

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

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

This matter is before the North Carolina Medical Board ("Board") on the application of Timothy John McGrath, M.D. ("Dr. McGrath") for the 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

Dr. McGrath has applied for reinstatement of his license to practice medicine in North Carolina.

Dr. McGrath was first issued a license to practice medicine on May 16, 2002, license number 200200571.

Dr. McGrath has a history of substance use disorder more specifically described in Consent Orders date July 23, 2014, December 11, 2015, August 4, 2017, and December 6, 2017.

On June 26, 2020, after testing positive for a controlled substance in violation of his North Carolina Professionals Healthy Program ("NCPHP") agreement and December 2017 Consent Order, Dr. McGrath, through his counsel, requested that his license be made inactive. Dr. McGrath has not practiced medicine since that time.

Dr. McGrath has been a participant with NCPHP since December 2010. On August 12, 2020, Dr. McGrath signed a new five-year monitoring agreement with NCPHP.

On November 9, 2020, Dr. McGrath and the Board entered into a Consent Order in which his license was indefinitely suspended.

On September 4, 2021, Dr. McGrath submitted his reinstatement application to the Board for a license to practice medicine.

Dr. McGrath is in compliance with his NCPHP agreement and NCPHP supports the reinstatement of his medical license.

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. The Board shall reinstate Dr. McGrath's license to practice medicine on the following terms and conditions.

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

- b. Prior to beginning to practice medicine at any location, Dr. McGrath must first obtain practice site approval from NCPHP.
- c. 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.
- d. 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.
- e. Within six (6) months of the date of this Consent Order, Dr. McGrath shall complete a comprehensive continuing medical education ("CME") refresher course in his intended area of practice to be approved by the Board's Office of the Medical Director by contacting the Board's Compliance Coordinator at North Carolina Medical Board, P.O. Box 20007, Raleigh, NC 27619-0007 or compliance@ncmedboard.org.

f. Dr. McGrath shall submit evidence of completion of the above required CME course to the Board's Compliance Coordinator within five (5) days of completing the course.

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

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

4. Upon request, Dr. McGrath shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

5. 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.

6. 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.

7. Dr. McGrath hereby waives any requirement under any law or rule that this Consent Order be served on 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 Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 13th day of June, 2022.

NORTH CAROLINA MEDICAL BOARD

By: 
John W. Rusher, M.D., J.D.
President

Consented to this the 13TH day of JUNE, 2022.



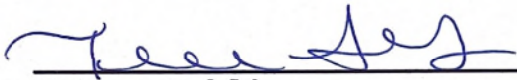
Timothy John McGrath, M.D.

State of North Carolina

County of Alamance

I, Tierra Sales, 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 13th day of June, 2022.



Notary Public

(Official Seal)

My Commission Expires: July 29, 2024

