

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

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

This matter is before the North Carolina Medical Board ("Board") on the application of Timothy John McGrath, M.D. ("Dr. McGrath") for reinstatement of his license to practice medicine in the state of North Carolina. Dr. McGrath 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 to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

The Board first issued Dr. McGrath a license to practice medicine on or about May 16, 2002, license number 2002-00571.

At all times relevant hereto, Dr. McGrath practiced family medicine in Mebane or Greensboro, North Carolina.

Dr. McGrath has a history of substance use disorder and of relapses in his recovery therefrom. On May 2, 2017, Dr. McGrath voluntarily surrendered his medical license after it was revealed that he had relapsed, and on August 4, 2017, Dr. McGrath and the Board entered into a Consent Order that indefinitely suspended his license.

On August 8, 2017, Dr. McGrath submitted his reinstatement application to the Board for a license to practice medicine.

After Dr. McGrath's most recent relapse, he entered into substance abuse treatment and renewed his commitment to recovery. Dr. McGrath has progressed in his recovery and the North Carolina Physicians Health Program ("NCPHP") advocates for his safety to practice.

CONCLUSIONS OF LAW

Dr. McGrath acknowledges that when abusing substances, he is unable to practice medicine with reasonable skill and safety within the meaning of N.C. Gen. Stat. § 90-14(a)(5) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. McGrath's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

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

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

Dr. McGrath, with the advice of legal counsel, acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

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

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

ORDER

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

1. Dr. McGrath's North Carolina license to practice medicine is hereby reinstated.

2. Prior to resuming practice, Dr. McGrath must notify the Board and obtain practice site approval, and any changes thereto, from the Board's Office of Medical Director, which the Board's Medical Director is under no obligation to approve. Such request should be made to the Board's Compliance Coordinator.

3. Dr. McGrath shall maintain his current contract with NCPHP and abide by its terms, including the timely payment of any fees required by NCPHP.

4. Unless lawfully prescribed for him by someone other than himself, Dr. McGrath shall refrain from the use or possession of

alcohol and all other mind- or mood-altering substances and all controlled substances including but not limited to, sedatives, stimulants, and pain medication.

5. Dr. McGrath shall notify the Board in writing within ten (10) days of his use of such medication or alcohol. This notice shall include, but shall not be limited to, identification of the prescribing physician and of the pharmacy filling the prescription.

6. Upon request by the Board, Dr. McGrath 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.

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

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

9. If Dr. McGrath fails to comply with any of the terms and conditions 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 to deny any application he might make in the future or then have pending for a license to practice medicine.

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

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

12. 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 Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 6th day of December, 2017.

NORTH CAROLINA MEDICAL BOARD

By:  _____
Timothy E. Lietz, M.D.
President

Consented to this the 10 day of December, 2017.



Timothy John McGrath, M.D.

State of North Carolina

County of Alamance

I, Faith B. Cabrera-Rodriguez, do hereby certify that Timothy John 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 10 day of December, 2017.

Faith B. Cabrera-Rodriguez
Notary Public

My Commission Expires: 08/31/2021

