
BACKGROUND

The pertinent provisions of COMAR provide as follows:

After investigation, the Commission may revoke or suspend an unlicensed medical practitioner's right to practice medicine in the State, or place him or her on probation on prescribed conditions or reprimand him or her for any of the causes listed below as unprofessional conduct.

(e) Immoral conduct of the unlicensed medical practitioner in the practice of medicine;

(f) Practicing medicine other than in connection with the
unlicensed medical practitioner's postgraduate training
program;

(i) Willfully making and filing false reports or records in
the practice of medicine.

On April 5, 1989, a hearing was held. Respondent, Michael Schatzow, Counsel for Respondent, Debra G. Woodruff, Assistant Attorney General, and Hearing Officer Charles W. Fowler were present at the hearing. The State dismissed the charge of immoral conduct by an unlicensed medical practitioner in the practice of medicine (COMAR 10.31.07.02B(2)(e)). On April 18, 1989, Mr. Fowler issued a Recommended Decision. The Respondent filed Exceptions to the Recommended Decision. On June 14, 1989, an exceptions hearing was held before the Board. The Board voted to permit Respondent to return to practice as a resident at the University of Maryland Medical System ("UMMS") under an agreement between Respondent and UMMS but had not issued a Final Order in Case Number 85-0259.

On November 7, 1989, Respondent submitted an application for a license to practice medicine in Maryland. On June 30, 1990, Respondent completed the General Surgery Residency Program at UMMS. On August 1, 1990, a settlement conference was held to review Respondent's application for licensure and resolve Case Number 89-0259. John D. Stafford, M.D., Acting Chief of Settlement Conference and Christine J. Moore attended on behalf of the Board. Also present were Respondent; Debra G. Woodruff,

Assistant Attorney General, Administrative Prosecutor; Sylvia J. Williams, Paralegal; Barbara Hull Foster, Assistant Attorney General, Board Counsel; and Virginia A. Guerra, Board Case Manager.

As a result of the evidence presented at the hearing on April 5, 1989, the discussion at the exceptions hearing on June 14, 1989, and materials presented at the conference on August 1, 1990, the Board and the Respondent agreed to enter into this Consent Order which resolves all issues in Case Numbers 89-0259, 89-0290, and 90-0443.

FINDINGS OF FACT

1. Since July 1, 1984, Respondent has been registered to practice medicine in Maryland at the University of Maryland Medical System ("UMMS") in the General Surgery Residency Program, an approved post graduate training program, pursuant to Md. Health Occ. Code Ann. §14-302 (1989 Cum. Supp.).

2. In September, 1988, Detective Steven W. Maglidt of the Anne Arundel County Police Department conducted an investigation of prescriptions written by Respondent in several area pharmacies. The investigation revealed that from November 23, 1985 to October 14, 1988, Respondent wrote prescriptions for Hycodan syrup, a Schedule III narcotic substance; Phendimetrazine (Bontril) a Schedule III non-narcotic substance; Oxycodone (Percocet) a Schedule II narcotic substance; and Vicodin, a Schedule III narcotic substance. Some of these prescriptions

were written using fictitious names and some prescriptions were written for Respondent's wife.

3. On October 15, 1988, Respondent was arrested and charged with obtaining controlled dangerous substances by fraud in the State of Md. v. John Lee Flowers, in the Circuit Court for Anne Arundel County, Criminal Number 35,303.

4. On October 15, 1988 and October 18, 1988, after being advised of his rights, Respondent gave a statement to Detective Maglidt in which he admitted to writing the prescriptions using fictitious names. Respondent admitted that he took the prescriptions to pharmacies where he received the drugs for himself and for his wife.

5. On October 22, 1988, UMMS suspended Respondent from the General Surgery Residency Program as a result of Respondent's arrest. UMMS reported Respondent's suspension to the Board (Case Number 89-0290).

6. On February 13, 1989, the Board charged Respondent with violations of COMAR 10.31.07.02B(2)(e), (f) and (i) in Charges Under the Maryland Medical Practice Act, attached hereto and incorporated herein as Exhibit A.

7. On May 3, 1989, Respondent received probation before judgment in State of Md. v. John Lee Flowers, Criminal Number 35,303.

8. On July 1, 1989, UMMS reinstated Respondent in the General Surgery Residency Program. On December 14, 1989,

Respondent enrolled in the Employee Assistance Program ("EAP") at UMMS.

9. In January, 1990, EAP began collecting urine specimens from Respondent.

10. Respondent's urine tested positive for cannabinoid (marijuana) on February 9, 1990; February 13, 1990; February 15, 1990; and February 26, 1990.

11. On March 7, 1990, UMMS suspended Respondent from patient care duties as a result of the urinalyses which were positive for marijuana as described in paragraph 10 above. UMMS notified the Board of Respondent's suspension (Case Number 90-0443).

12. From March 19, 1990 through April 2, 1990, Respondent attended the Oakview Residential Treatment Program at Oakview Treatment Center in Baltimore, Maryland.

13. On April 30, 1990, Respondent signed a Physician Rehabilitation Advocacy Contract, attached hereto and incorporated herein as Exhibit B, with the Committee on Physician Rehabilitation of the Medical and Chirurgical Faculty of Maryland ("Med-Chi").

14. On May 21, 1990, Respondent signed a Professional Assistance Treatment Contract, attached hereto and incorporated herein as Exhibit C, with UMMS, which provided that EAP would collect random urine samples from Respondent once a week from May 21, 1990 to July 1, 1990.

15. On May 24, 1990, UMMS reinstated Respondent in the General Surgical Residency Program. On June 30, 1990, Respondent completed the five-year General Surgical Residency Program.

16. On June 25, 1990, Respondent signed a Treatment Contract, attached hereto and incorporated herein as Exhibit D, with Whitfield Associates which specifies that Respondent will submit a urine sample once a week.

