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7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-022997

13 **JOHN ANTHONY FLORES, M.D.**

**DEFAULT DECISION
AND ORDER**

14 **Facey Medical Group**
15 **11211 Sepulveda Blvd.**
16 **Mission Hills, CA 91345**

[Gov. Code §11520]

17 **Physician's and Surgeon's Certificate No.**
18 **G65225**

Respondent

19 On or about August 25, 2016, an employee of the Medical Board of California (Board), sent
20 by certified mail a copy of Accusation No. 800-2016-022997, Statement to Respondent, Notice of
21 Defense in blank, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
22 11507.7 to John Anthony Flores, M.D. (Respondent) at his address of record with the Board,
23 which was and is Facey Medical Group, 11211 Sepulveda Blvd, Mission Hills, CA 91345.
24 Respondent was also served by certified mail at 1600 32nd Street, Silver City, NM 88061.
25 (Exhibit Package, Exhibit 1¹: Accusation, the related documents, Declarations of Service, and
26 United States Postal Service Tracking printouts.)

27 ¹ The evidence in support of this Default Decision and Order is contained in the "Exhibit
28 Package."

1 There was no response to the Accusation. On September 16, 2016, an employee of the
2 Attorney General's Office sent by certified mail addressed to Respondent at his address of record
3 and the New Mexico address listed above, a courtesy Notice of Default, advising Respondent of
4 the Accusation, and providing Respondent with an opportunity to request relief from default. On
5 September 26, 2016 and September 27, 2016, the two certified mail envelopes were returned to
6 the Attorney General's Office. (Exhibit Package, Exhibit 2: Courtesy Notice of Default, proof of
7 service and returned certified mail envelopes.)

8 As a result, Respondent has waived his right to a hearing on the merits to contest the
9 allegations contained in the Accusation.

10 FINDINGS OF FACT

11 I.

12 Complainant Kimberly Kirchmeyer is the Executive Director of the Board. The charges
13 and allegations in Accusation No. 800-2016-022997 were at all times brought and made solely in
14 the official capacity of the Board's Executive Director.

15 II.

16 On or about March 6, 1989, the Board issued Physician's and Surgeon's Certificate No.
17 G65225 to Respondent. The Physician's and Surgeon's Certificate is delinquent, having expired
18 on January 31, 2013. (Exhibit Package, Exhibit 4: Certificate of License.)

19 III.

20 On or about August 25, 2016, Respondent was served with an Accusation, alleging causes
21 for discipline against Respondent. The Accusation and accompanying documents were duly
22 served on Respondent. A courtesy Notice of Default was thereafter served on Respondent.
23 Respondent failed to file a Notice of Defense.

24 IV.

25 The allegations of the Accusation are true as follows:

26 On May 12, 2016, the New Mexico Medical Board issued a Notice of Summary Suspension
27 of Respondent's license to practice medicine. The Notice of Summary Suspension stated that
28 Respondent's continued practice of medicine posed a clear and immediate danger to the public

1 health and safety. The suspension was based on an investigation which revealed a number of
2 prescribing deficiencies, including: between August 2014 and August 2015, Respondent wrote
3 prescriptions for 510,406 oxycodone units; in 2015 alone he prescribed 10,113 opioid controlled
4 substances amounting to 36,316,511 Morphine Equivalent Units to 680 patients. He prescribed
5 controlled substances to patients who resided in nine other states, and controlled substances
6 prescribed by Respondent were filled at more than 100 pharmacies. In addition, Respondent
7 prescribed in dangerous combinations and without appropriate evaluation, assessment or
8 monitoring, resulting in or contributing to patient deaths. Medical records were incomplete, and
9 in many instances, there were no records to corroborate a diagnosis of chronic pain for which
10 Respondent prescribed controlled substances. (Exhibit Package, Exhibit A to Exhibit 1: Notice of
11 Summary Suspension and the Notice of Contemplated Action issued by the New Mexico Medical
12 Board.)

