

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
John Harrison Baker, M.D., ) CONSENT ORDER  
 )  
Respondent. )

This matter is before the North Carolina Medical Board ("Board") regarding John Harrison Baker, M.D. ("Dr. Baker"). Dr. Baker 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 it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Baker is a physician licensed by the Board on or about June 13, 1974, license number 19308.

At all times relevant, Dr. Baker owned The Baker Clinic for Women, PLLC ("BCW") in Durham, North Carolina where he provides medical care to women including the performance of abortions.

In July 2013, the Board initiated an investigation after receiving information that BCW had been closed by the North Carolina Department of Health and Human Services ("DHHS"). The closure occurred after DHHS conducted a routine survey ("DHHS Initial Survey") of BCW and found that BCW had violated certain rules. Among the rules violated, BCW was cited for not following manufacturer instructions for a Rh(D) blood test to ensure quality control and accuracy. Dr. Baker thereafter immediately remedied some of the violations noted in the DHHS Initial Survey and hired a consultant to assist with remedying the remaining violations noted in the DHHS Initial Survey.

DHHS conducted a follow-up survey on August 5, 2013, and determined that all violations in the DHHS Initial Survey had been corrected and that all conditions and standards required of BCW were met.

On August 14, 2013, Dr. Baker self-reported to the Board that he had altered medical records with regard to two abortion procedures on a date when his registered nurse was scheduled to attend the procedures, but did not come to work and no other registered nurse was available to be present as required by North Carolina State regulations. The medical record alteration constituted a notation that a registered nurse was actually present during these two abortion procedures, when in fact one was not present.

### CONCLUSIONS OF LAW

Dr. Baker's conduct as described above constitutes unprofessional conduct including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen. Stat. § 90-14(a)(6) which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition or limit Dr. Baker's license to practice medicine or to deny any application he may make in the future.

### PROCEDURAL STIPULATIONS

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

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

Dr. Baker acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

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

The Board has determined that the facts and circumstances of this case do not warrant or require any limitation or restriction on Dr. Baker's license and that it is in the public interest to resolve this case as set forth below.

ORDER

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

1. Dr. Baker is hereby REPRIMANDED for the above described conduct.

2. Dr. Baker shall pay a FINE in the amount of THREE THOUSAND FIVE HUNDRED (\$3,500.00) DOLLARS within thirty (30) days of the date of this Consent Order.

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

4. Dr. Baker shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

5. Dr. Baker shall meet with the Board or members of the Board for an interview at such times as requested by the Board.

6. If Dr. Baker fails to comply with any of the terms 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 surgery and to deny any application he might make in the future or then have pending for a license.

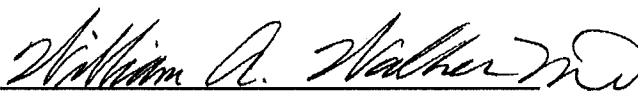
7. This Consent Order shall take effect immediately upon its execution by both Dr. Baker and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

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

9. Upon execution by Dr. Baker 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 National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 30<sup>th</sup> day of October, 2013.

NORTH CAROLINA MEDICAL BOARD

By:   
William A. Walker, M.D.  
President

Consented to this the 30<sup>TH</sup> day of October, 2013.

John Harrison Baker, M.D.  
John Harrison Baker, M.D.

State of North Carolina

County of Wake

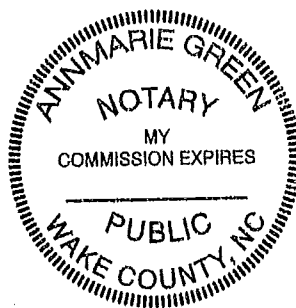
I, Ann Marie Green, a Notary Public for the above named County and State, do hereby certify that John Harrison Baker, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

this the 30 day of October, 2013.

Ann Marie Green  
Notary Public

(SEAL)



My Commission Expires: 2/10/16