, §§5-501-5-505, Annotated Code of Maryland, and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances.

D. Manner of Issuance of Prescriptions (21 CFR §1306.05).

- (1) All prescriptions for controlled dangerous substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address, and registration number of the practitioner. A practitioner may sign a prescription in the same manner as the practitioner would sign a check or legal document (for example, J.H. Smith or John H. Smith). When an oral order is not permitted, prescriptions shall be written with ink, indelible pencil, typewriter, or computer and shall be manually signed by the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding

liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by these regulations.

COMAR 10.19.03.08. Controlled Substances Listed in Schedule II.

A. Requirement of Prescription-Schedule II (21 CFR §1306.11).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in §A(4) of this regulation. Except as noted in §A(5)-(7) of this regulation, a prescription for a Schedule II controlled substance may be transmitted by the practitioner or the practitioner's agent to a pharmacy by facsimile equipment, if the original written, signed prescription is presented to the pharmacist for review before the actual dispensing of a controlled substance.

COMAR 10.19.03.12 Physical Security Controls for Registrants.

...

B. Security Controls for Registrants.

...

- (4) The registrant shall notify the regional office of the Drug Enforcement Administration, and the Maryland Department of Health, Division of Drug Control, of the theft or significant loss of any controlled drug substances upon discovery of a loss or theft. The registrant shall also complete DEA form 106 regarding a loss or theft.

On April 9, 2025, a Case Resolution Conference ("CRC") was held before a panel of the Board. As a resolution of this matter, the Respondent-Pharmacist agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds:

1. At all times relevant hereto, the Respondent-Pharmacist was licensed to practice pharmacy in the State of Maryland. The Respondent-Pharmacist was originally licensed to practice pharmacy in the State of Maryland on or about October 30, 1991. The Respondent-Pharmacist's license expires on July 31, 2026.

2. At all times relevant hereto, the Respondent-Pharmacist owned and managed a pharmacy (the "Pharmacy").¹

3. At all times relevant hereto, the Pharmacy had a permit to operate as a pharmacy in the State of Maryland. The Pharmacy was originally issued a permit on October 6, 2011. The Pharmacy's permit expires on May 31, 2026.

4. On or about April 14, 2022, the Board conducted an inspection of the Pharmacy. The inspection revealed that a prescription for "Taneytuss" was phoned-in and dispensed to a pharmacy technician working for the Pharmacy as self-pay. The price for this prescription was \$10.00. Additional details concerning the "Taneytuss" medication will be discussed *infra*. The inspection also revealed a discrepancy for Oxycodone 15mg tablets with seven (7) in on-hand inventory versus sixty-two (62) in perpetual inventory. The Respondent-Pharmacist provided a handwritten explanation; however, portions were illegible, and the explanation overall was inconclusive.

5. At the April 14, 2022, inspection, the Board further learned that the Respondent-Pharmacist owns a business that sells hemp and/or cannabidiol ("CBD")

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent-Pharmacist.

products. Inspectors found evidence of hemp and/or CBD products being compounded in the pharmacy compounding area. In the basement of the pharmacy, inspectors further found storage of hemp and/or CBD ingredients, evidence of product preparation, and hemp and/or CBD debris on the floor of the basement. Inspectors identified a very strong odor of these products throughout the entire pharmacy.

6. On or about August 31, 2022, the Maryland Office of Controlled Substances Administration (“OCSA”) conducted an inspection of the Pharmacy. The Respondent-Pharmacist and a staff pharmacist were present during the inspection (collectively, the “Pharmacists”). OCSA found that the Pharmacy was not consistently writing the date on invoices for Schedule III-V drugs it received. OCSA also reviewed Schedule II controlled dangerous substances (“CDS”) prescriptions for the months of September 2021 (90 prescriptions), December 2021 (80 prescriptions), April 2022 (84 prescriptions), and August 2022 (96 prescriptions). The review identified that 63% of the prescriptions contained at least one red flag with: 69% of red flag prescriptions involving high strength/high quantity; 37% of red flag prescriptions involving a long distance in-state prescriber; and 30% of the red flag prescriptions paid for using cash. OCSA noted six of the prescribers as routinely prescribing red flag prescriptions.