13 DETERMINATION OF ISSUES

14 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the New
15 Mexico Medical Board constitute cause for discipline within the meaning of Business and
16 Professions Code sections 2305 and/or 141.

17 ORDER

18 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G65225, heretofore
19 issued to Respondent John Anthony Flores, M.D., is **REVOKED**.

20 Respondent shall not be deprived of making a request for relief from default as set forth in
21 Government Code section 11520, subdivision (c), for good cause shown. However, such showing
22 must be made in writing by way of a motion to vacate the default decision and directed to the
23 Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within
24 seven (7) days after service of the Decision on Respondent.

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This Decision shall become effective on November 10, 2016.

It is so ORDERED October 14, 2016

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
KIMBERLY KIRCHMEYER
EXECUTIVE DIRECTOR

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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 25 20 16
BY R. Firdaus ANALYST

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12 **JOHN ANTHONY FLORES, M.D.**
13 Facey Medical Group
14 11211 Sepulveda Blvd.
Mission Hills, CA 91345
15 Physician's and Surgeon's Certificate
16 No. G65225
17 Respondent.

Case No. 800-2016-022997

ACCUSATION

18 The Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical
21 Board of California, Department of Consumer Affairs, and brings this Accusation solely in her
22 official capacity.

23 2. On March 6, 1989, Physician's and Surgeon's Certificate No. G65225 was issued
24 by the Medical Board of California to John Anthony Flores, M.D. (Respondent.) The certificate
25 is delinquent, having expired on January 31, 2013.

26 **JURISDICTION**

27 3. This Accusation is brought before the Medical Board of California (Board) under
28 the authority of the following sections of the California Business and Professions Code (Code)

1 and/or other relevant statutory enactment:

2 A. Section 2227 of the Code provides in part that the Board may revoke,
3 suspend for a period not to exceed one year, or place on probation, the license of any
4 licensee who has been found guilty under the Medical Practice Act, and may recover the
5 costs of probation monitoring.

6 B. Section 2305 of the Code provides, in part, that the revocation, suspension,
7 or other discipline, restriction or limitation imposed by another state upon a license to
8 practice medicine issued by that state, or the revocation, suspension, or restriction of the
9 authority to practice medicine by any agency of the federal government, that would have
10 been grounds for discipline in California under the Medical Practice Act, constitutes
11 grounds for discipline for unprofessional conduct.

12 C. Section 141 of the Code provides:

13
14 “(a) For any licensee holding a license issued by a board under the jurisdiction
15 of a department, a disciplinary action taken by another state, by any agency of the
16 federal government, or by another country for any act substantially related to the
17 practice regulated by the California license, may be a ground for disciplinary
18 action by the respective state licensing board. A certified copy of the record of the
19 disciplinary action taken against the licensee by another state, an agency of the
20 federal government, or by another country shall be conclusive evidence of the
21 events related therein.

22 “(b) Nothing in this section shall preclude a board from applying a specific
23 statutory provision in the licensing act administered by the board that provides for
24 discipline based upon a disciplinary action taken against the licensee by another
25 state, an agency of the federal government, or another country.”

26 **FIRST CAUSE FOR DISCIPLINE**

27 (Discipline, Restriction, or Limitation Imposed by Another State)

28 4. On May 12, 2016, the New Mexico Medical Board issued a Notice of Summary
Suspension of Respondent's license to practice medicine. The Notice of Summary Suspension
stated that Respondent's continued practice of medicine posed a clear and immediate danger to
the public health and safety. The suspension was based on an investigation which revealed a
number of prescribing deficiencies, including: between August 2014 and August 2015,
Respondent wrote prescriptions for 510,406 oxycodone units; in 2015 alone he prescribed 10,113

1 opioid controlled substances amounting to 36,316,511 Morphine Equivalent Units to 680 patients.
2 He prescribed controlled substances to patients who resided in nine other states, and controlled
3 substances prescribed by Respondent were filled at more than 100 pharmacies. In addition,
4 Respondent prescribed in dangerous combinations and without appropriate evaluation,
5 assessment or monitoring, resulting in or contributing to patient deaths. Medical records were
6 incomplete, and in many instances, there were no records to corroborate a diagnosis of chronic
7 pain for which Respondent prescribed controlled substances. Copies of the Notice of Summary
8 Suspension and the Notice of Contemplated Action issued by the New Mexico Medical Board are
9 attached as Exhibit A.