17. On July 1, 1990, UMMS offered Respondent a position as Endoscopy Fellow in Surgery for a period of one (1) year. The fellowship expires June 30, 1991. Respondent's Fellowship Agreement is attached hereto and incorporated herein as Exhibit E. Licensure in the State of Maryland is a condition precedent to Respondent's participation in the fellowship.

18. Writing prescriptions for Respondent's wife constitutes practicing medicine other than in connection with Respondent's postgraduate training program.

19. Writing prescriptions using fictitious names in order to obtain drugs for the prescriber's personal use constitutes making and filing false reports or records in the practice of medicine.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes, as a matter of law, that Respondent committed the following prohibited acts:

1. Practicing medicine other than in connection with the
unlicensed medical practitioner's postgraduate training program,
(See COMAR 10.31.07.02B(2)(f)); and

2. Willfully making and filing false reports or records in
the practice of medicine, (See COMAR 10.31.07.02B(2)(i)).

ORDER

Based on the foregoing Findings of Fact, it is this 1st day
of Oct, 1990, by an affirmative vote of the majority of the
full authorized membership of those members of the Board of Phy-
sician Quality Assurance of Maryland who considered this case,

ORDERED that Respondent's application for a license to
practice medicine in the State of Maryland is **GRANTED** and Re-
spondent is placed on **PROBATION** for a period of five (5) years
subject to the following conditions:

1. Respondent agrees to comply with all conditions of his
Physician Rehabilitation Advocacy Contract. Attached hereto and
incorporated herein as Exhibit F(1) is a release which Respondent
signed authorizing the Committee on Physician Rehabilitation of
the Medical and Chirurgical Faculty of Maryland to release any
and all information to the Board whenever the Board requests any
information.

2. Respondent agrees to comply with all conditions of his
Professional Assistance Treatment Contract. Attached hereto and
incorporated herein as Exhibit F(2) is a release which Respondent
has signed authorizing the Employee Assistance Program at UMMS to

release any and all information to the Board whenever the Board requests any information.

3. Mr. Robert K. White, Director, Employee Assistance Program, will make regular reports to the Board concerning Respondent's participation and submit copies of any and all urine screens. The reports are due October 1, 1990, December 1, 1990, February 1, 1991, and April 1, 1991.

4. Respondent agrees to comply with all conditions of his Treatment Contract with Whitfield Associates. Attached hereto and incorporated herein as Exhibit F(3) is a release which Respondent has signed authorizing Whitfield Associates to release any and all information to the Board whenever the Board requests any information.

5. During the period of Respondent's fellowship, Respondent agrees to write orders for controlled dangerous substances, when indicated, for inpatients and patients undergoing Endoscopy, on the patient charts.

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 or the Maryland Division of Drug Control for a CDS Registration Certificate.

7. During the period of Respondent's fellowship, Respondent's supervisors will be Anthony Imbembo, M.D., Chief of the Department of Surgery; Carl Zucker, M.D.; Robert Bailey, M.D.; and Scott Graham, M.D. Drs. Imbembo, Zucker, Bailey, and Graham agree to report to the Board immediately if they believe Respondent is a danger to himself or to others, or that he has used any drug or controlled dangerous substance.

8. Respondent shall continue to attend Narcotics Anonymous at least three (3) times a week.

9. Beginning Monday, October 1, 1990, Respondent will give two (2) supervised urine specimens per week on Mondays and Thursdays at 2:00 p.m. in accordance with the Protocol attached hereto and incorporated herein as Exhibit G. Respondent shall pay to Mr. White the amount of \$20.00 each time a urine specimen is collected on Mondays and Thursdays of each week for the duration of this Protocol to cover the cost of performing each urine drug screening test. In addition, Flowers will pay \$20.00 to cover the cost of performing the secondary confirmatory test whenever a urine drug screen test result is positive.

10. In the event that Respondent wishes to take a vacation or plans to leave the State of Maryland, Respondent must notify the Board of his intent in writing, at least one (1) month prior to the vacation, certified mail, return receipt requested. Respondent must arrange for supervised urine testing twice a week whenever he leaves Baltimore at a facility approved by Mr. White.

All vacations must be within the continental United States and either the Board, the Executive Committee or the Monday Review Panel Committee must approve Respondent's request in advance.

11. In the event of an emergency which requires Respondent to be out of town, he must telephone either:

(a) J. Michael Compton, Acting Executive Director,
(301)-764-4770;

(b) Margaret T. Anzalone, Deputy Director,
(301)-764-4780; or

(c) Israel H. Weiner, M.D., Chair, (301)-825-2600.

After Respondent notifies one (1) of the three persons mentioned above, Respondent must send a letter to the Board, certified mail, return receipt requested, explaining the reasons for the emergency.

12. Respondent agrees that he will be responsible for all costs incurred under this Consent Order.

13. Respondent shall not violate any provisions of Md. Health Occ. Code Ann. §14-504 et seq. (1989 Cum. Supp.), and it is further

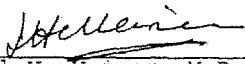
14. On or about June 1, 1991, Respondent will meet with representatives of the Board to discuss his future plans. At that time, any of these conditions of probation may be modified. This order may continue in effect for five (5) years.

ORDERED that if Respondent violates any of the conditions of probation specified by this Order, the Board will **SUMMARILY**

SUSPEND Respondent's license. Within 30 days of the suspension, the Board will afford Respondent an opportunity for a hearing before the next regularly scheduled Board meeting; and it is further

ORDERED that this is a final order and as such is considered a public document pursuant to Md. State Gov't Code Ann., §10-611, et seq.

10/1/90
Date


Israel H. Weiner, M.D.
Chairman
Maryland State Board of
Physician Quality Assurance

CONSENT

By signing this Consent, I hereby accept and agree to be bound by the foregoing Consent Order and its conditions and restrictions, consisting of 12 pages.

