

IN THE MATTER OF	*	BEFORE THE BOARD
JOHN L. FLOWERS, M.D.	*	OF PHYSICIAN QUALITY
Respondent	*	ASSURANCE
License No. D40524	*	Case No. 89-0259, 89-0290,
		90-0443
* * * * *	*	* * * * *

MODIFIED CONSENT ORDER

PROCEDURAL BACKGROUND

On October 1, 1990, John L. Flowers, M.D. (the "Respondent") (DOB 8/18/58), License Number D40524, entered into a Consent Order with the Board of Physician Quality Assurance (the "Board").

On March 26, 1991, Respondent petitioned the Board for a modification of the October 1, 1990 Consent Order. A modified Consent Order was entered into by Respondent and the Board on July 30, 1991.

On June 12, 1992, Respondent petitioned the Board for modification of certain conditions of the Consent Order. On August 25, 1992, the Board's Weekly Review Panel (the "WRP") voted to deny modification of the Consent Order at that time, but agreed that the petition should be re-evaluated in one year. On September 2, 1993, Respondent petitioned the Board for modification of the Consent Order. On October 5, 1993, the WRP voted to approve four of the five modifications to the Consent Order requested by Respondent.

FINDINGS OF FACT

1. On October 1, 1990, Respondent entered into a Consent Order with the Board. The Consent Order dated October 1, 1990 is attached and incorporated into this Modified Consent Order. The Findings of Fact, Conclusions of Law and Order are incorporated by reference into this Modified Consent Order.

2. On July 30, 1991, Respondent and the Board entered into a modified Consent Order. The Consent Order dated July 30, 1991 is attached and incorporated into this Modified Consent Order. The Findings of Fact, Conclusions of Law and Order are incorporated by reference into this Modified Consent Order.

3. On September 2, 1993, Respondent petitioned the Board for modification of the prior Consent Orders.

4. Respondent has complied with all terms of the Consent Orders dated October 1, 1990 and July 30, 1991.

5. Respondent has complied with the terms of his agreement with the Physician's Rehabilitation Committee of the Medical and Chirurgical Faculty of Maryland (the "Agreement").

6. Respondent's Agreement with the Physician's Rehabilitation Committee continues in effect until April, 1995.

CONCLUSIONS OF LAW

The Board incorporates by reference those Conclusions of Law set forth in the Consent Orders dated October 1, 1990 and July 30, 1991.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16 day of November, 1993,

ORDERED that condition #9 of the October 1, 1990 Consent Order shall be modified as follows:

From the effective date of this Order, Respondent shall be monitored by random urine screens. Respondent shall provide urine samples to Mr. Robert K. White, Director, Employee Assistance Program, on a random basis at Mr. White's discretion. Respondent shall pay to Mr. White the amount of \$20.00 each time a urine specimen is collected for the duration of the random urine screening to cover the cost of performing each screening test. In addition, Respondent shall pay \$20.00 to cover the cost of performing the secondary confirmatory test whenever a urine drug screen test is positive;

and it is further

ORDERED that conditions #10 and 11 of the October 1, 1990 Consent Order shall be of no further force and effect; and it is further

ORDERED that Respondent may terminate his outpatient treatment with Whitfield Associates as required by condition #4 of the October 1, 1990 Consent Order; and it is further

ORDERED that all other conditions in the October 1, 1990 and July 30, 1991 Consent Orders remain unmodified and in full force and effect; and it is further

ORDERED that the five year probation ordered in the October 1, 1990 Consent Order continues without modification. Respondent will be eligible to petition the Board for termination of probation after October 1, 1995; and it is further

ORDERED that if Respondent violates any of the foregoing

terms and conditions of probation and any of those outlined in the October 1, 1990 Consent Order and the modification of that Order dated July 30, 1991, the Board, after notice and a hearing and a determination of violation by a preponderance of the evidence, may impose any additional disciplinary sanction it deems appropriate; and it is further

ORDERED that if Respondent presents a danger to the public health, safety and welfare, the Board, WITHOUT PRIOR NOTICE AND AN OPPORTUNITY FOR A HEARING, MAY SUSPEND RESPONDENT'S LICENSE, provided that Respondent is given immediate notice of the Board's action and an opportunity for a hearing within thirty days after Respondent requests such a hearing; and it is further

ORDERED that this Modified Consent Order is a PUBLIC DOCUMENT pursuant to Maryland State Gov't Code Ann. § 10-611 et seq.

11/16/93
Date

Israel H. Weiner
Israel H. Weiner, M.D.
Chair

CONSENT

By signing this Consent, I hereby accept and agree to be bound by the foregoing Modified Consent Order and its conditions and restrictions consisting of 4 pages.

1. By signing this Consent, I hereby submit to this Modified Consent Order and to the terms and conditions of the Consent Order dated October 1, 1990 and the modification of that Order dated July 30, 1991.

2. I understand that if I fail to comply with any of the conditions set forth in this Consent Order, the Consent Order dated October 1, 1990 and the modification of that Consent Order dated July 30, 1991, the Board may take any additional disciplinary action it deems appropriate.

3. I have had an opportunity to review this Modified Consent Order with an attorney and I understand both the nature of the matters against me and the effect of this Modified Consent Order. I make the decision to enter into this Modified Consent Order knowingly and voluntarily.

11/9/93
Date

John L. Flowers MD
John L. Flowers, M.D.

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 9th day of November,
1993, 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 Modified
Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Patricia K. Scherck
Notary Public

My Commission Expires: 9-1-94