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STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO MARCH 3 20 14  
BY: [Signature] ANALYST

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8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11  
12 In the Matter of the Second Amended  
Accusation Against:

13 **JOHN J. McGROARTY, M.D.**  
14 10614 Riverside Drive  
North Hollywood, CA 91602

15  
16 Physician's and Surgeon's  
Certificate No. G12938

17 Respondent.

Case No. 16-2012-224717

OAH No. 2013071122

18  
19 **SECOND AMENDED ACCUSATION**

20 The Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Second Amended Accusation solely  
23 in her official capacity as the Executive Director of the Medical Board of California. Department  
of Consumer Affairs.

24 2. On February 23, 1967, Physician's and Surgeon's Certificate No. G12938 was issued  
25 by the Medical Board of California (Board) to John J. McGroarty, M.D. (Respondent.) The  
26 certificate is renewed and current with an expiration date of January 31, 2016.

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28 ///

JURISDICTION

3. This Second Amended Accusation is brought before the Medical Board of California (Board) under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

“(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.

“(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

D. Section 822 provides that if the Board determines that a licensee’s ability to practice his or her profession safely is impaired because of mental illness or physical illness affecting competency, the Board may take action by revoking the licensee’s certificate or license, suspending the licensee’s right to practice, placing the licensee on probation or taking such other action in relation to the licensee as the Board in its discretion deems proper.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Restriction, or Limitation Imposed by Another State)**

3 4. On June 19, 2012, the Arizona Medical Board issued an Interim Order for Practice  
4 Limitation and Consent to the Same (Arizona Interim Order.) The Arizona Interim Order  
5 contains findings that Respondent has recognized that he has a medical condition that may limit  
6 his ability to safely engage in the practice of medicine, and that the Interim Order was necessary  
7 to mitigate imminent danger to the public health and safety. Under the terms of the Arizona  
8 Interim Order Respondent was prohibited from practicing medicine in Arizona and from  
9 prescribing any form of treatment including prescription medications and the writing of Medical  
10 Marijuana Certifications until he applies to the Arizona Medical Board and receives permission to  
11 do so. A copy of the Interim Order for Practice Limitation and Consent to the same issued by the  
12 Arizona Medical Board is attached as Exhibit A.

13 On June 10, 2013, the Arizona Medical Board issued an Order for Practice Restriction and  
14 Consent to the Same (Arizona Order for Practice Restriction.) The Arizona Order for Practice  
15 Restriction contains factual findings which include: Respondent issued Medical Marijuana  
16 Certifications which contained false attestations and which violated the Arizona Medical Practice  
17 Act; Respondent underwent a neuropsychological evaluation on June 6, 2012 which concluded  
18 that he was unsafe to practice as a physician; a review of some of Respondent's patient charts  
19 revealed that he deviated from the standard of care in prescribing narcotic pain medication. Under  
20 the terms of the Arizona Order for Practice Restriction, Respondent shall not practice medicine  
21 and is prohibited from prescribing any form of treatment, including prescription medications, in  
22 Arizona. In addition, Respondent shall not seek to renew his Arizona medical license and shall  
23 not reapply for an Arizona medical license for a period of five years from the effective date of the  
24 Arizona Order for Practice Restriction. A copy of the Arizona Order for Practice Restriction and  
25 Consent to the Same is attached as Exhibit B.

26 5. Respondent's conduct and the actions of the Arizona Medical Board as set forth in  
27 paragraph in paragraph 4, above, constitute unprofessional conduct within the meaning of section  
28 2305 and conduct subject to discipline within the meaning of section 141(a).

1 SECOND CAUSE FOR DISCIPLINE

2 (Mental or Physical Impairment)

3 6. Respondent underwent a full psychiatric evaluation in California by a board  
4 certified psychiatrist who concluded, based on his own evaluation and on the results of extensive  
5 neuropsychological testing, that Respondent suffers from dementia with resultant cognitive  
6 difficulties which greatly impair his ability to practice and safely function as a physician and  
7 surgeon.