7. At the inspection on August 31, 2022, OCSA identified prescriptions for “Taneytuss,” which the Pharmacy dispensed as an oral liquid compound of

hydrocodone²/phenylephrine/chlorpheniramine 2.5/5/2mg per 5ml dispensed in quantities of 480ml or 960ml. These prescriptions were all dispensed as self-pay prescriptions. There is no commercially available product with the name “Taneytuss” and the prescription forms did not provide the formula. According to the Pharmacists, they compounded this prescription from powders for the three drug components based on a formerly available commercial prescription for Histussin HC or Histinex HC. The Pharmacists stated that the prescriber (“Prescriber-1”) for these prescriptions directed patients to the Pharmacy because the Pharmacy knows what “Taneytuss” means and how to compound it. OCSA explained to the Pharmacists that these prescriptions were not legal to fill in this manner.

8. After the inspection on August 31, 2022, OCSA obtained a dispensing report for the period from August 31, 2021, through August 31, 2022. The dispensing report revealed that of the 477 prescriptions written by Prescriber-1, 183 prescriptions (38%) were for the “Taneytuss” compound. The dispensing report also revealed that individuals with the same last name and who resided at the same address as Prescriber-1 received 480 ml of the “Taneytuss” compound as self-pay prescriptions: four patients on October 21, 2021; three patients on December 27, 2021; and two patients on June 29, 2022. At the time, the Pharmacy’s usual price for the “Taneytuss” compound was \$64.99, but each of these patients paid \$50.00 for the compound.

² Hydrocodone, a Schedule II CDS, is used to relieve severe and persistent pain in people who are expected to need an opioid pain medication around the clock for a long time and who cannot be treated with other pain medications

9. On or about October 24, 2023, the Board issued a subpoena duces tecum to the Pharmacy, requesting (i) “a complete copy of any and all hard copy prescriptions for all CII prescription products (both sterile and non-sterile) dispensed/distributed/sold” for the period from September 1, 2021, through August 31, 2022; and (ii) “a complete copy of any and all hard copy prescriptions for all CIII through CV prescription products (both sterile and non-sterile) dispensed/distributed/sold” for the period from August 1, 2021, through August 31, 2022. The Pharmacy provided responsive documents. The Board also obtained a copy of the dispensing records for the Pharmacy for the period from August 2, 2021, through August 26, 2022, inclusive.

10. On or about November 20, 2023, OCSA performed an inspection of the Pharmacy. The Respondent-Pharmacist was present during the inspection. OCSA learned that the Pharmacy had an employee theft, or attempted theft, of CDS medications in June 2023 but had not yet submitted the Drug Enforcement Administration (“DEA”) Form 106 to report the theft to the DEA or OCSA. OCSA found that the Pharmacy was not writing the date on invoices for Schedule III-V drugs it received consistently, similar to OCSA’s previous inspection. OCSA found discrepancies between the on-hand inventory and the perpetual inventory for hydrocodone/acetaminophen 7.5/325 mg; hydrocodone/acetaminophen 10/325 mg; and oxycodone 15 mg immediate release.

11. OCSA discussed with the Respondent-Pharmacist red flags involving the Pharmacy’s dispensing, on multiple occasions, of “Taneytuss” to family members of Presriber-1. OCSA also educated the Respondent-Pharmacist on the red flag of dispensing CDS medications to patients without using their insurance. OCSA advised the

Respondent-Pharmacist that it is not legal to dispense self-pay medications for patients and prescriptions covered by Maryland Medicaid. The Respondent-Pharmacist acknowledged the corresponding responsibility of pharmacists to ensure all CDS are dispensed for a legitimate medical purpose. OCSA instructed the Respondent-Pharmacist to cease delivery of prescriptions to states where the Pharmacy did not have a permit to operate.

12. Following the inspection, the Pharmacy submitted a DEA Form 106 identifying the CDS the employee stole, or attempted to steal, in June 2023 as: 2 tablets of 15 mg morphine sulfate;³ 5 tablets of 10 mg methylphenidate HCL;⁴ 1 tablet of 2 mg alprazolam; and 7 tablets of 1 mg alprazolam.⁵

13. On or about November 30, 2023, the Board conducted an inspection of the Pharmacy. The inspection revealed two (2) expired medications and ten (10) active pharmaceutical ingredients that were expired or had no expiration date. Some of these active pharmaceutical ingredients had manufacture or package dates indicating that they were at least twenty (20) years old. The Board observed that the Respondent-Pharmacist's dog was present in the pharmacy with a dog bed and water bowl. The Pharmacy had an area to perform vaccinations; however, the Respondent-Pharmacist's cardiopulmonary resuscitation certification expired in or around February 2023. The Board obtained records showing that the Pharmacy performed vaccinations after the certification expired. The

³ Morphine sulfate, a Schedule II CDS, is used to relieve severe, acute pain (pain that begins suddenly, has a specific cause, and is expected to go away when the cause of the pain is healed) and chronic pain in people who are expected to need an opioid pain medication and who cannot be treated with other pain medications.

