

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Timothy J. McGrath, M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") on information that Timothy J. McGrath, M.D. ("Dr. McGrath"), committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by improperly treating and prescribing medications for three of his family members. Dr. McGrath admits, and the Board finds and concludes, that:

Whereas, 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; and

Whereas, Dr. McGrath is a medical doctor licensed by the Board on or about May 16, 2002, license number 2002-00571; and

Whereas, during the times relevant herein, Dr. McGrath practiced as a family medicine physician in Mebane, North Carolina; and

Whereas, Dr. McGrath prescribed 1,134 oxycodone opioid pain medication tablets in 5 milligram strength on 8 different

occasions for a family member (who shall be referred to as "Family Member A") between 2008 and 2009. In 2009, Dr. McGrath also prescribed 504 oxycodone opioid pain medication tablets in 15 milligram strength on 3 different occasions for Family Member A. Dr. McGrath also prescribed Ambien® (Zolpidem) and Lunesta® (eszopiclone) for Family Member A on 3 occasions in 2008 and 2009; and

Whereas, Dr. McGrath prescribed these medications to Family Member A to address chronic, long standing back pain and related medical issues for which Family Member A had been treated for in the past with multiple surgeries and medications that included opioid pain medications; and

Whereas, Dr. McGrath prescribed these medications to Family Member A while Family Member A was receiving consecutive opioid pain medication prescriptions from Family Member A's other treating physicians; and

Whereas, Dr. McGrath also prescribed opioid cough syrup medication for another family member (who shall be referred to as "Family Member B") on two occasions between 2008 and 2010; and

Whereas, Dr. McGrath also prescribed Endocet® (Oxycodone and Acetaminophen) opioid pain medication tablets to a third

family member (who shall be referred to as "Family Member C") on one occasion in 2008; and

Whereas, Dr. McGrath prescribed controlled substances for Family Member A, Family Member B and Family Member C and failed to keep a patient chart documenting the prescriptions, patient history, physical examination, appropriate studies, working diagnosis and treatment plan. This conduct violates the Board's Position Statement entitled Self-Treatment and Treatment of Family Members and Others with Whom Significant Emotional Relationships Exist; and

Whereas, Dr. McGrath's treatment of his family members and prescribing medications without proper record-keeping constitutes departures 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) and grounds exist for the Board to suspend, revoke or limit Dr. McGrath's medical license issued by the Board or to deny any application he might make in the future; and

Whereas, Dr. McGrath acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case; and

Whereas, Dr. McGrath knowingly waives his right to any hearing and to any judicial review or appeal in this case; and

Whereas, Dr. McGrath acknowledges that he has read and understands this Consent Order and enters into it voluntarily; and

Whereas, Dr. McGrath would like to resolve this matter without the need for more formal proceedings; and

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

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

1. Dr. McGrath is hereby REPRIMANDED for the above-described conduct.

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

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

4. Dr. McGrath shall meet with the Board or members of the Board for an informal interview at such times as requested by the Board.

5. If Dr. McGrath 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.

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

7. Dr. McGrath hereby waives any requirement under law or rule that this Consent Order be served upon him.

8. Upon execution by Dr. McGrath 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 and the Healthcare Integrity and Protection Data Bank.

By Order of the North Carolina Medical Board this the 8th
day of December, 2010.

NORTH CAROLINA MEDICAL BOARD

By: Janice E. Huff MD
Janice E. Huff, M.D.
President

Consented to this the 1 day of DECEMBER, 2010.



Timothy J. McGrath, M.D.

State of North Carolina

ALAMANCE County

I, Jennifer Hawkins York, a Notary Public for the above named County and State, do hereby certify that Timothy J. McGrath, 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 1 day of December, 2010.

Jennifer Hawkins York
Notary Public

(SEAL)

My Commission expires: 7-29-2015