8 7. Respondent's license is subject to discipline pursuant to Sections 822 and 2227 of  
9 the Code in that, due to a mental and/or physical illness, Respondent is unable, and/or impaired in  
10 his ability, to practice medicine with safety to the public.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board issue a decision:

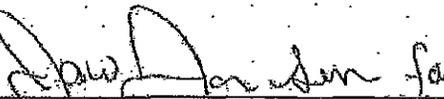
14 1. Revoking or suspending Physician's and Surgeon's Certificate Number G12938  
15 issued to respondent John J. McGroarty, M.D.;

16 2. Revoking, suspending, or denying approval of Respondent's authority to supervise  
17 physician assistants;

18 3. Ordering Respondent, if placed on probation, to pay the costs probation monitoring;  
19 and

20 4. Taking such other and further action as the Board deems necessary and proper.

21  
22 DATED: 3/3/2014



23 KIMBERLY KIRCHMEYER  
24 Executive Director  
25 Medical Board of California  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

# EXHIBIT A

BEFORE THE ARIZONA MEDICAL BOARD

1 In the Matter of  
 2 JOHN J. MCGROARTY, M.D.  
 3 Holder of License No. 6345  
 4 For the Practice of Allopathic Medicine  
 5 In the State of Arizona.

Case No. MD-11-1135A

INTERIM ORDER FOR PRACTICE  
LIMITATION AND CONSENT TO THE  
SAME

(NON-DISCIPLINARY)

CONSENT AGREEMENT

6  
 7  
 8 John J. McGroarty, M.D. ("Physician") elects to permanently waive any right to a  
 9 hearing and appeal with respect to this Interim Order for Practice Limitation; admits the  
 10 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this  
 11 Interim Order by the Board.

FINDINGS OF FACT

- 12 1. The Board is the duly constituted authority for the regulation and control of  
 13 the practice of allopathic medicine in the State of Arizona.  
 14 2. Physician is the holder of License No. 6345 for the practice of allopathic  
 15 medicine in the State of Arizona.  
 16 3. Physician has recognized that he has a medical condition that may limit his  
 17 ability to safely engage in the practice of medicine.

CONCLUSIONS OF LAW

- 18  
 19 1. The Board possesses jurisdiction over the subject matter hereof and over  
 20 Physician.  
 21 2. The Executive Director has authority to enter into this consent agreement to  
 22 limit the physician's practice based upon evidence that he is unable to safely engage in  
 23 the practice of medicine pursuant to A.R.S. § 32-1405(C)(25) and § 32-1451(F); A.A.C.  
 24 R4-16-504.  
 25



1 Interim Order ("Interim Order"). Physician acknowledges he has the right to consult with  
2 legal counsel regarding this matter.

3 2. Physician acknowledges and agrees that this Interim Order is entered into  
4 freely and voluntarily and that no promise was made or coercion used to induce such  
5 entry.

6 3. By consenting to this Interim Order, Physician voluntarily relinquishes any  
7 rights to a hearing or judicial review in state or federal court on the matters alleged, or to  
8 challenge this Interim Order in its entirety as issued, and waives any other cause of action  
9 related thereto or arising from said Interim Order.

10 4. The Interim Order is not effective until approved and signed by the Executive  
11 Director.

12 5. All admissions made by Physician are solely for final disposition of this  
13 matter and any subsequent related administrative proceedings or civil litigation involving  
14 the Board and Physician. Therefore, said admissions by Physician are not intended or  
15 made for any other use, such as in the context of another state or federal government  
16 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
17 any other state or federal court.

18 6. Upon signing this agreement, and returning this document (or a copy  
19 thereof) to the Board's Executive Director, Physician may not revoke the consent to the  
20 entry of the Interim Order. Physician may not make any modifications to the document.  
21 Any modifications to this original document are ineffective and void unless mutually  
22 approved by the parties.

23 7. This Interim Order is a public record that will be publicly disseminated as a  
24 formal *non-disciplinary* action of the Board.

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# EXHIBIT B

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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of  
**JOHN J. MCGROARTY, M.D.**  
Holder of License No. 6345  
For the Practice of Allopathic Medicine  
In the State of Arizona

Case No. MD-11-1135A

**ORDER FOR PRACTICE RESTRICTION  
AND CONSENT TO THE SAME**

John J. McGroarty, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 6345 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-11-1135A after receiving notification that Respondent wrote 496 Medical Marijuana Certifications in which he attested to reviewing the qualifying patient's profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program (CSPMP) database prior to ever accessing the database through the Arizona Board of Pharmacy (Pharmacy Board) website.

4. Board staff was further informed that Respondent had registered with the database as of August 12, 2011, but had not made any queries of the CSPMP.

