

IN THE MATTER OF	*	BEFORE THE MARYLAND
JOHN W. McGRATH, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D66455	*	Case Number: 2016-0973B

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On December 21, 2016, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board"), voted to charge **JOHN W. McGRATH, M.D., License No. D66455** (the "Respondent"), under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol. and 2015 Supp.)

Specifically, Disciplinary Panel B voted to charge the Respondent with violating the following provisions of Health Occ. II § 14-404(a):

- (3) Is guilty of:
 - (i) Immoral conduct in the practice of medicine; or
 - (ii) Unprofessional conduct in the practice of medicine[.]

Prior to the issuance of formal charges, the Respondent agreed to enter into this public Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board finds:

1. At all relevant times, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland

on July 23, 2007. His license is presently active and is scheduled to expire on September 30, 2017.

2. The Respondent is board certified in pediatrics and maintains privileges at Hospital A.¹

3. At all times relevant, the Respondent worked as a pediatrician at a private practice ("Practice A") with several office locations in Maryland.

4. On May 27, 2016, the Board received a complaint from a father ("Parent A"), whose children ("the minor patients") were patients of the Respondent, alleging that the Respondent engaged in an inappropriate relationship with Parent A's wife ("Parent B").

5. On August 2, 2016, the Board notified the Respondent of its investigation and requested a written response. The Respondent provided a written response on August 22, 2016.

6. In furtherance of the Board's investigation, a member of the Board's staff obtained copies of the minor patients' medical records and the Respondent's personnel file from Practice A. Board staff also conducted interviews with Parent A and the Respondent. Parent B provided a written statement.

7. According to Parent A, the Respondent and Parent B began corresponding via email in or around August or September 2014. Parent A discovered their emails in November 2014 and confronted the Respondent and Parent B, who both said that they would cease communicating with one another.

¹In order to maintain confidentiality, names will be not used in this Consent Order. The Respondent is aware of the identity of all individuals referenced in this Consent Order.

8. In or around August 2015, Parent A discovered that the Respondent continued to communicate with Parent B. As a result, Parent A contacted Practice A to report the Respondent's conduct.

9. A review of the Respondent's personnel file revealed that Practice A met with the Respondent on September 18, 2015 and advised him to immediately stop communicating with Parent B. The Respondent agreed to have no further contact with Parent B. The Respondent and Practice A also decided that Respondent would no longer provide care to the minor children.

10. In May 2016, Parent A discovered additional email correspondence from the Respondent to Parent B.

11. Parent A stated that he confronted Parent B, who admitted that she continued to communicate with the Respondent and that their relationship became physical.

12. On May 23, 2016, Parent A contacted Practice A and reported that the Respondent and Parent B were involved in a physical relationship.

13. In his written response to the Board, dated August 22, 2016, the Respondent admitted to the allegations in the complaint. Furthermore, he stated that "there has been no communication or contact of any kind since" May 2016.

14. According to the minor patients' medical records, the Respondent was the minor patients' primary pediatrician from July 2010 until approximately September 2015. The Respondent stated that he saw the minor children "on a few occasions" for routine (non-serious) medical appointments after the relationship commenced with Parent B. The Respondent confirmed that he had not seen the minor children since mid-September 2015.

15. On October 3, 2016, Parent B emailed a member of the Board's staff and acknowledged that she and the Respondent engaged in a "completely consensual and mutual" relationship.

16. On October 27, 2016, the Board's staff interviewed the Respondent under oath. The Respondent admitted to engaging in an inappropriate relationship with Parent B, and that the relationship became physical in nature around March 2015.² He further stated that he used his personal email address and personal mobile phone to communicate with Parent B.

17. Engaging in an inappropriate relationship with the parent of two minor children under his care constitutes immoral conduct in the practice of medicine, in violation of Health Occ. II § 14-404(a)(3)(i) and unprofessional conduct in the practice of medicine in violation of Health Occ. II § 14-404(a)(3)(ii).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent violated Health Occ. II §§ 14-404(a)(3) Is guilty of: (i) Immoral conduct in the practice of medicine and (ii) Unprofessional conduct in the practice of medicine.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by Disciplinary Panel B, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

² During a July 2016 meeting with Practice A management, the Respondent denied that the relationship was physical in nature.

ORDERED that within **six (6) months**, the Respondent shall successfully complete a Board disciplinary panel-approved course in ethics. The course does not have to be a one-on-one course or tutorial. The Board disciplinary panel will not accept a course taken over the Internet. The course may not be used to fulfill the continuing medical education credits required for license renewal. The Respondent must provide documentation to the Board that the Respondent has successfully completed the course; and it is further

ORDERED that the Respondent shall comply with all laws governing the practice of medicine under the Maryland Medical Practice Act and all rules and regulations; and it is further

ORDERED that if the Respondent fails to comply with any of the terms and conditions of this Consent Order, a disciplinary panel of the Board, in its discretion, after notice and opportunity for a show cause hearing before a disciplinary panel of the Board or an evidentiary hearing at the Office of Administrative Hearings if there is a genuine dispute as to the underlying material facts, may impose additional sanctions authorized under the Medical Practice Act, including a reprimand, suspension, a period of probation, revocation and/or a monetary fine; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann. Ann.General Provisions §§ 4-101*et seq.* (2014 Repl. Vol. and 2015 Supp.).

02/28/2017
Date

Christine A. Farrelly
Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

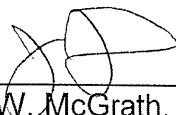
CONSENT

I, John W. McGrath, M.D, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of a disciplinary panel of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

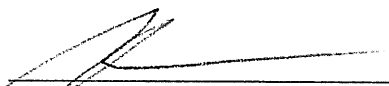
I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

2/17/17
Date

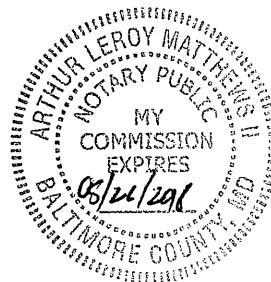


John W. McGrath, M.D.

Read and approved by:



R. Scott Krause, Esq.
Counsel for Dr. McGrath



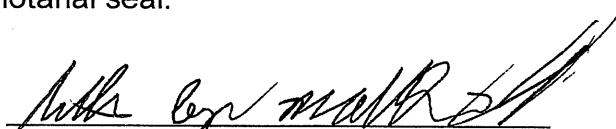
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 17th day of February, 2017
before me, a Notary Public of the foregoing State personally appeared **John W. McGrath, M.D.**, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: 08/26/2018