10 5. Respondent's conduct and the action of the New Mexico Medical Board as set
11 forth in paragraph 4, above, constitute cause for discipline pursuant to sections 2305 and/or 141
12 of the Code.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board issue a decision:

- 16 1. Revoking or suspending Physician's and Surgeon's Certificate Number G65225
17 issued to Respondent John Anthony Flores, M.D.;
- 18 2. Revoking, suspending or denying approval of Respondent's authority to supervise
19 physician assistants;
- 20 3. Ordering Respondent, if placed on probation, to pay the costs of probation
21 monitoring; and
- 22 4. Taking such other and further action as the Board deems necessary and proper.

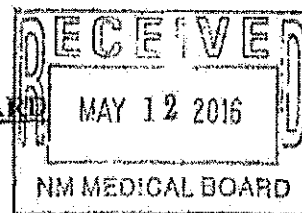
23 DATED: August 25, 2016

24 
25 KIMBERLY KIRCHMEYER
26 Executive Director
27 Medical Board of California
28 Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
JOHN A. FLORES, M.D.)
)
License No. 2002-0142)
)
Respondent.)
_____)

No. 2016-220

TO: John A. Flores, M.D.
1600 32nd Street
Silver City, New Mexico 88061

NOTICE OF SUMMARY SUSPENSION

YOU ARE HEREBY NOTIFIED THAT YOUR LICENSE TO PRACTICE MEDICINE IS SUMMARILY SUSPENDED pursuant to NMSA 1978, Section 61-6-15.1 of the Medical Practice Act and NMSA 1978, Section 61-1-4 of the Uniform Licensing Act. The New Mexico Medical Board ("Board") possesses evidence indicating that you pose a clear and immediate danger to the public health and safety if you continue to practice medicine. Such evidence, if not rebutted at a later hearing, will justify the Board in imposing further suspension or revocation of your license to practice medicine in the State of New Mexico and/or other disciplinary action taken against you by the Board. This summary suspension is based on evidence that shows:

A. On or about February 23, 2015, the New Mexico Medical Board received credible information that suggested your controlled substance prescribing practices were inconsistent with the safe and legitimate practice of medicine. Further investigation revealed that between August 2014 and August 2015, you wrote prescriptions for 510,406 oxycodone units; and in 2015, alone you prescribed 10,113 opioid controlled substances amounting to 36,316,511 Morphine Milligram Equivalent units to 680

patients.

B. In recent years, you prescribed controlled substances to patients who reside in nine (9) other states, and prescriptions for controlled substances written by you were filled at more than 100 pharmacies.

C. On several occasions, you placed patients on a regimen of at least one (1) opioid, one (1) benzodiazepine, and carisoprodol -- a combination of controlled substances that is known to cause fatal drug interactions when prescribed together.

D. The care you provided to patients deviated from the standard of care required of physicians through the injudicious and non-therapeutic prescribing of controlled substances.

E. You failed to screen patients for substance abuse disorders; indeed, you prescribed opiates to poor candidates for such treatment, failing to make a reasonable assessment of your patients' behavioral and medical histories and ignoring evidence that indicated your patients were abusing and/or diverting controlled substances both prior to and while under your care (e.g. urine drug screenings showing the presence of illicit substances, criminal arrests and convictions for substance abuse-related offenses including drug trafficking).

F. In 2015 alone, four (4) patients under your care who were prescribed high amounts and dangerous combinations of controlled substances died; at least one of these deaths was the direct result of toxic effects from multiple controlled substances prescribed to the patient by you.

