

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>JAMES MCGUCKIN JR., M.D.</b>	*	<b>STATE BOARD OF</b>
<b>Respondent</b>	*	<b>PHYSICIANS</b>
<b>License Number: D62353</b>	*	<b>Case Number: 2016-0350</b>

\* \* \* \* \*

### **CONSENT ORDER**

#### **BACKGROUND**

The Maryland Board of Physicians (the "Maryland Board") received information that James McGuckin Jr., M.D., (the "Respondent") (D.O.B. 11/07/1961), License Number D62353, was disciplined by the Washington Medical Quality Assurance Commission (the "Washington Board"). In an Order dated October 1, 2015, the Washington Board disciplined the Respondent by issuing a \$17, 500 fine with terms and conditions.

Based on the above referenced Washington Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the "Act"), under H. O. § 14-404(a):

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
  - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section,

The Maryland Board has determined that the acts for which the Respondent was disciplined in Washington would be grounds for disciplinary action under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (3) Is guilty of:
  - (ii) Unprofessional conduct in the practice of medicine;
- (20) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine

Based on the action taken by the Washington Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

#### **I. FINDINGS OF FACT**

The Board finds the following:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about October 12, 2004.
2. By Stipulated Findings of Fact, Conclusions of Law, and agreed Order dated October 1, 2015, the Washington Board disciplined the Respondent by issuing a fine of \$17,500 with terms and conditions based upon his care and treatment of chronic cerebrospinal venous insufficiency (CCSVI) in multiple sclerosis (MS) patients without the required Food and Drug Administration (FDA) approved Investigational Device Exemption (IDE). The Respondent also represented that he adhered to the Institutional Review Board (IRB) protocol when he deviated from it.

A copy of the Washington Board Order is attached hereto.

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the Washington Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(21) had those offenses been committed in this state.

## **III. ORDER**

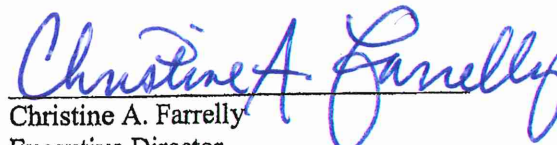
Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the Respondent is hereby subject to the following terms and conditions:

- a. The Respondent shall not perform angioplasty and stenting procedures of the venous system for CCSVI or MS patients in the state of Maryland;
- b. The Respondent shall comply with the terms and conditions of the October 1, 2015 Washington Board Order;
- c. If the Respondent fails to comply with any term or condition of this Consent Order, a Board panel, after notice and an opportunity to be heard, may take any action prescribed under Section 14-404(a) of the Maryland Medical Practice Act which includes a reprimand, probation, or the suspension or revocation of the Respondent's medical license;

**ORDERED** that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann. Gen. Prov. §§ 4-101 through 4-601 (2014).

03/01/2016  
Date

  
Christine A. Farrelly  
Executive Director  
Maryland Board of Physicians

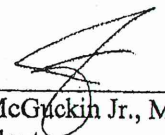
**CONSENT**

I, James McGuckin Jr., M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

2/26/16  
Date

  
James McGuckin Jr., M.D.  
Respondent

STATE OF Pennsylvania  
CITY/COUNTY OF Philadelphia

I HEREBY CERTIFY that on this 26th day of February, 2016, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared James McGuckin Jr., M.D., and made oath in due form of law that the execution of the foregoing Consent Order was His voluntary act and deed.

AS WITNESSETH my hand and my notarial seal

Mary Anne P. Suter  
Notary Public

MY COMMISSION EXPIRES:

