

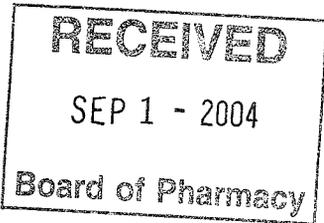
IN THE MATTER OF
JOHN D. HOELSCHER, P.D.
LICENSE NO. 11115

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BEFORE THE MARYLAND
STATE BOARD OF
PHARMACY

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CONSENT ORDER TERMINATING PROBATION



Background

Mr. Hoelscher submitted a Petition for Modification of Probation to the Board of Pharmacy (the "Board"), specifically to modify the probationary condition requiring one (1) year of supervised practice in Maryland. On August 5, 2004, Mr. Hoelscher appeared before a panel of the Board to present his case in support of his petition and to answer questions posed by the panel members regarding his ability to practice pharmacy without supervision and in a safe and ethical manner.

Mr. Hoelscher's license to practice pharmacy was placed on probation, with certain probationary conditions, pursuant to a Consent Order dated November 9, 2001. The Consent Order was based upon the Board's finding that Mr. Hoelscher's performance as a pharmacist demonstrated issues regarding his competence. Mr. Hoelscher has also had previous disciplinary sanctions imposed against him in 1995 and 1997 due to his prescription drug substance abuse problem. The November 9, 2001, Consent Order permitted Mr. Hoelscher to petition the Board for release from probation after eighteen (18) months upon proof of satisfactory compliance with the probationary conditions. One of Mr. Hoelscher's probationary conditions was that he must practice under supervision in Maryland for one year prior to petitioning the Board for release. Mr. Hoelscher practiced under supervision in Pennsylvania, where he was also licensed, for two years beginning in June 2001. In April 2003, Mr. Hoelscher requested that the Board allow him to satisfy his supervision requirement with his supervised practice in Pennsylvania. The Board denied his request. Mr. Hoelscher is presently working part-time under supervision at a Maryland pharmacy, where he has been employed for the past ten (10) months.

FINDINGS OF FACT

1. With the exception of the one-year supervised practice requirement, Mr. Hoelscher has satisfied all of the terms of probation set forth in the November 9, 2001, Consent Order, including compliance with a PEAC contract.
2. Mr. Hoelscher practiced under supervision in Pennsylvania for two years during his probationary period. Mr. Hoelscher's supervisor in Pennsylvania submitted to the Board quarterly employer reports during that two-year period.
3. Mr. Hoelscher is currently practicing under supervision in a Maryland pharmacy, where he has been employed for the past ten (10) months.
4. Mr. Hoelscher's employer reports have been satisfactory.
5. Mr. Hoelscher is up to date with his continuing education credits.

ORDER

Based on an affirmative vote of the Board, it is this 15^T day of SEPTEMBER, 2004, hereby:

ORDERED that Mr. Hoelscher be RELEASED from PROBATION; and be it further,

ORDERED that Mr. Hoelscher shall enter into a three-year contract with the Pharmacists Education and Assistance Committee (PEAC), which contract shall include at a minimum:

1. Random urine screens twice a month;
2. Weekly communications with his PEAC monitor,
3. Notification of any changes in employment or job status; and be it further,

ORDERED that in the event the Board finds for any good faith reason that Mr. Hoelscher has relapsed, has violated the conditions of his PEAC contract, or in the event that the

Board finds for any good faith reason that Mr. Hoelscher has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately suspend Mr. Hoelscher's license prior to a hearing; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

9/1/04

Date



Melvin Rubin, P.D.
President, Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby admit to the truth of the findings 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 the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. 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.

8/30/2004
Date

John D. Hoelscher, P.D.
John D. Hoelscher, P.D.

STATE OF MARYLAND
COUNTY/CITY OF FREDERICK

I hereby certify that on this 30th day of August, 2004, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared JOHN D. HOELSCHER and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Therese M. Reader
Notary Public
My commission expires: JUN 01 2008