

IN THE MATTER OF \* BEFORE THE  
THOMAS G. BOLT, R. Ph. \* STATE BOARD  
LICENSE NUMBER: 08155 \* OF PHARMACY  
RESPONDENT \* CASE NUMBER: 07-004

\* \* \* \* \*

CONSENT ORDER

On or about August 23, 2006, the State Board of Pharmacy ("the Board") voted to summarily suspend the license of **Thomas G. Bolt, P.D.**, ("the Respondent"), **D.O.B. 07/20/1952**, to practice pharmacy under the Maryland Pharmacy Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2005 Repl. Vol. and 2006 Supp.). The pertinent provisions of the Act state:

**Md. Health Occ. Code Ann. § 12-313:**

(b) *In general.* - 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 deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation; or suspend or revoke a license of a pharmacist if the applicant or licensee:

- (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (21) Is professionally, physically, or mentally incompetent;
- (22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (25) Violates any rule or regulation adopted by the Board.

**Code Md. Regs. tit. 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;

(e) COMAR 10.19.03.

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct.

**FINDINGS OF FACT**

The Board finds that:

**Background**

1. The Respondent's was initially licensed to practice pharmacy in the State of Maryland on July 9, 1975, under license number 08166.

2. The Respondent's license to practice pharmacy was summarily suspended by the Board on August 23, 2006.

3. The Respondent was issued a permit to operate the Medicine Shoppe Pharmacy ("the Medicine Shoppe"), under permit number: P01901 on August 9, 1995.

4. The Respondent's pharmacy permit to operate the Medicine Shoppe was summarily suspended by the Board on or about October 2006.

5. The Medicine Shoppe was located at 10601 New Georges Creek Road, Suite 5 SW, Frostburg, Allegany County, Maryland until it was sold by the Respondent in November 2006.

6. In or around the spring of 2006, Trooper Richard Sivic ( "Trooper Sivic") of the Maryland State Police and a member of the C31 Narcotics Unit ("the Narcotics Unit") began investigating the Respondent, after receiving reports that the Respondent was allegedly trading prescription drugs for sexual favors with females.<sup>1</sup>

7. On June 22, 2006, Trooper Sivic met with an individual (hereinafter, the Informant), who the Respondent had allegedly given prescription drugs in return for sexual favors.<sup>2</sup>

8. During their meeting, the Informant provided Trooper Sivic with the following account of her involvement with the Respondent:

9. In August 2004, the Respondent began providing the Informant controlled substances in return for sexual favors.

10. In or around August 2004, the Informant went to the Medicine Shoppe to have a prescription filled.

11. After filling the Informant's prescription, the Respondent told the Informant that if she needed something else, she should return to the Medicine Shoppe after 6

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<sup>1</sup> The C31 Narcotics Unit is a multi-jurisdictional task force that involves law enforcement officers from local, state, and federal agencies.

<sup>2</sup> To ensure confidentiality, the identity of the Informant has not been disclosed in this document.

p.m., when the pharmacy closed.

12. The Informant returned to the Medicine Shoppe after 6 p.m.

13. At that time, the Respondent gave the Informant controlled substances without a valid prescription.

14. In exchange for receiving controlled substances, the Informant performed fellatio on the Respondent.

15. The Respondent provided the Informant with controlled substances, in exchange for receiving sexual favors until October 2005.

16. During the Informant's meeting with Trooper Sivic, the Informant agreed to assist the Narcotics Unit with its investigation of the Respondent by contacting the Respondent for controlled substances.<sup>3</sup>

17. The following events occurred on June 22, 2006:

18. The Informant went to the Medicine Shoppe to obtain controlled substances from the Respondent.

19. The Informant told the Respondent that she had a headache and needed something for it.

20. The Respondent asked the Informant if she had a prescription from a doctor.

21. The Informant told the Respondent that she did not have a prescription.

22. The Respondent gave the Informant a bottle containing eight (8) Fioricet tablets.

23. The following events took place on June 23, 2006:

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<sup>3</sup> The Informant was fitted with a body wire whenever the Narcotics Unit requested that the Informant make contact with the Respondent. The Informant and the Informant's vehicle were searched before and after the Informant met with the Respondent.

