

**IN THE MATTER OF**

\*

**BEFORE THE MARYLAND**

**THOMAS CLOSSON, R.Ph.**

\*

**STATE BOARD OF**

**LICENSE NO. 14131**

\*

**PHARMACY**

\* \* \* \* \*

**CONSENT ORDER IN LIEU OF  
CONTINUED SUMMARY SUSPENSION**

**Background**

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, (2005 Repl. Vol.), and the Maryland Administrative Procedure Act, Md. Code Ann., Health Occ. §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated August 18, 2011, in which it summarily suspended the pharmacist's license held by Thomas Closson, R.Ph. (the "Respondent"). Specifically, the Board found reliable evidence demonstrated that the public health, safety or welfare imperatively required emergency action, pursuant to Md. Code Ann., State Gov't §10-226(c)(2)(2004 Repl. Vol.).

On September 14, 2011, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why the Respondent did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension, the Respondent and the Board agreed to resolve the matter by way of this Consent Order with the terms contained herein.

**FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on March 13, 1998.
2. At all times relevant herein, the Respondent was employed at a community pharmacy

in Severn, Maryland, in Anne Arundel County.

3. On February 23, 2011, the Respondent admitted to pharmacy personnel that he had been diverting for personal use Sumatriptan, 100 mg, and Butal-APAP-Caff-325 at a retail value of approximately \$27,580.

4. The Respondent had been diverting these medications since April 2010. Both medications are used for the treatment of headaches. Butal-APAP-Caff-325 is a Schedule III controlled dangerous substance in Maryland.

5. As a result of his admission, the Respondent was terminated from the pharmacy, arrested and charged with theft. The Respondent has not practiced pharmacy since that time.

6. On April 20, 2011, the Respondent entered into a substance abuse treatment contract with the Pharmacists Education and Advocacy Council (PEAC). As part of the contract, the Respondent has been evaluated, is participating in therapy, and is subject to monthly urinalysis. To date, the Respondent has been compliant with his contract.

7. On July 25, 2011, the charges against the Respondent were placed on the "stet" docket in Anne Arundel County Circuit Court (Case Number 02K11001185).

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-313(b)(21) and (25), and COMAR 10.34.10.01A(1) and B(3).

### ORDER

Based on agreement of the parties, it is this 15<sup>th</sup> day of Nov., 2011, by an affirmative vote of the Board, hereby

**ORDERED** that the Respondent's license be SUSPENDED until March 1, 2012; and be it further,

**ORDERED** that during the suspension period, the Respondent may not work as a pharmacy technician, or in any other capacity, in a pharmacy or other setting that stores, distributes or dispenses prescription medication; and be it further,

**ORDERED** that during the suspension period, the Respondent shall comply with any and all licensure renewal requirements; and be it further,

**ORDERED** that after March 1, 2012, the Respondent may petition to lift the suspension of his license provided that the Respondent has:

- (1) Fully complied with all terms of suspension; and
- (2) Submitted to a substance abuse evaluation by a Board-appointed evaluator; and be it further,

**ORDERED** that upon the lifting of the suspension, the Board shall place the Respondent's license on immediate PROBATION for FOUR (4) YEARS with terms and conditions it deems appropriate based on the Respondent's compliance with this order and the evaluation received by the Board; and be it further,

**ORDERED** that the Respondent's execution of this Consent Order shall constitute a release of any and all medical records, substance abuse treatment records, and psychological/psychiatric records pertaining to the Respondent to the Board in complying with the terms and conditions set forth herein. Further, the Respondent agrees and consents to the release by the Board of any information or data produced in relation to this Consent Order to any treatment provider; and be it further,

**ORDERED** that the Respondent shall at all times cooperate with the Board in the

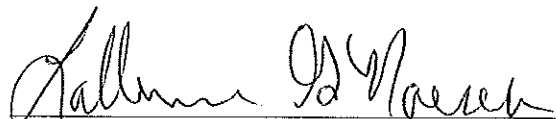
monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further,

**ORDERED** that in the event the Board finds for any good faith reason that the Respondent has violated any of the conditions of suspension herein, or in the event that the Board finds for any good faith reason that the Respondent has relapsed or committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action against the Respondent, after notice and an opportunity for a hearing; and be it further,

**ORDERED** that the Respondent shall bear the expenses associated with this Order; and be it further,

**ORDERED** that this document constitutes a formal order of the Maryland State Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to the Public Information Act., State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12G(3).

Date 11/15/11

  
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Michael N. Souranis, P.D.  
President, Board of Pharmacy

CONSENT

By signing this Consent, I hereby consent to the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order and its conditions.

1. 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 of fact and conclusions of law contained in this Consent Order.

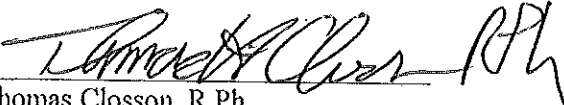
2. I acknowledge the validity of this Consent Order as if it were made after an evidentiary hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

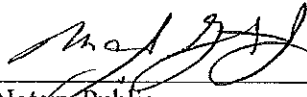
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

11/3/2011  
Date

  
Thomas Closson, R.Ph.

STATE OF MARYLAND  
COUNTY/CITY OF Howard :

I hereby certify that on this 3rd day of November, 2011, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared THOMAS CLOSSON, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



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Notary Public

My commission expires: Jan. 30, 2014