1. By signing this Consent, I hereby submit to this Order and its conditions.

2. I understand that if I fail to comply with the conditions set forth in this Order, the Board will revoke my license to practice medicine.

3. I am not represented by counsel at this time, but I understand both the nature of the matters against me and also

this consent Order fully. I make this decision voluntarily and knowingly.

9/25/90 Date John L. Flowers MD.
John L. Flowers, M.D.

STATE OF Maryland

CITY/COUNTY OF Carroll

I HEREBY CERTIFY that on this 25th September day of October, 1990, 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 the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Carol A. Palmer
Notary Public

My Commission Expires: 8/1/94

EXHIBIT A

IN THE MATTER OF	*	BEFORE THE STATE BOARD
	*	
JOHN LEE FLOWERS, M.D.,	*	OF PHYSICIAN QUALITY ASSURANCE
Respondent	*	
	*	Case Number: 89-0290
Registration #P 1500	*	
	*	
* * * * *	*	* * * * *

CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT

Based on information received by the State Board of Physician Quality Assurance (the "Board"),¹ the Board hereby charges John Lee Flowers, M.D. (the "Respondent"), Registration Number P 1500, under COMAR 10.31.07.02B(1) and (2)(e), (2)(f), and (2)(i).

The pertinent provisions of COMAR under which Respondent is charged provide as follows:

COMAR 10.31.07.02 B(1)

After investigation, the Commission may revoke or suspend an unlicensed medical practitioner's right to practice medicine in the State, or place him or her on probation on prescribed conditions or reprimand him or her for any of the causes listed below as unprofessional conduct.

COMAR 10.31.07.02 B(2) Causes:

(e) Immoral conduct of the unlicensed medical practitioner in the practice of medicine;

¹ The 1988 General Assembly, by Senate Bill No. 508 and House Bill No. 855, merged the functions of the former Commission on Medical Discipline and the former Board of Medical Examiners into the new Board of Physician Quality Assurance. Section 3 of the new legislation provided that all regulations, proposed regulations, standards and guidelines, proposed standards and guidelines, transferred by the Act shall continue in effect under the State Board of Physician Quality Assurance until withdrawn, cancelled, modified, or otherwise changed pursuant to law.

(f) Practicing medicine other than in connection with the unlicensed medical practitioner's post-graduate training program;

(i) Willfully making and filing false reports or records in the practice of medicine.

The above disciplinary action is subject to COMAR 10.31.07.02C which provides that the Board may take disciplinary action only after a formal hearing at a regular or special meeting of the Board with a quorum of the Board members present and voting.²

ALLEGATIONS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. Respondent is an unlicensed medical practitioner who is authorized to practice medicine in Maryland pursuant to Md. Health Occ. Code Ann. §14-302 (1988 Cum. Supp.). Pursuant to §14-302, the Board adopted regulations governing the practice of unlicensed medical practitioners.

² Pursuant to the Administrative Procedure Article, Md. State Gov't. Code Ann. §10-207 (1984), the Board is authorized to delegate to a hearing officer the authority that the agency has to hear particular contested cases. Proposed findings of fact, conclusions of law, and recommendations will be forwarded to the Board pursuant to Md. State Gov't. Code Ann. §10-212 (1984). If the decision is adverse to Respondent, Respondent will be given an opportunity to file exceptions and present argument to a majority of the Board members who are to make the final decision.

2. COMAR 10.32.07.04 requires that the Chief of Service of the institution providing the postgraduate training program³ register each unlicensed medical school graduate with the Board.

3. The University of Maryland Medical System registered Respondent in its residency program in General Surgery on or about July 1, 1984. Respondent's registration number is P 1500. Respondent continued in the residency program until he was suspended on October 22, 1988.

4. In September 1988, Detective Steven W. Maglidt of the Anne Arundel County Police Department conducted an audit of prescriptions written by Respondent and filed in the following pharmacies:

- a. Rite Aid, 7456 Ritchie Highway, Glen Burnie;
- b. Rite Aid, 312 Hospital Drive, Glen Burnie;
- c. Rite Aid, Old Mill Road & Md. Rt. #3, Millersville;
- d. Revco, 661 Old Mill Road, Millersville;
- e. Giant, 7383 Baltimore Annapolis Blvd., Glen Burnie;
- f. Giant, 7940 Crain Highway, Glen Burnie;
- g. Giant, 6626 Ritchie Highway, Glen Burnie;
- h. Giant, 7927 Ritchie Highway, Glen Burnie;
- i. Giant, 551 Ritchie Highway, Glen Burnie.

³ COMAR 10.32.07.01B(8) defines "postgraduate training program" as "a medical training program for medical school graduates including, but not limited to, internships, residencies, and fellowships."

