

IN THE MATTER OF

\*

BEFORE THE MARYLAND

MICHAEL GALLOTTE, PHARM. D.

\*

STATE BOARD OF

APPLICANT

\*

PHARMACY

\*

Case No. 14-044

\* \* \* \* \*

**CONSENT ORDER FOR INITIAL LICENSURE**

**HISTORY**

On or about December 12, 2013, the Maryland Board of Pharmacy (the "Board") received an application for pharmacist licensure by reciprocity from Michael Gallotte, a licensed pharmacist in Mississippi, Louisiana, Virginia, and Arizona. On his application, Mr. Gallotte answered "yes" to six personal attestation questions regarding his criminal background and out-of-state disciplinary history. Mr. Gallotte included an explanation disclosing a history of substance abuse, which contributed to the prior criminal and disciplinary actions against him.

In lieu of instituting formal proceedings against Mr. Gallotte, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board proposed, and Mr. Gallotte agreed, to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. On or about December 12, 2013, the Board received an application for pharmacist licensure by reciprocity from Mr. Gallotte. Mr. Gallotte is currently licensed in Mississippi, Louisiana, Virginia, and Arizona. His pharmacist licenses in Mississippi, Louisiana, and Arizona are all currently "on probation."

2. On his application, Mr. Gallotte answered yes to the following personal attestation questions:

a. "Has any state licensing or disciplinary board (including Maryland) or any similar agency in the Armed Forces, denied your application for a license, reinstatement or renewal, or taken any formal disciplinary action against any registration or license held by you?";

b. "Has any state licensing or disciplinary board (including Maryland) or any similar agency in the Armed Forces, filed any complaints or charges against you or investigated you for any reason?";

c. "Have you surrendered or failed to renew a healthcare registration or license in any state?";

d. "Have you committed a criminal act for which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?";

e. "Have you committed an offense involving alcohol or controlled substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?"; and

f. "Has your ability to practice pharmacy been affected by the use of any type of drug or alcohol?"

3. Included with Mr. Gallotte's application was documentation verifying the following criminal and disciplinary history:

a. On February 15, 2001, Mr. Gallotte voluntarily surrendered his license to practice pharmacy in Mississippi based on admitted unauthorized use of controlled substances and an intention to seek rehabilitative treatment;

b. On August 23, 2001, Mr. Gallotte's license to practice pharmacy in Mississippi was reinstated and placed on probation for 10 years, with terms and conditions including a requirement that he be under contract with the Mississippi Association of Recovering

Pharmacists (“MARP”);

c. On August 22, 2002, Mr. Gallotte’s license to practice pharmacy in Mississippi was revoked based on the voidance of his contract with MARP (due to a violation of that contract) and his refusal to submit to a drug screen ordered by the Mississippi Board of Pharmacy, both violations of his August 23, 2001 Order;

d. On May 7, 2003, Mr. Gallotte pled guilty to one count of obtaining a controlled substance by fraud in the United States District Court for the Southern District of Mississippi and was sentenced to five years probation;

e. On November 18, 2009, the Mississippi Board of Pharmacy granted Mr. Gallotte’s petition for reinstatement of his license to practice pharmacy and placed his license on probation for 10 years, with terms and conditions including random drug screens and a requirement that he be under contract with MARP and abide by all terms of that contract;

f. On September 13, 2010, the Arizona State Board of Pharmacy granted Mr. Gallotte’s application for pharmacist licensure by reciprocity and placed his license on probation until November 18, 2019, mirroring the November 18, 2009 Mississippi Order;

g. On April 26, 2011, the Virginia Board of Pharmacy granted Mr. Gallotte’s application for pharmacist licensure by reciprocity, on the condition that he comply with all terms and conditions of the November 18, 2009 Mississippi Order; and

h. On December 12, 2012, the Louisiana Board of Pharmacy granted Mr. Gallotte’s application for pharmacist licensure and placed his license on probation until November 18, 2019, with terms and conditions including his compliance with the Mississippi, Arizona, and Virginia orders.

4. On his application, Mr. Gallotte included an explanation for his criminal and disciplinary

history. He stated that he went through a period of serious drug abuse but has been drug free since he attended a rehabilitation center in November 2002. He also stated that he is very open about being in recovery and remains active in the recovery community, helping others dealing with similar issues.

5. Mr. Gallotte currently lives and works in Mississippi and does not plan to move to or practice in Maryland.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Gallotte is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-302(b) and 12-313(b)(22) and (24).

### ORDER

It is this 19<sup>th</sup> day of April, 2014, by an affirmative vote of the Maryland Board of Pharmacy, hereby:

**ORDERED** that Mr. Gallotte's application for pharmacist licensure by reciprocity be GRANTED, provided that he is otherwise qualified for licensure; and be it further,

**ORDERED** that Mr. Gallotte's license be placed on immediate PROBATION for at least SIX (6) YEARS, during which he shall:


1. Comply with all terms and conditions of the November 18, 2009 Order of the Mississippi Board of Pharmacy;
2. Notify the Board within ten (10) days of any further disciplinary action taken by the Mississippi Board of Pharmacy; and
3. Inform the Board in writing before he begins working as a pharmacist in Maryland, at which point the Board, in its discretion, may choose to impose further terms and conditions of probation; and be it further,

**ORDERED** that after six (6) years of probation, Mr. Gallotte may petition the Board to terminate probation, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him, and provided that his probation with the Mississippi Board of Pharmacy has been terminated and his license to practice pharmacy in Mississippi is in good standing; and be it further,

**ORDERED** that in the event the Board finds in good faith that Mr. Gallotte has violated any of the conditions of probation herein, or in the event the Board finds in good faith that Mr. Gallotte has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately summarily suspend Mr. Gallotte's license prior to a hearing, provided that Mr. Gallotte is given the opportunity for a show cause hearing within a reasonable time of such action; and be it further,

**ORDERED** that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Maryland Code Ann., State Gov't § 10-617(h).

4/19/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
LaVerne G. Naesea, Executive Director  
For  
Lenna Israbian-Jamgochian, President  
Maryland Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

4/14/14  
Date

[Signature]  
Michael Gallotte, Pharm. D.

STATE OF Mississippi  
COUNTY/CITY OF Harrison:

I hereby certify that on this 14th day of April, 2014, before me, a Notary Public of the State of MS and County/City aforesaid, personally appeared MICHAEL GALLOTTE, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Becky Baker  
Notary Public  
My commission expires: Feb 9, 2016