24. The Informant called the Respondent at the Medicine Shoppe and asked him to provide her with more pills.

25. The Respondent agreed to give the Informant Oxycontin tablets when he met with her later that day.

26. The Respondent met the Informant at a prearranged location and gave Patient A two (2) Oxycontin tablets.

27. The following events took place on July 6, 2006:

28. The Informant called the Respondent at the Medicine Shoppe and asked him to provide her with more pills.

29. The Respondent agreed to meet the Informant when he finished at work.

30. The Respondent agreed to meet with the Informant at a predetermined location before they went to the Comfort Inn, located in Grantsville, Maryland.

31. After arriving at the predetermined location, the Respondent followed the informant and an undercover law enforcement officer, who was with the Informant, to the Comfort Inn.

32. Once inside the motel room, the Respondent gave the informant and the undercover officer Oxycontin.

33. After the Respondent gave the Informant and the undercover officer Oxycontin, the Narcotics Unit entered the motel room and observed the Respondent attempting to hide a bottle under the mattress.

34. The bottle contained twelve (12) Oxycontin tablets, six (6) Oxycodone tablets, and ten (10) Percocet tablets.

35. The following events pertain to the Respondent's criminal charges:

36. On or about January 27, 2007, the Respondent was charged by the State's Attorney for Garrett County Maryland, by way of a criminal information, to two (2) counts of distribution of a controlled dangerous substance of schedule II, to wit: Oxycodone, in violation of Md. Crim. Law Code Ann. §5-602.1; one (1) count of possession with intent to distribute a controlled dangerous substance of schedule II, to wit: Oxycodone, in sufficient quantity to indicate an intention to distribute the same, in violation of Md. Crim. Law Code Ann. §5-602 (2); and one (1) count of possession of a controlled dangerous substance of schedule II, to wit: Oxycodone, in violation of Md. Crim. Law Code Ann. §5-601 (a) (1).<sup>4</sup>

37. On April 3, 2002, the Respondent pled guilty in the Circuit Court of Garrett County in case number 11-K07-4157, to one (1) count of possession of a controlled dangerous substance, to wit: Oxycodin, in violation of Md. Crim. Law Code Ann. §5-601 (a) (1).

38. On May 21, 2007, the Respondent was sentenced by the Honorable James L. Sherbin of the Circuit Court of Garrett County. The Respondent was placed on eighteen (18) months incarceration, with all but six (6) months suspended, placed on supervised probation for a period of one (1) year and ordered to pay a fine in the amount of five hundred dollars (\$500)<sup>5</sup> (a copy of the docket entries in *State of Maryland v. Thomas Gilbert Bolt*, Case Number 11-K07-4157, is attached hereto and incorporated herein as **Exhibit D**).

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<sup>4</sup> On July 12, 2006 the Respondent was also charged, in Allegany County for violations of similar controlled dangerous laws. The charges in Allegany County were placed on the *Stef* Docket on May 31, 2007.

<sup>5</sup> The Respondent's term of incarceration was later revised on June 26, 2007 to time served from May 21, 2007.

39. The Respondent pled guilty to and was convicted of a crime involving moral turpitude.

### CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated H.O. § 12-313 (b) (15), (21), (22), (25) and Code Md. Reg. tit. 10, § 34.10.01 A (1) and B (1) and (3).

### ORDER

Based on the foregoing findings of fact and conclusions of law, it is this 6 day of MARCH 2008, a majority of the Board hereby:

**ORDERED** that the Respondent's license to practice pharmacy shall be **SUSPENDED for a period of two (2) years with all but one (1) year STAYED**; and it is further

**ORDERED** during the active period of the Respondent's suspension, the Respondent shall successfully complete the following conditions:

1. The Respondent shall attend Narcotics Anonymous and Alcoholics Anonymous ("NA/AA") meetings at least two (2) times per week;
2. The Respondent shall provide the Board with documentation of his attendance at (NA/AA) meetings;
3. The Respondent shall submit to random bi-weekly urine screening;
4. The Respondent shall attend bi-weekly psychotherapy sessions;
5. The Respondent shall be responsible for insuring that his therapist submits quarterly progress reports to the Board.