5. The audit revealed that Respondent wrote the following prescriptions:

<u>Date</u>	<u>Number</u>	<u>Name</u>	<u>Drug</u>
11/23/85	144221	Cindy Lyons	Bontril
01/03/86	144239	Cindy Lyons	Valium
01/11/86	144240	Cindy Lyons	Tenuate
01/23/86	144242	Cindy Lyons	Bontril
01/27/86	144243	Cindy Daukantas	Tenuate
02/15/86	22468	Cindy Lyons	Bontril
03/29/86	24510	Cindy Daukantas	Bontril
04/18/86	05955	Cindy Daukantas	Bontril
05/26/86	24519	Cindy Daukantas	Tepanil
06/13/86	149888	Cindy Daukantas	Bontril
07/21/86	149081	Cindy Daukantas	Bontril
08/06/86	24525	Cindy Daukantas	Bontril
08/26/86	149083	Cindy Daukantas	Bontril
10/18/86	24534	Cindy Daukantas	Bontril
02/04/87	09985	Cindy Daukantas	Bontril
02/08/87	149097	Cindy Daukantas	Bontril
02/12/87	48274	Cindy Lyons	Bontril
02/18/87	48275	Cindy Lyons	Bontril
02/26/87	48277	Cindy Lyons	Bontril
03/06/87	48278	Cindy Lyons	Bontril
03/16/87	48280	Cindy Lyons	Bontril
03/24/87	48281	Cindy Lyons	Bontril
03/31/87	48267	Cindy Lyons	Bontril
04/08/87	48284	Cindy Lyons	Bontril
04/14/87	48285	Cindy Lyons	Bontril
04/22/87	48286	Cindy Lyons	Bontril
04/28/87	48288	Cindy Lyons	Bontril
05/06/87	48290	Cindy Lyons	Bontril
05/11/87	48291	Cindy Lyons	Hycodan
05/13/87	48293	Cindy Lyons	Bontril
05/21/87	149891	Cindy Lyons	Bontril
05/29/87	48296	Cindy Lyons	Bontril
05/29/87	48297	Cindy Lyons	Hycodan
06/04/87	48298	Cindy Lyons	Hycodan
06/04/87	48269	Cindy Lyons	Bontril
06/07/87	48299	Cindy Lyons	Hycodan
06/11/87	48270	Cindy Lyons	Hycodan
06/12/87	48271	Cindy Lyons	Bontril
06/18/87	40006671	Cindy Lyons	Bontril
06/20/87	44339685	Cindy Lyons	Hycodan
06/25/87	50007	Cindy Lyons	Bontril
07/16/87	50018	Cindy Lyons	Bontril
07/30/87	50015	Cindy Lyons	Soma Compound with Codeine

<u>Date</u>	<u>Number</u>	<u>Name</u>	<u>Drug</u>
08/03/87	50001	Cindy Lyons	Bontril
08/07/87	50020	Cindy Lyons	Bontril
08/08/87	24535	Cindy Lyons	Hycodan
08/20/87	50003	Cindy Lyons	Bontril
09/05/87	44758	Cindy Lyons	Hycodan
10/01/87	44773	Mae Daukantas	Hycodan
10/01/87	44770	Cindy Lyons	Bontril
10/13/87	44775	Cindy Lyons	Bontril
10/16/87	44763	Cindy Lyons	Hycodan
10/20/87	44777	Cindy Lyons	Hycodan
11/02/87	44782	Cindy Lyons	Bontril
11/06/87	44785	Cindy Lyons	Hycodan
11/09/87	44789	Cindy Lyons	Bontril
11/14/87	44790	Mae Daukantas	Hycodan
11/17/87	00606501	Cindy Lyons	Bontril
11/27/87	44796	Cindy Lyons	Bontril
11/27/87	44795	Chris Buckley	Hycodan
12/09/87	44798	Cindy Lyons	Hycodan
12/12/87	44787	Cindy Lyons	Hycodan
12/16/87	44772	Frank Fontaine	Vicodin
12/18/87	44764	Cindy Lyons	Hycodan
12/22/87	40010041	Chris Buckley	Bontril
12/24/87	44776	Frank Fontaine	Hycodan
01/05/88	26152	Chris Buckley	Bontril
01/08/88	26153	Cindy Lyons	Hycodan
01/12/88	26157	Frank Fontaine	Bontril
01/12/88	26156	Cindy Lyons	Vicodin
01/15/88	26158	Frank Fontaine	Hycodan
01/22/88	26164	Cindy Lyons	Hycodan
01/22/88	26161	Chris Buckley	Hycodan
02/04/88	27053	Cindy Lyons	Hycodan
02/10/88	27056	Cindy Lyons	Vicodin
02/12/88	27059	Frank Fontaine	Hycodan
02/24/88	27069	Cindy Lyons	Bontril
03/04/88	27079	Cindy Lyons	Hycodan
03/16/88	27086	Cindy Lyons	Bontril
03/17/88	27088	Chris Buckley	Vicodin
03/22/88	27094	Cindy Lyons	Bontril
03/29/88	30502	Cindy Lyons	Vicodin
04/08/88	30514	Cindy Lyons	Hycodan
04/13/88	30519	Cindy Lyons	Hycodan
04/15/88	30520	Cindy Lyons	Hycodan
04/15/88	30521	Chris Buckley	Hycodan
04/20/88	30529	Chris Buckley	Hycodan
04/26/88	30537	Cindy Lyons	Hycodan
04/29/88	30543	Cindy Lyons	Vicodin
05/27/88	25178	Cindy Lyons	Hycodan
06/01/88	25180	Cindy Lyons	Vicodin

<u>Date</u>	<u>Number</u>	<u>Name</u>	<u>Drug</u>
06/17/88	25192	Cindy Lyons	Vicodin
06/20/88	25194	Cindy Lyons	Bontril
06/24/88	25198	Cindy Lyons	Hycodan
07/01/88	33574	Cindy Lyons	Bontril
07/07/88	35219	Cindy Lyons	Hycodan
07/14/88	33680	Jeffrey Shipley	Hycodan
07/15/88	33681	Cindy Lyons	Hycodan
07/18/88	33685	Jeffrey Shipley	Percocet
07/18/88	33684	Cindy Lyons	Bontril
07/21/88	33686	Cindy Lyons	Percocet
07/26/88	33689	Cindy Daukantas	Oxycodone/Acetaminophen
07/29/88	25622	Cindy Lyons	Hycodan
08/04/88	51203	Chris Buckley	Bontril
08/04/88	51202	Chris Buckley	Percocet
08/05/88	51205	Cindy Lyons	Hycodan
08/05/88	51204	Cindy Lyons	Hycodan
08/11/88	51210	Jeff Shipley	Oxycodone/Acetaminophen
08/12/88	51212	Jeff Shipley	Hycodan
08/16/88	51215	Cindy Lyons	Bontril
08/17/88	51216	Cindy Lyons	Percocet
08/24/88	51220	Jeff Shipley	Oxycodone/Acetaminophen
08/26/88	51221	Cindy Lyons	Hycodan
08/31/88	51225	Cindy Lyons	Hycodan
09/06/88	51230	Cindy Lyons	Bontril
09/07/88	51233	Chris Buckley	Oxycodone/Acetaminophen
09/09/88	51235	Frank Fontaine	Hycodan
09/16/88	51240	Jeff Shipley	Oxycodone/Acetaminophen
09/20/88	51242	Cindy Lyons	Hycodan
09/22/88	51245	Frank Fontaine	Hycodan
09/23/88	51248	Diane Buckley	Bontril
09/23/88	51249	Chris Buckley	Percocet
09/26/88	51243	Jeff Shipley	Oxycodone/Acetaminophen
09/28/88	51250	Jeff Shipley	Bontril
09/30/88	53803	Jeff Shipley	Hycodan
09/30/88	53804	Jeff Shipley	Hycodan
10/06/88	53806	Chris Buckley	Bontril
10/07/88	53809	Jeff Shipley	Hycodan
10/14/88	53817	Cindy Lyons	Hycodan

