

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

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

This matter is before the North Carolina Medical Board ("Board") regarding John Harrison Baker, M.D. ("Dr. Baker"). Dr. Baker admits and the Board finds and concludes that:

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 June 13, 1974, license number 19308. At all times relevant, Dr. Baker practiced gynecology in Durham, North Carolina.

Dr. Baker has a history of alcohol abuse. In November 2011, Dr. Baker presented to the North Carolina Physician's Health Program ("NCPHP"). NCPHP had concerns regarding Dr. Baker's alcohol use and advised that he should obtain further assessment. In April 2012, Dr. Baker completed residential

treatment at Talbott Recovery Center and completed all their recommendations.

On July 14, 2014, the Board received information that Dr. Baker had consumed alcohol while under a NCPHP contract not to do so.

On July 15, 2014, Dr. Baker signed a private non-practice agreement not to practice medicine until permitted to do so by the Board.

On October 20, 2014, Dr. Baker entered into a Consent Order with the Board whereby he was reprimanded and the private non-practice agreement was converted to a public non-practice agreement.

Dr. Baker continues to be under a contract with NCPHP. Dr. Baker is in full compliance with this contract.

At its November 2014 meeting, Dr. Baker met with members of the Board for an investigative interview and requested that his public non-practice agreement be dissolved. The Board thereafter granted Dr. Baker's request subject to the conditions set forth below.

#### CONCLUSIONS OF LAW

As described above, Dr. Baker admits that, when using alcohol, he is unable to safely practice as a physician by reason of use of alcohol within the meaning of N.C. Gen. Stat. § 90-14(a) (5).

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.

ORDER

Now, therefore, with Dr. Baker's consent, it is ORDERED that:

1. Dr. Baker's public non-practice agreement contained in the October 20, 2014, Consent Order is dissolved. Dr. Baker may resume the practice of medicine within the terms of this Amended Consent Order and subject to its conditions.

2. Dr. Baker shall maintain and abide by his monitoring contract with NCPHP and abide by all of its terms and conditions.

3. Dr. Baker shall abstain completely from the consumption of alcohol and from all other mood- or mind-altering drugs unless prescribed to him by a licensed practitioner and the use of such drugs is approved in advance by NCPHP.

4. Upon request by the Board, Dr. Baker 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. All costs of obtaining and analyzing such samples shall be borne by Dr. Baker.

5. Dr. Baker shall meet with the Board or members of the Board for an Investigative Interview in November 2015 and at any other time the Board may request.

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

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

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

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

10. Upon an *ex parte* determination of probable cause by the Board that Dr. Baker failed to comply with any of the terms and conditions of this Consent Order, that determination, without further showing, shall constitute grounds for the Board

to summarily suspend Dr. Baker's North Carolina medical license pursuant to N.C. Gen. Stat. 150B-3(c). Dr. Baker also knowingly and voluntarily waives his right to a prompt hearing on the summary suspension pursuant to N.C. Gen. Stat. § 150B-3(b). Furthermore, if Dr. Baker fails to comply with any of the terms and conditions of this Consent Order, that failure shall also constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be additional grounds for the Board to suspend or revoke his license or to deny any application Dr. Baker might make in the future or then have pending for a license.

11. 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 shall be reported to persons, entities, agencies and clearinghouses as required and permitted by law including, but not limited to, the National Practitioners Data Bank.

By Order of the North Carolina Medical Board this the 8<sup>th</sup>  
day of December, 2014.

NORTH CAROLINA MEDICAL BOARD

By: Cheryl L. Walker-McGill, M.D.  
Cheryl L. Walker-McGill, M.D.  
President

Consented to this the 8<sup>TH</sup> day of December, 2014.

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

State of North Carolina

County of Wake

I, Betty J. Sutherland, 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 8<sup>TH</sup> day of December, 2014.

Betty J. Sutherland  
Notary Public

(SEAL)

My Commission expires: 11/26/19