**ORDERED** that upon completion of the active portion of his suspension, the Respondent may file a written petition to the Board to lift the remainder of suspension, provided the Respondent is in full compliance with the conditions set forth above in paragraphs 1-5; and it is further

**ORDERED** that following his suspension, the Respondent shall be placed on probation for no less than three (3) years; and it is further

**ORDERED** that during his probationary period the Respondent shall comply with the following conditions:

- a. The conditions as set forth above in paragraphs numbered 1-5 shall remain in effect during the Respondent's probationary period;
- b. The Respondent shall not practice in a dispensing role;
- c. The Respondent shall only practice in a location or setting that does not allow him access to prescription drugs;
- d. The Respondent shall not practice in excess of forty (40) hours per week;
- e. The Respondent is responsible for insuring that his pharmacy employer(s) submit quarterly reports to the Board;

**ORDERED** that the Respondent may file a written petition to the Board for modification of the terms of probation, after serving one (1) year of his probationary period, provided the Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this order, and there are no outstanding complaints against the Respondent; and it is further

**ORDERED** that at the end of Respondent's active portion of his probationary period, the Respondent shall file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from



this disciplinary action provided that he has fulfilled all the terms and conditions set forth herein, is not in violation of this Order, and there are no outstanding complaints against the Respondent.

**ORDERED** If the Board had a good faith believe that the Respondent has relapsed, violated the terms of this order or the terms of probation, or violated the Act, the Board may immediately suspend the Respondent's license to practice pharmacy; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred under this and it is further

**ORDERED** that the effective date of this Order is December 19, 2007; and it is further

**ORDERED** that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (Repl. Vol. 2005 and Supp. 2007), this document consists of the contents of the foregoing findings of fact, conclusions of law, and order, and is reportable to any entity to whom the Board is obligated to report.

March 4, 2008  
Date

Donald Taylor, P.D.  
Donald Taylor, P.D., President  
State Board of Pharmacy

**CONSENT OF THOMAS G. BOLT, P.D.**

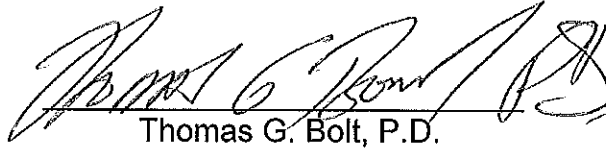
I, Thomas G. Bolt. P.D. license number: 08155, by affixing my signature hereto, acknowledge that:

1. I have consulted with my attorney, H. Gregory Skidmore.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (2005 Repl. Vol. and 2007 Supp.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2004 Repl. Vol. and 2007 Supp.).
3. I acknowledge the validity and enforceability of this consent order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth herein as a resolution of the charges that would have been issued by the Board.
5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this consent order as set forth in Md. Health Occ. Code Ann. § 12- 316 (2005 Rep. Vol. and 2007 Supp.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2004 Rep. Vol. and 2007 Supp.).
6. I acknowledge that by failing to abide by the terms and conditions set forth in this consent order, and, following proper procedures, I may be subject to disciplinary

action, which may include revocation of my license to practice pharmacy in the State of Maryland.

7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this consent order.

2/14/08  
Date

  
Thomas G. Bolt, P.D.

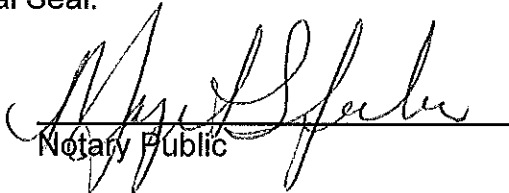
**NOTARY**

STATE OF Maryland

CITY/COUNTY OF Allegheny

I HEREBY CERTIFY THAT on this 14<sup>th</sup> day of Feb., 2008, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Thomas G. Bolt, P.D. license number: 08155, and made oath in due form of law that the foregoing consent order was his voluntary act and deed.

**AS WITNESS** by my hand and Notarial Seal.

  
Notary Public

My Commission Expires: 9/1/09