6. On October 15 and 18, 1988, after being advised of his rights, Respondent gave statements to Detective Steven W. Maglidt, admitting that Jeff Shipley, Frank Fontaine, and Chris Buckley did not exist; when Respondent wrote prescriptions in the names of either Jeff Shipley, Frank Fontaine or Chris Buckley,

Respondent took the prescriptions to a pharmacy where he received the drugs for his personal use.

7. Respondent admitted that the purpose of writing prescriptions with the false names was to obtain drugs for "recreational use."

8. Writing prescriptions for patients who do not exist and taking the prescription to a pharmacy where Respondent received the drugs constitutes willfully making and filing false records in the practice of medicine.

9. Writing prescriptions for patients who do not exist constitutes immoral conduct in the practice of medicine.

10. Respondent's wife is Cindy Daukantis Lyons. Respondent admitted to treating his wife for chronic bronchitis, low back pain, and weight control.

11. Respondent admitted that both he and his wife used Bontril, Hycodan, Percocet and Vicodin for "recreational use."

12. Writing prescriptions for Respondent's wife constitutes practicing medicine other than in connection with Respondent's post-graduate training program.

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, the Board finds the above allegations of facts to be true, the Board may revoke or suspend Respondent's right to practice medicine in the State or place Respondent on probation or reprimand Respondent.

NOTICE OF HEARING, PREHEARING CONFERENCE
AND SETTLEMENT CONFERENCE

A hearing in this matter has been scheduled for April 5, 1989 at 10:00 a.m. in the Office of Administrative Hearings and Appeals, Room L-9 of the O'Connor Building, 201 West Preston Street, Baltimore, Maryland 21201.

In addition, a settlement conference in this matter has been scheduled for March 8, 1989 at 12:00 p.m. in the O'Connor Building, Room 101, 201 West Preston Street, Baltimore, Maryland 21201, and a prehearing conference in this matter has been scheduled for March 22, 1989 at 9:00 a.m., in the Office of Administrative Hearings and Appeals, Room L-9 of the O'Connor Building, 201 West Preston Street, Baltimore, Maryland 21201. The nature and purpose of the settlement conference and the prehearing conference is described in the attached letter to Respondent.

2/13/89

Date

Israel H. Weiner

Israel H. Weiner, M.D.
Chairman
Board of Physician Quality
Assurance

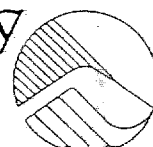
EXHIBIT B



Medical and Chirurgical Faculty of Maryland

MEDICAL AND CHIRURGICAL FACULTY OF THE STATE OF MARYLAND
COMMITTEE ON PHYSICIAN REHABILITATION

PHYSICIAN REHABILITATION ADVOCACY CONTRACT



Physician
Rehabilitation
Committee

I, JACK FLOWERS, M.D.

having met with certain members of the Committee on Physician Rehabilitation (hereafter referred to as the Committee) understand and agree with the Committee's assessment that my ability to properly practice medicine is or may become impaired by reason of Chemical Dependency.

I further understand that the Committee will act as my advocate and assist me in my recovery from Chemical Dependency in exchange for my complete compliance with the Program as outlined in this contract. This contract is effective from 30 April 90 through 30 April 95.

I understand that this contract has been designed to allow my colleagues to assist me in meeting my personal and professional needs as a recovering impaired physician, and is entered into for the purpose of assuring complete understanding of the terms and times specified for my participation in the Committee's Program:

- (1) I agree to enter a hospital/treatment center for evaluation, detoxification, and/or rehabilitation/therapy on the 19 day of March 1990, 1990, and will remain until discharge by my therapist (s);

Facility : Oakview Treatment Center

Completed : 02 April 90

1211 Cathedral Street Baltimore, Maryland 21201

(301)539-0872 In Maryland 1-800-492-1056
Message line (301)727-0120 24 hours a day, 7 days a week, leave a message

The Maryland State Medical Society

- (2) I agree to participate in an outpatient rehabilitation/treatment program instead of, or following hospitalization, for a period of Two Years

Facility : Oakview Treatment Center

Frequency of Therapy : Weekly

- (3) I agree to attend 3 AA/NA meetings per week. I further agree to attend, when available, Caduceus Club meetings, Medical 12-STEP Program meetings, and/or professional recovery group meetings, such as the Capital Medical Group in Bethesda, Maryland or the Physician AA Group in Baltimore, Maryland.

- (4) I agree to obtain individual psychotherapy if recommended by the Committee.

- (5) I agree to participate in specified urine, breathalyzer test and/or other analyses program approved by the Committee.

Frequency of Testing : Weekly Random

Method : Urine

Location : Oakview / University EAP Associates

Monitor : Oakview / University EAP Associates

- (6) I agree to take Antabuse and/or Trexan, if and as recommended by my therapist(s) or the Committee.

