

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Jonathan Andrew Flom, M.D.,)	CONSENT ORDER
)	
Applicant.)	

This matter is before the North Carolina Medical Board ("Board") on the application of Jonathan Andrew Flom, M.D. ("Dr. Flom") for reinstatement of his license to practice medicine in the state of North Carolina. Dr. Flom makes the following admissions and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Flom has applied for reinstatement of his license to practice medicine in North Carolina.

Dr. Flom was first issued a license to practice medicine by the Board on or about April 22, 2004, license number 200400331.

Dr. Flom has not practiced medicine since April 24, 2017.

Prior to April of 2017, Dr. Flom practiced psychiatry in Fayetteville, North Carolina.

On April 24, 2017, the Board received notice that Dr. Flom had been arrested and charged with Driving While Impaired ("DWI") on April 21, 2017. The Board subsequently opened an investigation regarding Dr. Flom's arrest.

In the course of the Board's investigation, it was discovered that Dr. Flom was a participant with the North Carolina Physicians Health Program ("NCPHP") due to his diagnosis of severe alcohol use disorder.

On February 1, 2016, Dr. Flom presented to NCPHP for evaluation and subsequently signed a monitoring contract with NCPHP.

On March 8, 2017, Dr. Flom submitted a urine drug screen sample that tested positive for ethyl glucuronide. Dr. Flom acknowledged to NCPHP that he had relapsed.

On March 20, 2017, Dr. Flom entered residential treatment. Upon release from treatment on April 20, 2017, Dr. Flom was involved in a motor vehicle accident and subsequently charged with DWI. Dr. Flom entered into a Non-Practice Agreement with NCPHP on April 24, 2017.

On June 16, 2017, Dr. Flom submitted a license inactivation request to the Board, and his license was subsequently made inactive.

On August 21, 2017, Dr. Flom entered into a Consent Order with the Board in which his license to practice medicine was indefinitely suspended.

Since May 2017, Dr. Flom has received out-patient treatment and monitoring for alcohol dependence.

Dr. Flom has signed a five-year monitoring contract with NCPHP, and NCPHP has deemed Dr. Flom safe to return to the practice of medicine.

CONCLUSIONS OF LAW

Dr. Flom acknowledges that when abusing alcohol, he may be unable to practice medicine with reasonable skill and safety within the meaning of N.C. Gen. Stat. § 90-14(a)(5) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Flom's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

Dr. Flom acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Flom knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Flom, with the advice of legal counsel, acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Flom desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

NOW, THEREFORE, with Dr. Flom's consent, it is ORDERED that:

1. The Board shall reinstate Dr. Flom's license to practice medicine in North Carolina.

2. Dr. Flom shall maintain his current contract with NCPHP and abide by its terms, including the timely payment of any fees required by NCPHP.

3. Unless lawfully prescribed for him by someone other than himself, Dr. Flom shall refrain from the use or possession of alcohol and all other mind- or mood-altering substances and all controlled substances including but not limited to, sedatives, stimulants, and pain medication.

4. Upon request by the Board, Dr. Flom shall supply urine, blood, hair, or any other bodily fluid or tissue sample the Board might reasonably require for the purposes of analysis to determine if he has consumed any of the substances mentioned above.

5. Prior to beginning the practice of medicine at any location, Dr. Flom must notify the Board and obtain practice site approval from the Board's Office of the Medical Director, which the Board's Medical Director is under no obligation to approve.

Such request should be made to the Board's Compliance Coordinator at North Carolina Medical Board, P.O. Box 20007, Raleigh, NC 27619-0007 or compliance@ncmedboard.org.

6. Upon an *ex parte* determination of probable cause by the Board that Dr. Flom has failed to comply with any of the terms and conditions contained in paragraphs 2 through 5 of this Consent Order, that determination, without further showing, shall constitute grounds for the Board to summarily suspend Dr. Flom's North Carolina medical license pursuant to N.C. Gen. Stat. § 150B-3(c), and Dr. Flom waives his right to a prompt hearing on the summary suspension of his North Carolina medical license.

7. Dr. Flom shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

8. Dr. Flom shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

9. Upon request, Dr. Flom shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

10. If Dr. Flom fails to comply with any of the terms and conditions of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license to

practice medicine and to deny any application he might make in the future or then have pending for a license.

11. This Consent Order shall take effect immediately upon its execution by both Dr. Flom and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

12. Dr. Flom hereby waives any requirement under any law or rule that this Consent Order be served on him.

13. Upon execution by Dr. Flom and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 10th day of October, 2018.

NORTH CAROLINA MEDICAL BOARD

By:



Timothy E. Lietz, M.D.
President

Consented to this the 10th day of October, 2018.

Jonathan Andrew Flom, M.D.
Jonathan Andrew Flom, M.D.

State of NC

County of Cumberland

I, Donna Roraback, do hereby certify that Jonathan Andrew Flom, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 10th day of October, 2018.

Donna Roraback
Notary Public



My Commission Expires: 4/14/2021