G. Medical records for many of your patients are incomplete and/or appear to be mere templates restating the same exact things that are stated in many other patients'

records. In many instances, there are no medical records in the patient files to corroborate diagnoses of chronic pain conditions for which you prescribe controlled substances.

H. You failed to obtain prescription monitoring reports from the New Mexico Board of Pharmacy as required by law.

I. You failed to enforce and hold patients responsible for their violations of written "chronic pain agreements" that, by law, required the patients to use only one pharmacy when filling prescriptions, and you also failed to re-evaluate the efficacy and safety of continued treatment of these patients with opiates at appropriate time intervals as required by law.

In consideration of the aforementioned evidence in the Board's possession, the Board FINDS AND CONCLUDES that you pose a clear and immediate danger to the public health and safety if you continue to practice medicine in the State of New Mexico.

THEREFORE, IT IS HEREBY ORDERED that your New Mexico license to practice as a physician in the State of New Mexico is hereby SUMMARILY SUSPENDED until further Order of the Board.

Pursuant to Board Rule 16.10.5.16 NMAC, you are entitled to a hearing on the merits of this summary suspension order within fifteen (15) days of a request for such a hearing. Your hearing request shall be in writing, addressed to the Board, delivered by certified mail, return receipt requested. You are not required to comply with this summary action until service of this action has been made personally or by certified mail, return receipt requested, at your last known address as shown in the Board's records, or you have actual knowledge of this order, whichever comes first.

Pursuant to NMSA, 1978, Section 61-1-8 you have the right to be represented at a

hearing on this summary suspension order by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

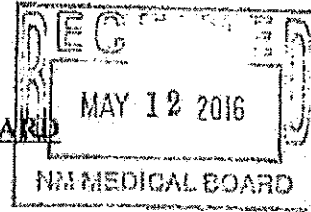
The issuance of this Summary Suspension is a disciplinary event and will be reported to the National Practitioner Data Bank and is a public document, open to public inspection.

Dated this 12th day of May, 2016.

NEW MEXICO MEDICAL BOARD



Sondra Frank, Executive Director
New Mexico Medical Board
2055 South Pacheco Street, Building 400
Santa Fe, New Mexico 87505
Tel: 505-476-7220



BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
JOHN A. FLORES, M.D.)
)
License No. 2002-0142)
)
Respondent.)
_____)

No. 2016-020

TO: John A. Flores, M.D.
1600 32nd Street
Silver City, New Mexico 88061

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of NMSA 1978, Section 61-1-4 of the Uniform Licensing Act ("ULA"), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Medical Board imposing sanctions that could include restricting, suspending, or revoking your license to practice medicine in the State of New Mexico.

1. You are subject to action by the Board pursuant to the ULA and NMSA 1978, Chapter 61, Article 6 of the Medical Practice Act ("MPA").
2. This Notice of Contemplated Action ("NCA") is based on the following allegations:

A. On or about February 23, 2015, the New Mexico Medical Board received credible information that suggested your controlled substance prescribing practices were inconsistent with the safe and legitimate practice of medicine. Further investigation revealed that between August 2014 and August 2015, you wrote prescriptions for 510,406 oxycodone units; and in 2015, alone you prescribed 10,113 opioid controlled substances amounting to 36,316,511 Morphine Milligram Equivalent units to 680

patients.

B. In recent years, you prescribed controlled substances to patients who reside in nine (9) other states, and prescriptions for controlled substances written by you were filled at more than 100 pharmacies.

C. On several occasions, you placed patients on a regimen of at least one (1) opioid, one (1) benzodiazepine, and carisoprodol -- a combination of controlled substances that is known to cause fatal drug interactions when prescribed together.

D. The care you provided to patients deviated from the standard of care required of physicians through the injudicious and non-therapeutic prescribing of controlled substances.

E. You failed to screen patients for substance abuse disorders; indeed, you prescribed opiates to poor candidates for such treatment, failing to make a reasonable assessment of your patients' behavioral and medical histories and ignoring evidence that indicated your patients were abusing and/or diverting controlled substances both prior to and while under your care (e.g. urine drug screenings showing the presence of illicit substances, criminal arrests and convictions for substance abuse-related offenses including drug trafficking).