⁴ Methylphenidate, a Schedule II CDS, is used as part of a treatment program to control symptoms of attention deficit hyperactivity disorder.

⁵ Alprazolam, a Schedule IV CDS, is used to treat anxiety disorders and panic disorder

Board reviewed the Pharmacy's on-hand inventory versus perpetual inventory and found that the Pharmacy's perpetual inventory had not been updated. The Pharmacy had the following mediations and their corresponding on-hand versus perpetual inventory: Morphine Sulfate ER 60mg tablets with 7 on-hand inventory versus (-73) perpetual inventory; Oxycodone⁶ 10mg tablets with 12 on-hand inventory versus (-1,926) perpetual inventory; and Vyvanse⁷ 70mg capsules with 62 on-hand inventory versus (-108) perpetual inventory.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law the following:

14. By dispensing prescriptions for "Taneytuss" to patients generally, the Respondent-Pharmacist violated Health Occ. § 12-313(b)(21) and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1)-(2) and B(1)-(3), COMAR 10.34.20.02, COMAR 10.34.20.04, and COMAR 10.19.03.07C(1) and D(1).

15. By dispensing a prescription for "Taneytuss" to a pharmacy technician working at the Respondent-Pharmacist for below the usual price, the Respondent-Pharmacist violated Health Occ. § 12-313(b)(2), (21), and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1)-(2) and B(1)-(3), COMAR 10.34.20.02, COMAR 10.34.20.04, COMAR 10.19.03.07C(1) and D(1), and COMAR 10.19.03.08A(1).

⁶ Oxycodone, a Schedule II CDS, is used to relieve severe, acute pain in people who are expected to need an opioid pain medication and who cannot be treated with other pain medications.

⁷ Vyvanse, a brand name for Lisdexamfetamine and Schedule II CDS, is used as part of a treatment program to control symptoms of attention deficit hyperactivity disorder.

16. By dispensing prescriptions for “Taneytuss” to patients with the same last name and who resided at the same address as Prescriber-1 for below the usual price, the Respondent-Pharmacist violated Health Occ. § 12-313(b)(2), (21), and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1)-(2) and B(1)-(3), COMAR 10.34.20.02, COMAR 10.34.20.04, and COMAR 10.19.03.07C(1) and D(1).

17. By dispensing prescriptions for “Taneytuss” to patients with knowledge that Prescriber-1 directed patients to the Respondent-Pharmacist as the only pharmacy with knowledge of the composition of “Taneytuss,” the Respondent-Pharmacist violated Health Occ. § 12-313(b)(2), (21), and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1) and B(1)-(3), COMAR 10.34.20.02, COMAR 10.34.20.04, and COMAR 10.19.03.07C(1) and D(1).

18. By failing to complete the DEA Form 106 or otherwise properly notify the DEA or OCSA of the employee theft, or attempted theft, of CDS medications in June 2023, the Respondent-Pharmacist violated Health Occ. § 12-313(b)(21) and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1) and B(1)-(3), and COMAR 10.19.03.12B(4).

19. By failing to maintain readily and accurately retrievable records; including but not limited to, failing to consistently and properly date drug invoices, failing to maintain an accurate perpetual inventory, and failing to properly reconcile inventory discrepancies; the Respondent-Pharmacist violated Health Occ. § 12-313(b)(21) and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1) and B(1) and (3), COMAR 10.34.20.03, COMAR 10.34.20.04, and COMAR 10.34.24.03.

20. By failing to keep the pharmacy in a clean and orderly manner, the Respondent-Pharmacist violated Health Occ. § 12-313(b)(21) and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1) and (3) and B(1) and (3), and COMAR 10.34.20.04.

21. By dispensing red flag prescriptions to patients, the Respondent-Pharmacist violated Health Occ. § 12-313(b)(21) and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1)-(2) and B(1)-(3), COMAR 10.34.20.02, COMAR 10.34.20.04, and COMAR 10.19.03.07C(1) and D(1).