- (7) I agree to take responsibility for assuring that my physician/treatment provider makes timely reports to the Committee

concerning my participation in therapy, my progress, my prognosis, and my ability to return to or remain in active practice. The frequency of the reports will be determined by the Committees.

Current Treatment Provider: Oakview Treatment Center

- (8) I agree to accept the responsibility for arranging regular meetings with a monitor assigned to me by the Committee who will assist me in recovery and who will monitor my progress and make reports to the Committee. The frequency of the meetings may be changed by the monitor with approval of the Committee.
- (9) I agree to maintain abstinence from the use of any mood altering chemicals (drugs and/or alcohol) unless prescribed by another physician in an appropriate manner for an illness with full knowledge and agreement of the Committee.
- I agree that my personal physician(s) may inform the Committee of conditions for which I am under treatment including any and all drugs or medications, prescriptions and over-the-counter, included in the treatment plan. I will also request that drugs of addiction/controlled substances not be prescribed to treat illnesses unless there is no alternative treatment available.
- (10) I agree to fully and openly discuss my illness and my treatment with my spouse, to encourage her attendance with me at open AA meetings and to encourage her to attend Al-Anon meetings in order to get a perspective on her own feelings regarding my illness and her own well being.
-

- (11) I agree to arrange for my children to attend Alateen or Al-Anon (as appropriate to their ages) with me to acquaint them with the Al-Anon program benefits and literature which may be helpful and encourage their continued attendance. To consult with Oakview Treatment Center to arrange some form of family therapy or counseling (for a minimum of three months).
- (12) I agree to share this contract with Anthony Imbembo, M.D. of the institution(s) at which I have privileges. I further grant permission for the Chairman of the Committee of Physician Rehabilitation to contact Dr. Imbembo at the Chairman's discretion regarding my compliance with the terms of this contract and to release information to them, if sought, concerning my compliance during the term of this contract.
- (13) I agree to meet with members of the Committee at the discretion of the Chairman to discuss my progress.
- (14) I agree to admission to an inpatient treatment facility recommended by the Committee and to complete a course of inpatient treatment and aftercare as recommended by them, if at any time during this contract I have a relapse.
I understand that a second relapse will result in automatic referral to the Board of Physician Quality Assurance of the State of Maryland.
- (15) I hereby authorize the Committee to communicate information concerning me from Committee files to my (physician/treatment
-

provider) and authorize my (physician/treatment provider) to communicate appropriate information to the Committee concerning my participation in treatment, my progress, my prognosis, and my ability to continue in active medical practice.

- (16) I authorize any communications necessary with other medical societies or other jurisdictions concerning my case to facilitate the monitoring of my compliance if I am licensed in more than one jurisdiction or apply for a medical license in any other jurisdiction.
- (17) I understand that failure on my part to comply with the terms of this contract may result in referral of my case to the Board of Physician Quality Assurance of the State of Maryland.
- (18) I agree to notify the Committee of any change of address, telephone numbers, employment, legal status, and marital/family conditions that might have relevance to my recovery from impairment.
- (19) I agree to take responsibility for all my expenses incurred as a result of my impairment and recovery. I further agree to pay for all costs incurred in necessary urine/blood monitoring for my protection and to document my recovery.
- (20) I understand that upon completion of successful participation in this program of recovery, as outlined in this contract, I will no longer continue under the monitoring of the Committee. My voluntary compliance with this treatment program contract is a condition of the Committee's continuing advocacy on my behalf.

(21) I understand that if I should not comply with this contract, I will release the Committee from any further advocacy role on my behalf, unless a new agreement can be reached. I further understand that the Committee will take action as is necessary and/or legally mandated to report my failure to comply with the provisions of this contract to person(s), group(s), and organization(s) that need to be informed for the sake of investigation, patient protection, and my own well-being and protection.

This document may be subject to revision from time to time with the expressed consent of all parties involved. If it is deemed appropriate, an amendment will be prepared to reflect any such revision(s).

5/30/90

Date

08 June 90

Date

John J. Froun MD

Signature of Participant

W. J. Froun MD, CAC

Signature of Chairman or Designee
Committee on Physician Rehabilitation

July 28, 1989
CONTRACT

EXHIBIT C

PROFESSIONAL ASSISTANCE
TREATMENT CONTRACT

PHYSICIAN: John Flowers, MD

DATE: 5/21/90

CHIEF: A.I. Imbembo, MD

EAP : Robert White

I. Purpose

This contract represents an agreement between the parties to follow through with the actions described herein. The primary purpose of this agreement is to ensure the continued recovery of the physician from Alcoholism and Other Drug Dependence (Chemical Dependence). Chemical Dependence is a chronic disease that requires ongoing treatment in order to achieve a stable recovery. The items listed below will serve to promote the continued good health of the physician. If this agreement is not carried out it is understood that disciplinary action may occur.

II. Treatment Plan

A. I agree to abstain from all mood-altering chemicals including, alcohol, marijuana, cocaine, and drugs not prescribed by a physician. Further, I will notify Oakview before I ingest any prescribed mood-altering medication.

B. I agree to complete the residential program at :
Completed Oakview Residential (3/19/90 - 4/2/90).

C. I agree to enter into the outpatient program at
Is currently in Oakview Professional Group (1x per week for two years).

D. I agree to encourage my family to participate in my treatment program as suggested by the EAP.

VI. Length of Agreement

A. This agreement will remain in effect for as long as I am associated with UMMS or 5 years, whichever is shorter. If I leave UMMS I will continue this agreement through the Med Chi or their representative.

VII. Practice Restrictions

A. I will not prescribe for myself or family.

B. I will be supervised by Dr. Imbembo in my clinical practice through 6/30/91.

C. There are no other restrictions to my practice.

5/21/90
DATE

John J. Fieroux MD
Physician

Bob White
EAP

EXHIBIT D

WHITFIELD ASSOCIATES
21 WEST ROAD, SUITE 150
BALTIMORE, MARYLAND 21204
301/825-0041

Treatment Contract Agreement

I agree to participate in the following treatments for a minimum of two years.