F. In 2015 alone, four (4) patients under your care who were prescribed high amounts and dangerous combinations of controlled substances died; at least one of these deaths was the direct result of toxic effects from multiple controlled substances prescribed to the patient by you.

G. Medical records for many of your patients are incomplete and/or appear to be mere templates restating the same exact things that are stated in many other patients'

records. In many instances, there are no medical records in the patient files to corroborate diagnoses of chronic pain conditions for which you prescribe controlled substances.

H. You failed to obtain prescription monitoring reports from the New Mexico Board of Pharmacy as required by law.

I. You failed to enforce and hold patients responsible for their violations of written "chronic pain agreements" that, by law, required the patients to use only one pharmacy when filling prescriptions, and you also failed to re-evaluate the efficacy and safety of continued treatment of these patients with opiates at appropriate time intervals as required by law.

3. The allegations set forth in paragraphs 2(A) through 2(I) above, if proven, would constitute violations of provisions of the MPA and Board Rules, including the following:

A. NMSA 1978, Section 61-6-15(D)(12), gross negligence in the practice of a licensee;

B. NMSA 1978, Section 61-6-15(D)(13), manifest incapacity or incompetence to practice as a licensee;

C. NMSA 1978, Section 61-6-15(D)(17), the prescribing, administering or dispensing of a narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes;

D. NMSA 1978, Section 6-6-15(D)(18), conduct likely to... harm the public;

E. NMSA 1978, Section 61-6-15(D)(19), repeated similar negligent acts;

F. NMSA 1978, Section 61-6-15(D)(26), injudicious prescribing, administering or dispensing of a drug or medicine;

G. NMSA 1978, Section 6-6-15(D)(29), conduct unbecoming in a person

licensed to practice or detrimental to the best interests of the public;

H. NMSA 1978, Section 6-6-15(D)(33), improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records;

I. Provisions of the Code of Medical Ethics of the American Medical Association (2014-2015 Ed.) as adopted by the Board at Rule 16.10.8.9 NMAC; and/or

J. Applicable Board rules found at Title 16, Chapter 10, NMAC.

4. Take notice that pursuant to NMSA 1978, Section 61-1-4 you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

5. Pursuant to NMSA 1978, Section 61-1-8 you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The

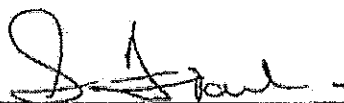
issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

6. The issuance of this NCA is not a disciplinary event reportable to any data bank but is a public document open to public inspection.

7. In the event that the Board takes a final action against you as specified in NMSA 1978, Section 61-1-3, you shall bear all costs of disciplinary proceedings pursuant to NMSA 1978, Section 61-1-4(G) unless excused by the Board.

Dated this 10th day of May, 2016.

NEW MEXICO MEDICAL BOARD



Sondra Frank, Executive Director
New Mexico Medical Board
2055 South Pacheco Street, Building 400
Santa Fe, New Mexico 87505
Tel: 505-476-7220

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF
JOHN FLORES, M.D.

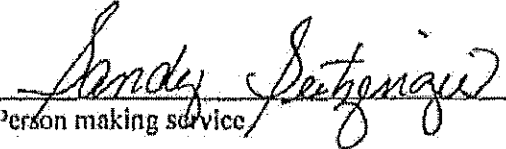
License No. 2002-0142

Respondent.

NMMB Case No. 2016-020

AFFIDAVIT OF SERVICE

I, Sandy L. Scitzinger, being duly sworn, on oath state that I am over the age of eighteen (18) years of age and not a party to this lawsuit, and that on the 13th day of May, 2016, in GRANT County, I served this Summary Suspension and Notice of Contemplated Action on the above-named Respondent by delivering to the person named a copy of the Summary Suspension and Notice of Contemplated Action.


Person making service