

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
Jack L. Flippo, M.D.) CONSENT AGREEMENT FOR LICENSURE
)

This document is a Consent Agreement, effective when signed by all parties, regarding the pending application for permanent licensure in the State of Maine of Jack L. Flippo, M.D. The parties to the Consent Agreement are: Jack L. Flippo, M.D. (“Dr. Flippo”), the State of Maine Board of Licensure in Medicine (“the Board”) and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. On February 16, 2016, the Board received Dr. Flippo’s application for permanent licensure (pending License number MD 21015). On his application, Dr. Flippo disclosed that he had been diagnosed with a mental health and substance abuse disorder. Dr. Flippo also disclosed that he entered into a consent order with the North Carolina Medical Board on December 2, 2015, following an incident that occurred in September 2014 when he took too much of a prescribed medication resulting in an emergency room visit at the hospital where he worked.

2. In the December 2, 2015 Consent Order, the North Carolina Medical Board found that Dr. Flippo had a history of alcohol use disorder, that on September 22, 2014, he self-referred to the North Carolina Physicians

Health Program (“NCPHP”), and that his hospital privileges had been temporarily suspended based upon suspected substance abuse. After concluding that Dr. Flippo possessed a mental health and substance abuse disorder that when left untreated rendered him unable to practice medicine and surgery with reasonable skill and safety to patients, the North Carolina Medical Board imposed a license suspension which was immediately stayed on terms and conditions including a requirement that he maintain and comply with his NCPHP monitoring contract

3. By letter dated March 22, 2016, the Maine Medical Professionals Health Program (“MPHP”) informed the Board that Dr. Flippo signed an out of state monitoring agreement with the MPHP, and that coordination of monitoring had been arranged with the NCPHP.

4. Pursuant to 32 M.R.S. § 3271(5), an applicant may not be licensed unless the Board finds that the applicant is qualified and no cause exists, as set forth in section 3282-A, that may be considered grounds for disciplinary action against a licensed physician or surgeon.

5. Pursuant to 32 M.R.S. § 3282-A(2)(B), the Board may refuse to issue, or impose other discipline for misuse of alcohol, drugs or other substances that has resulted or that may result in the licensee performing services in a manner that endangers the health or safety of patients.

6. Pursuant to 32 M.R.S. § 3282-A(2)(M), the Board may refuse to issue, or impose other discipline when disciplinary action has been imposed by

another state if the conduct resulting in disciplinary action, if committed in this State, constitutes grounds for discipline.

7. On April 12, 2016, the Board reviewed the foregoing information and voted to preliminarily deny Dr. Flippo's application for permanent licensure. In lieu of the denial, the Board also voted to offer Dr. Flippo this Consent Agreement. Should Dr. Flippo decide to accept this Consent Agreement, he should sign it and date it in front of a notary and return it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before June 16, 2016. Should Dr. Flippo decide not to accept this Consent Agreement and wish to appeal the preliminary denial of his application for permanent licensure, Dr. Flippo must submit a written request for an adjudicatory hearing to the Board within thirty (30) days of receipt of the Notice of Preliminary Denial of License Application or the preliminary denial of his application will become final.

COVENANTS

8. Dr. Flippo admits the foregoing facts and that such conduct constitutes grounds for denial of licensure and imposition of other discipline pursuant to 32 M.R.S. §§ 3282-A(2)(B) and (2)(M).

9. As discipline for his conduct, Dr. Flippo agrees to the following terms and conditions:

a) Dr. Flippo shall comply with all terms and conditions of the December 2, 2015 Consent Order of the North Carolina Medical Board.

b) Dr. Flippo shall maintain and comply with all requirements of his March 1, 2015 five-year monitoring contract with NCPHP and his out of state monitoring contract with MPHP. Coordinated monitoring between NCPHP and MPHP is required and shall include immediate notification of any positive or problematic toxicology test. So long as Dr. Flippo holds a license to practice medicine in Maine, he shall have a monitoring contract in effect with MPHP or its successor, which may not be terminated prior to March 1, 2020.

c) Dr. Flippo shall refrain from the use or possession of alcohol, controlled substances, and all mood-altering or mind-altering substances, including but not limited to sedatives, stimulants, and pain medications, whether illicit or not, unless lawfully prescribed for him. Dr. Flippo may not self-prescribe any controlled substance or any mood-altering or mind-altering substances, including but not limited to sedatives, stimulants, and pain medications, and shall not prescribe such substances to family or household members except for a bona fide emergency.

d) Dr. Flippo shall notify the Board in writing of any change in his personal contact information, including his address, telephone number, and email, within ten (10) days of the change.

e) Upon commencement of any practice of medicine in the state of Maine, Dr. Flippo shall notify the Board in writing within ten (10) days of all practice location(s). In addition, Dr. Flippo agrees to notify the Board in writing within ten (10) days of any change regarding his practice location(s).

f) Upon report that any urine, blood, hair, or other bodily fluid or tissue sample test is positive in violation of subparagraph c above, Dr. Flippo agrees that his license to practice medicine shall be automatically and immediately suspended, which suspension shall continue until the Board holds a hearing on the matter, unless the Board, or the Board Executive Secretary in consultation with the Executive Director and the Board's assigned Assistant Attorney General, earlier determine that the report is without merit. The suspension shall become effective at the time that Dr. Flippo receives actual notice from the Board that a report of violation(s) has been made. Actual notice can be provided by telephone, in person, or in writing. The Board will hold a hearing within 60 days of any automatic suspension or as soon thereafter as practicable (unless both Dr. Flippo and the Board agree to hold the hearing later).

g) Dr. Flippo expressly authorizes and agrees to execute any release necessary for the Board, Board staff, and the Board's assigned Assistant Attorney General to communicate directly with and obtain information from MPHP and NCPHP.

10. The Board voted at its April 12, 2016 meeting that upon execution of this Consent Agreement it shall issue a license to Dr. Flippo contingent upon his meeting all other licensure requirements.

11. Violation of any of the terms or conditions of this Consent Agreement by Dr. Flippo shall constitute unprofessional conduct and grounds for additional discipline of his Maine medical license by the Board, including

but not limited to imposition of civil penalties, or modification, suspension, and revocation of licensure.

12. This Consent Agreement is not appealable, constitutes disciplinary action, is reportable to the National Practitioner Data Bank, the Federation of State Medical Boards, and other licensing jurisdictions, and is effective until modified or rescinded in writing by all of the parties hereto.

13. The Board and the Department of Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

14. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

15. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

16. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, JACK L. FLIPPO, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, THAT I WAIVE CERTAIN RIGHTS. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 05/20/2016 Jack L. Flippo, M.D.
STATE OF North Carolina
Iredell, S.S. (County)

Personally appeared before me the above-named Jack L. Flippo, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 05/20/2016 Barbara Matthews Zalcovits
PUBLIC NOTARY PUBLIC
My Commission Expires March 12, 2017
COMMISSION ENDS: March 12 2017
IREDELL COUNTY, NC

DATED: 5/23/16 Maroulla S. Gleaton
MAROULLA S. GLEATON, M.D.,
Chairperson
MAINE BOARD OF LICENSURE IN
MEDICINE

DATED: June 16, 2016 Michael Miller
MICHAEL MILLER, Assistant Attorney
General
DEPARTMENT OF THE ATTORNEY
GENERAL

APPROVED
EFFECTIVE: June 16, 2016