22. By failing to properly dispose of medications and/or active pharmaceutical ingredients, Respondent-Pharmacist violated Health Occ. § 12-313(b)(21) and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1) and (3) and B(1)-(3), and COMAR 10.34.20.04.

23. By administering vaccinations without an active certification in basic cardiopulmonary resuscitation, the Respondent-Pharmacist violated Health Occ. § 12-313(b)(21) and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1) and B(1) and (3), and COMAR 10.34.32.03D(1).

24. By participating in activities, as outlined in the Allegations of Fact above, Respondent-Pharmacist violated Health Occ. § 12-313(b)(2), (21), and (25) in that the Respondent-Pharmacist violated COMAR 10.34.10.01A(1)-(3) and B(1)-(3), COMAR 10.34.20.02, COMAR 10.34.20.03, COMAR 10.34.20.04, COMAR 10.34.24.03, COMAR 10.34.32.03, COMAR 10.34.32.03D(1), COMAR 10.19.03.07C(1) and D(1), COMAR 10.19.03.08A(1), and COMAR 10.19.03.12B(4).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, on the affirmative vote of a majority of the Board, it is hereby:

ORDERED that the Respondent-Pharmacist's license to practice pharmacy in the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent-Pharmacist's license shall be placed on **PROBATION** for a period of at least **TWO (2) YEARS**, subject to the following terms and conditions:

1. During the probationary period, the Board, shall obtain quarterly reports from the prescription drug monitoring program (PDMP) for the Respondent-Pharmacist;
2. Within the first twelve (12) months of the probationary period, the Respondent-Pharmacist shall successfully complete six (6) continuing education credits on identifying and resolving red flags and six (6) continuing education credits on CDS recordkeeping. The Respondent-Pharmacist shall submit proof of completion of the continuing education credits to the Board. These requirements are in addition to the continuing education credits necessary for license renewal;
3. The Respondent-Pharmacist shall review PDMP data for every new prescription;
4. After **TWO (2) YEARS** from the date of this Consent Order, the Respondent-Pharmacist may submit a written petition to the Board requesting termination of probation, provided that he has been fully compliant with this Consent Order and has no outstanding complaints filed against him;

ORDERED that the Respondent-Pharmacist shall pay a monetary fine in the amount of **\$1,000**, payable within two (2) years of the effective date of the Consent Order,

payable by certified check or money order to The Maryland State Board of Pharmacy and sent to:

Wells Fargo Bank
Attn: State of MD - Board of Pharmacy
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

Please reference Case Number 23-166 – Thomas McLean Bolton on your check or money order to ensure proper assignment to your case; and it is further

ORDERED that the Respondent-Pharmacist shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and it is further


ORDERED that the Respondent-Pharmacist shall bear the cost(s) of complying with the Consent Order; and it is further

ORDERED that the Respondent-Pharmacist shall at all times cooperate with the Board in the monitoring, supervision, and investigation of its compliance with the terms and conditions of this Order; and it is further

ORDERED that the failure to comply with the terms and conditions of the Consent Order, including failure to pay the monetary fine in full by the deadline, constitutes a violation of the Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any appropriate sanction under the Act; and it is further

ORDERED that this Consent Order is a public document. *See Md. Code Ann., Gen. Prov. § 4-101 et seq. (2019 Repl. Vol. & 2024 Supp.).*

6-9-25
Date


Kristopher Rusinko
President, Maryland Board of Pharmacy

CONSENT

I, Thomas McLean Bolton, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I accept, to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on its behalf and to all other substantive and procedural protections as provided by law.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its meaning and effect.

5/29/25
Date


Thomas McLean Bolton

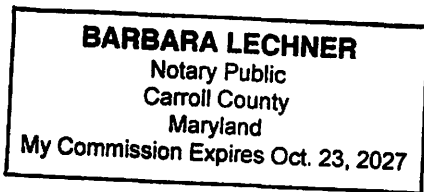
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF CARROLL COUNTY

I hereby certify that on this 29th day of MAY, 2025, before me, a Notary Public of the State of Maryland and City/County aforesaid, personally appeared THOMAS MCLEAN BOLTON and made an oath in due form that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Barbara Lechner
Notary Public

My commission Expires: 10/23/2027