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| IN THE MATTER OF | * | BEFORE THE |
| JOHN L. FLOWERS, M.D. | * | BOARD OF PHYSICIAN |
| Respondent | * | QUALITY ASSURANCE |
| LICENSE NO. D040524 | * | CASE NOS. 89-0259, |
| | | 89-0290 & 90-0443 |

* * * * *

CONSENT ORDER
MODIFICATION OF THE CONSENT ORDER OF OCTOBER 1, 1990

BACKGROUND

On October 1, 1990, the Board of Physician Quality Assurance (the "Board") entered into a Consent Order with John L. Flowers, M.D. (the "Respondent", Registration Number P 1500 D.O.B. 8/18/58) attached hereto. By letter dated December 4, 1990, the Board modified the Drug Protocol attached to the Consent Order. see attached. The Order provided, inter alia, that Respondent comply with certain conditions of probation. Specifically, the Order stated:

6. During the period of Respondent's fellowship, Respondent agrees that he will not prescribe controlled dangerous substances for any individual, including outpatients, patients discharged from the hospital, himself and his wife. In addition, Respondent agrees that he will not apply to the United States Drug Enforcement Administration for a DEA Registration Number of the Maryland Division of Drug Control for a CDS Registration Certificate.

By letter dated March 26, 1991, received by the Board on April 2, 1991, Respondent petitioned the Board to modify this condition of probation to permit him to apply for a DEA and a CDS registration certificate and number. Further, Respondent petitioned the Board to permit him to prescribe for patients as part of his practice at University of

Maryland Medical Center and Baltimore-Loch Raven Veterans Affairs Hospital, where he had been offered a position as an Assistant Professor in General Surgery, starting on July 1, 1991. At its meeting on May 8, 1991, the Board considered Respondent's petition and, by a majority vote of its full authorized membership, voted to issue the following modification of the Consent Order dated October 1, 1990.¹

FINDINGS OF FACT

1. The Findings of Fact of the Consent Order dated October 1, 1990 are incorporated herein by reference.
2. Respondent has complied with all terms of the Consent Order of October 1, 1990, and has complied with his contract with the Physician Rehabilitation Committee of the Medical and Chirurgical Faculty.
3. Respondent has not had a positive drug screen since entering into the Consent Order of October 1, 1990.
4. Respondent was offered a position as an Assistant Professor of Surgery at the University of Maryland Medical

¹ The following Board members were present at the meeting: Israel H. Weiner, M.D., Chair; Peter E. Dans, M.D., Secretary; John Franklin Strahan, M.D., Chair, Settlement Conference; Ira N. Brecher, M.D.; Bernard S. Kleiman, M.D.; Shelia K. Riggs; Christine J. Moore; and J. Andrew Sumner, M.D. The following Board members were absent: Frank A. Gunther, Jr., Vice-Chair; John T. Lynn, M.D.; Reynaldo L. Lee-Llacer, M.D.; Lawrence A. Jones, M.D.; Harvey B. Kalin, M.D. and Claude David Hill, M.D.

Center and the Baltimore-Loch Raven Veterans Affairs Hospital starting on July 1, 1991; and

5. The position above requires that Respondent has a permit to prescribe controlled dangerous substances.

CONCLUSIONS OF LAW

The Board incorporates by reference the conclusions of law set forth in the October 1, 1990 Consent Order.

ORDER

It is this 30 day of JULY, 1991, hereby

ORDERED that the provisions of the Order section of the October 1, 1990 Consent Order and as modified by the letter of December 4, 1990 as to the Drug Protocol remain in full force and effect and are incorporated herein by reference except for the probationary provision contained on page eight (8), paragraph number six (6), which is modified as follows.

6. Respondent may apply to the United States Drug Enforcement Administration for a DEA Registration Number and the Maryland Division of Drug Control for a CDS Registration Certificate. Respondent may only prescribe controlled dangerous substances for patients he treats in his position as Assistant Professor at the University of Maryland Medical Center and Baltimore-Loch Raven Veterans Affairs Hospital. Respondent must properly document all prescriptions written or dispensed in each patient's chart, keeping a copy of the prescription in the patient's chart. Respondent may not prescribe or dispense controlled dangerous substances to any other person or individual. Respondent may not treat himself, his wife, or any family member as a patient for the purpose of prescribing or dispensing controlled dangerous substances; and be it further

ORDERED that only provision six (6) of the Order section of the Consent Order of October 1, 1990 is modified (except that the Modification of December 4, 1990 remains in effect); and be it further

ORDERED that this Modification of the October 1, 1990 Consent Order is a public document pursuant to Maryland State Government Code, Ann., §10-617(h).

7/30/91
DATE

Israel H. Weiner
ISRAEL H. WEINER, M.D.

CONSENT

By signing this Consent, I hereby accept and agree to be bound by the foregoing Modification of the Consent Order of October 1, 1990, and its conditions and restrictions consisting of four (4) pages.

1. By signing this Consent, I hereby submit to this Modification of the Consent Order of October 1, 1990, and the terms and conditions of the Consent Order of October 1, 1990, and the modification of the Drug Protocol dated December 4, 1990.

2. I understand that if I fail to comply with the conditions set forth in this Modification of the Consent Order of October 1, 1990 and the conditions of the Consent Order of October 1, 1990, the Board will revoke my license to practice medicine.

3. I have had an opportunity to review this Modification of Consent Order of October 1, 1990, with an attorney and I understand both the nature of the matters against me and also this Modification of Consent Order of October 1, 1990. I make the decision to enter into this Modification of Consent Order of October 1, 1990, voluntarily and knowingly.

7/16/91
DATE

John L. Flowers M.D.
JOHN L. FLOWERS, M.D.

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 16th day of JULY, 1991, before me, a Notary Public of the State and City/County aforesaid, personally appeared John L. Flowers, M.D. and made oath in due form of law that entering into the foregoing Modification of Consent Order of October 1, 1990, was his voluntary act and deed.

--- AS WITNESSETH my hand and notarial seal.

Patricia K. Scherch
Notary Public

My Commission Expires 9-1-94