

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

* * * * *

ORDER OF SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. § 10-226 (c) (2004 Repl. Vol. & 2005 Suppl.), the Maryland Pharmacy Act ("the Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.*, (2005 Repl. Vol.), Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy ("the Board") hereby summarily suspends the license of **Thomas G. Bolt, PD**, D.O.B. 7/20/1952, license number: 08155 ("the Respondent"), to practice pharmacy under the Act. This Order of Summary Suspension ("Order") is based on the following investigative findings that the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

1. The Respondent is licensed to practice pharmacy in the State of Maryland under license number: 08155.
2. The Respondent was initially issued a license to practice pharmacy in Maryland on July 9, 1975.
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 Medicine Shoppe is located at 10601 New Georges Creek Road, Suite 5SW Frostburg, Maryland.

5. In or around the spring of 2006, Trooper Richard Sivic ("Trooper Sivic") of the Maryland State Police and a member of the C31Narcotics Unit ("the Narcotics Unit") began investigating the Respondent, after receiving reports that the Respondent was trading prescription drugs for sexual favors with females.¹

6. On June 22, 2006, Trooper Sivic met with an individual (hereinafter "Patient A"), who the Respondent had given prescription drugs in return for sexual favors.²

7. During their meeting, Patient A provided Trooper Sivic with the following account of her involvement with the Respondent:

8. The Respondent began providing Patient A controlled substances, in return for sexual favors, in August 2004.

9. In or around August 2004, Patient A went to the Medicine Shoppe to have a prescription filled.

10. After filling Patient A's prescription, the Respondent told Patient A that if she needed something else, Patient A should to return to the Medicine Shoppe after 6 p.m., when the pharmacy closed.

11. Patient A returned to the Medicine Shoppe after 6 p.m.

12. The Respondent gave Patient A controlled substances without a valid prescription.

13. In exchange for receiving controlled substances, Patient A performed fellatio on the Respondent.

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

² To ensure confidentiality, the identity of Patient A has not been disclosed in this document.

14. The Respondent provided Patient A with controlled substances, in exchange for receiving sexual favors from Patient A, until October 2005.

15. During her meeting with Trooper Sivic, Patient A agreed to assist the Narcotics Unit with its investigation of the Respondent by contacting the Respondent for controlled substances.³

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

17. Patient A went to the Medicine Shoppe to obtain controlled substances from the Respondent.

18. Patient A told the Respondent that she had a headache and needed something for it.

19. The Respondent asked Patient A if she had a prescription from a doctor.

20. Patient A told the Respondent that she did not have a prescription.

21. The Respondent gave Patient A a prescription bottle containing eight (8) Fioricet tablets.

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

23. Patient A called the Respondent at the Medicine Shoppe and asked him to provide her with more pills.

24. The Respondent agreed to give Patient A Oxycontin tablets when he met with her later that day.

³ Patient A was fitted with a body wire whenever the Narcotics Unit requested that Patient A make contact with the Respondent. Patient A and Patient A's vehicle were searched before and after Patient A met with the Respondent.

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

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

27. Patient A called the Respondent at the Medicine Shoppe and asked him to provide her with more pills.

28. The Respondent agreed to meet Patient A when he finished at work.

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

30. After arriving at the predetermined location, the Respondent followed Patient A and an undercover law enforcement officer, who was with Patient A, to the Comfort Inn.

31. Once inside the motel room, the Respondent gave Patient A and the undercover officer Oxycontin.

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

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

34. The Respondent was charged in Allegany County, Maryland and Garrett County, Maryland with violating Title 5 (Controlled Dangerous Substance, Prescription, and Other Substance Laws) of the Criminal Law Article of the Annotated Code of Maryland.

35. The Respondent was charged with four (4) counts of distribution of a controlled dangerous substance, in violation of Md. Crim. Law Code Ann. § 5-602(i); three (3) counts of possession with intent to distribute a controlled dangerous substance, in

violation of Md. Crim. Law Code Ann. §5-602 (2); and six (6) counts of possession of a controlled dangerous substance, in violation of Md. Crim. Law Code Ann. § 5-601 (a) (1).⁴

36. Based on the foregoing acts described above, the Board has cause to believe that the Respondent has violated provisions of the Act and Code Md. Regs. tit. 10, § 34.10.

37. Specifically, the Board has cause to believe that the Respondent violated the following:

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, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (20) Is professionally, physically, or mentally incompetent;
- (24) 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,

⁴ Distribution of a controlled dangerous substance and possession with intent to distribute a controlled dangerous substance are felonies.

(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.

CONCLUSIONS OF LAW

Based on the foregoing, the Board concludes that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Govt. Code Ann. §§ 10-201 *et seq.*, (2004 Repl. Vol. & 2005 Suppl.).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is on this 23 day of August, 2006, the majority of the Board hereby:

ORDERED that the license issued to **Thomas C. Bolt** to practice pharmacy in the State of Maryland under license number: 08155 is **SUMMARILY SUSPENDED**; and be it further

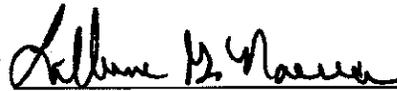
ORDERED that the Respondent is prohibited from practicing pharmacy in the State of Maryland; and be it further

ORDERED that the Respondent shall return his wall certificate and wallet licenses to the Board, within five days (5) days of the effective date of this Order, which is the date that this Order is signed by the Board; and be it further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. §10-617(h) *et seq.* (2004 Repl. Vol. & 2005 Supp.), 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; and be it further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2004 Repl. Vol. & 2005 Supp.).

August 23, 2006
Date



LaVerne Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

The Board hereby notifies the Respondent that a show cause hearing before the Board has been scheduled for **October 4, 2006 at 1:30 p.m.**, 4201 Patterson Avenue, Baltimore, 21215. Failure to appear at the show cause hearing will result in the Board continuing the suspension of your license.

If the Board continues your suspension following the show cause hearing, you will have a right to request an evidentiary hearing as to the merits of the order of summary suspension. This hearing will be conducted in accordance with the Administrative Procedure Act, Md. State Gov't. Code Ann. §§ 10-201 *et seq.* (2004 Repl. Vol. & 2005 Supp.), § 12-411 of the Act, and Code Md. Regs. tit. 10, § 34.01.10.

The hearing will be before the Board. Any request for hearing on the merits must be received in writing by the Board, within thirty (30) days of the date of the effective date of the order continuing your summary suspension. Failure to request a hearing within thirty (30) days of the date of the effective date of the order continuing your summary suspension will constitute a waiver of the evidentiary hearing.