- 1) I will not drink or use drugs, one day at a time.
- 2) I will attend at least 3 Alcoholics Anonymous and/or Narcotics Meetings each week.
- 3) I will attend one group therapy meeting with Whitfield Associates which meets on _____ at 5 PM each week. Your group therapists will be _____.
- 4) I will take one Antabuse/Trexan tablet daily for _____. Should I ever consider stopping taking Antabuse/Trexan, I agree to notify my therapy group leader, my AA/NA Sponsor, and my primary therapist.
- 5) I will comply with the attached urine monitoring protocol.
- 6) Should I relapse, i.e. take one drink or use any drug I agree to enter inpatient treatment for alcoholism or chemical dependence for at least one month at a facility approved by Whitfield Associates Professional Assistance Committee.
- 7) _____

Signed

John Flounius

Witness

Vicki Mamm

Date

6/25/90

Copy to

EXHIBIT E



University of Maryland Medical System

AMENDMENT TO FELLOWSHIP AGREEMENT JULY 1, 1990 THROUGH JUNE 30, 1991 JOHN L. FLOWERS, JR., M.D.

BACKGROUND

1. John L. Flowers, Jr., M.D. ("Flowers"), then a resident at the University of Maryland Medical System Corporation ("UMMS"), was the subject of an investigation and a 1989 hearing by the Maryland Board of Physician Quality Assurance ("BPQA"). The BPQA has not issued an order pursuant to that hearing.

2. February 1990 urine tests initiated by UMMS for Flowers were positive for cannabinoid, and Flowers was removed from patient care. Flowers entered treatment for chemical dependence.

3. In May, 1990, UMMS permitted Flowers to return to patient care, provided he complied with the May 21, 1990 Professional Assistance Treatment Contract ("EAP Contract") signed by Flowers and Robert White, EAP Director, on behalf of UMMS, copy attached.

4. UMMS is hiring Flowers as a fellow in the Surgical Endoscopy Program for the period July 1, 1990 through June 30, 1991 on the condition that Flowers continues to participate in chemical dependence treatment and monitoring.

PROVISIONS

UMMS and Flowers agree that the following special provisions are added to and incorporated in Flowers' fellowship agreement for the period July 1, 1990 through June 30, 1991:

1. The EAP Contract is incorporated as part of this Agreement.

2. Flowers understands that under the EAP Contract, he is subject to such additional random urine collections at such frequency as UMMS may determine in its discretion. Flowers will provide a urine within 24 hours of a request.

3. Flowers will notify the UMMS EAP Director if he plans to be away from UMMS or otherwise unavailable within 24 hours of a request by the EAP Director for a urine. Flowers will keep the EAP Director advised of his current beeper number and any other reliable method to contact him.

4. Flowers may become the subject of an investigation by the Board of Physician Quality Assurance (BPQA). Immediately upon receipt, Flowers shall provide M. Nicholas Humphries, General Counsel of UMMS, and Anthony Imbembo, M.D., Chairman of the Department of Surgery, with a copy of any subpoena.

EXHIBIT F



Medical
and Chirurgical Faculty
of Maryland

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, John Flowers, M.D. authorize the
(Name)
Physician Rehabilitation Program to disclose to
(Name of the Program making the disclosure)
Board of Physician Quality Assurance the following
(Name of person or organization to which disclosure is to be made)
specific information Verification of Program/Treatment Involvement & Progress Reports
(Nature of the information)
for the purpose of Licensure/Gainful Employment/Advocacy

I have been informed of the type of information being released; the benefits and disadvantages (if any), and I understand that treatment services are not contingent upon my decision concerning the signing of this release.

I understand that my records are protected as confidential under Federal Law and cannot be disclosed without my written consent unless otherwise permitted in accordance with Federal Law and Regulation. I also understand that I may revoke this consent at any time except to the extent that action has been taken on it. If not previously revoked, this consent will terminate upon (specific date, event, or condition): 01 August 95

Executed this 01st day of August, 1990.

X 7958 Covington Ave
Patient's Address
Glen Burnie MD 21061

X John J. Flowers
Signature of Patient
Michael C. Llufrio CAC
Signature of Witness

Signature of parent, guardian or
authorized representative

PROHIBITION ON REDISCLOSURE:

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 1. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rule restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

PLEASE RETURN TO:

Michael C. Llufrio, CAC
at MED-CHI
Rehab 001-03/89



DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF PHYSICIAN QUALITY ASSURANCE

4201 PATTERSON AVE. P.O. BOX #2571 BALTIMORE, MD 21215-0002

Area Code 301-764-4777

TTY FOR DEAF: Balto. 383-7555
D.C. Metro 565-0451

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, John Lee Flowers, M.D. authorize the Employee Assistance Program to disclose any and all information about my participation in the Employee Assistance Program to the Board of Physician Quality Assurance.

John Lee Flowers MD
John Lee Flowers, M.D.
7958 Covington Avenue
Glen Burnie, Maryland 21061

9/25/90

Date

Robert K. White
Robert K. White, Director
Employee Assistance Program

9/27/90

Date



DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF PHYSICIAN QUALITY ASSURANCE

4201 PATTERSON AVE. P.O. BOX #2571 BALTIMORE, MD 21215-0002

Area Code 301-764-4777

TTY FOR DEAF: Balto. 383-7555
D.C. Metro 565-0451

CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, John Lee Flowers, M.D. authorize Whitfield Associates to disclose any and all information about my participation in the Whitfield Treatment Program to the Board of Physician Quality Assurance.

John Lee Flowers MD
John Lee Flowers, M.D.
7958 Covington Avenue
Glen Burnie, Maryland 21061

9/25/90

Date

Ralph D. Raphael Ph.D.
Ralph D. Raphael, Ph.D.
Whitfield Associates

9/27/90

Date

EXHIBIT G

PROTOCOL FOR URINE SAMPLE COLLECTION
JOHN L. FLOWERS, M.D.
FROM OCTOBER 1, 1990 TO SEPTEMBER 4, 1995

As per the Consent Order of October __, 1990, for the period of five (5) years beginning on the date that the Consent Order was executed, John L. Flowers, M.D. ("Flowers") will provide supervised urine samples to be collected two (2) times per week. This protocol will be in effect from October 1, 1990 through September 4, 1995.

1. Beginning Monday, October 1, 1990, Flowers will give two (2) supervised urine specimens per week on Mondays and Thursdays at 2:00 p.m. at the University of Maryland Medical System ("UMMS") under the direction of Mr. Robert K. White, Director, Employee Assistance Program and the Professional Assistance Committee located at Suite 540, 419 W. Redwood Street, Baltimore, Maryland 21201.
2. If Flowers does not appear to provide a urine specimen by 4:00 p.m. on Mondays and Thursdays, either Robert K. White or his designee will notify Heather M. Johnson, Compliance Officer for the Board of Physician Quality Assurance at (301) 764-4783. In the event that Ms. Johnson is unavailable, Mr. White or his designee will notify Sylvia J. Williams, Paralegal for the Board at (301) 225-1873.
3. Either Mr. White or his designee will witness and supervise all urine samples given by Flowers.
4. All urine samples are to be submitted to Mr. White or his designee without Flowers having any contact with the sample once given. Flowers shall not touch or handle any urine specimen given by him after it has been taken by the supervising person, nor shall he be responsible for the handling, transportation, or delivery of any urine specimen given by him.
5. Flowers shall use his name and initial the Chain of Possession form used by the Friends Medical Laboratory, Inc. for the identification and handling of urine specimens. The person receiving the specimen shall sign the Chain of Possession form in accordance with procedures established by Friends Medical Laboratory.
6. Each urine specimen will be picked up and transported by a representative of Friends Medical Laboratory, Inc. Each urine sample will be tested for a

urine drug screen, 100 NG level for marijuana plus all other drugs of abuse,¹ and shall be performed on the premises of Friends Medical Laboratory, Inc.

7. A urine specimen that tests negative upon one drug screening test is a negative specimen. A urine specimen that tests positive upon one drug screening test shall be retested with a second confirmatory test. If the second confirmatory test is negative, then the urine specimen is a negative specimen. If the second confirmatory test is positive, then the urine specimen is a positive specimen. If the laboratory fails to perform a second confirmatory test upon a urine specimen that has tested positive one time, then the urine specimen is a negative specimen.

8. Mr. White will send the results of each urine test to the Board of Physician Quality Assurance, 4201 Patterson Avenue, P. O. Box 2571, Baltimore, Maryland 21215-0002, on a quarterly basis, beginning November 1, 1990, January 1, 1990, March 1, 1991 and May 1, 1991 and continuing thereafter. In the event a test result is positive, Mr. White will contact the Board immediately in addition to forwarding the results to the Board.

9. In the event that Flowers wishes to take a vacation or leaves the State of Maryland, Flowers must notify the Board of his intent one (1) month before the vacation, by certified mail, return receipt requested. Flowers must arrange for urine testing at a facility approved by Mr. White whenever he leaves Baltimore. All vacations must be within the continental United States and either the Board, the Executive Committee or its Monday Review Panel Committee must approve Flowers' request in advance.

10. In the event of an emergency which requires Flowers to be out of town, he must telephone either:

- a. J. Michael Compton, Acting Executive Director, 764-4770,
- b. Margaret T. Anzalone, Deputy Director, 764-4780 or
- c. Israel H. Weiner, M.D., Chair, 825-2600, notifying them.

After Flowers notifies one (1) of the three persons mentioned above, Flowers must send a letter to the Board, certified mail, return receipt requested, explaining the reasons for the emergency.

11. Flowers shall pay \$20.00 to Mr. White each time a urine specimen is collected for the duration of this Protocol to cover the cost of performing each urine drug screening test. In addition, Flowers will pay \$20.00 to cover the

¹The term "all other drugs of abuse" include amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, methadone, methaqualone, opiates, phencyclidine, and propoxyphene.

cost of performing the secondary confirmatory test whenever a urine drug screen test result is positive.

APPROVED:

DATE: 10/1/90

Israel H. Weiner
Israel H. Weiner, M.D., Chair
Board of Physician Quality
Assurance

CERTIFICATE OF SERVICE

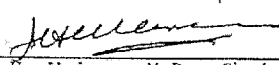
I HEREBY CERTIFY that on this 25th day of September, 1990,
I hand delivered the PROTOCOL FOR URINE SAMPLE COLLECTION, JOHN L. FLOWERS,
M.D., which was attached to the Consent Order, to John L. Flowers, M.D., at
the Office of the Attorney General, 300 West Preston Street, Baltimore, Mary-
land 21201.

Sylvia J. Williams
Sylvia J. Williams, Paralegal
Board of Physician Quality
Assurance

cost of performing the secondary confirmatory test whenever a urine drug screen test result is positive.

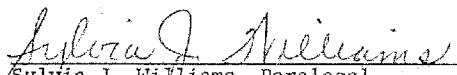
APPROVED:

DATE: 10/1/90


Israel H. Weiner, M.D., Chair
Board of Physician Quality
Assurance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 1990,
I hand delivered the PROTOCOL FOR URINE SAMPLE COLLECTION, JOHN L. FLOWERS
M.D., which was attached to the Consent Order, to John L. Flowers, M.D., at
the Office of the Attorney General, 300 West Preston Street, Baltimore, Mary-
land 21201.


Sylvia J. Williams, Paralegal
Board of Physician Quality
Assurance