5. Respondent admitted that he failed to access the database prior to issuing the Medical Marijuana Certifications. In addition, he conceded that he checked a box on the certification form submitted to the Department of Health Services falsely attesting that

1 he had, in fact, reviewed the patient's profile on the CSPMP database. He explained that  
2 he was new to Arizona and misinterpreted what he considered a confusing form.

3 6. Respondent appeared before the Board on April 4, 2012 for a Formal  
4 Interview. He told the Board he had made a mistake but would comply with the  
5 requirements of Arizona law going forward. The Board voted to return the case for further  
6 investigation of possible quality of care issues

7 7. The Board's Medical Consultant interviewed Respondent on May 17, 2012.  
8 During the interview, Respondent admitted to several violations of the Medical Practice  
9 Act. Specifically, Respondent admitted to the continued and/or past failure to check the  
10 CSPMP database when certifying patients for medical marijuana use, and failure to obtain  
11 previous medical records on patients prior to issuing medical marijuana certifications  
12 and/or controlled substances. Additionally, Respondent admitted to failing to maintain  
13 adequate medical records on at least one patient by prescribing controlled substances  
14 without a documented examination.

15 8. The Medical Consultant determined that Respondent should participate in a  
16 neuropsychological evaluation in light of some of Respondent's observed behaviors during  
17 the interview; therefore, on May 21, 2012, the Board's Executive Director issued an Interim  
18 Order for Neuropsychological Evaluation.

19 9. On June 6, 2012, Respondent underwent a neuropsychological evaluation.  
20 The evaluator concluded that, in view of all the available information, Respondent is  
21 currently unsafe to practice as a physician.

22 10. On June 19, 2012, Respondent entered into an Interim Order for Practice  
23 Limitation.

24 11. A Medical Consultant (MC) subsequently reviewed some of Respondent's  
25 patient medical records. The MC observed that Respondent had prescribed medical

1 marijuana and opioids inappropriately and that Respondent had failed to detect addiction  
2 and/or non-compliance due to his failure to query the CSPMP.

3 12. The Board has substantial evidence which, if accepted by the finder of fact,  
4 would support a finding that:

5 a. Respondent deviated from the standard of care by providing ongoing  
6 narcotic treatment for non-malignant pain and without appropriate evaluation.

7 b. Respondent deviated from the standard of care by providing medical  
8 marijuana certificates without appropriate evaluation.

9 c. Respondent deviated from the standard of care by providing a one-time  
10 narcotic prescription without querying the CSPMP which would have alerted him  
11 that the patient was receiving narcotics from another provider.

12 d. Respondent's conduct had the potential to cause harm to patients by  
13 perpetuating drug abuse due to failure to adequately assess the risk factors in each  
14 patient prior to providing medical marijuana certificate and/or narcotic medication.

15 e. Respondent's conduct had the potential to cause accidental combined  
16 drug toxicity (marijuana and narcotic) resulting in overdose and death due to failure  
17 to adequately assess the risk factors (including CSPMP review) in each patient prior  
18 to providing medical marijuana certification and/or narcotic medication.

19 f. No actual patient harm was identified.

20 13. For purposes of resolution of this investigation only, Respondent admits to  
21 the acts described above and acknowledges that they constitute unprofessional conduct  
22 pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate records on  
23 a patient."); A.R.S. § 32-1401(27)(q) ("[a]ny conduct that is or might be harmful or  
24 dangerous to the health of the patient or the public."); and A.R.S. § 32-1401(27)(t)  
25 ("[k]nowingly making any false or fraudulent statement, written or oral, in connection with

1 the practice of medicine or if applying for privileges or renewing an application for  
2 privileges at a health care institution.") Respondent's admission is made exclusively to  
3 address issues of Arizona law. The full force and effect of his admission is exclusively  
4 limited in scope and jurisdiction to the State of Arizona.

5 **CONCLUSIONS OF LAW**

6 1. The Board possesses jurisdiction over the subject matter hereof and over  
7 Respondent.

8 2. Respondent has engaged in unprofessional conduct in violation of A.R.S. §  
9 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate records on a patient."); A.R.S. §  
10 32-1401(27)(q) ("[a]ny conduct that is or might be harmful or dangerous to the health of the  
11 patient or the public."); and A.R.S. § 32-1401(27)(t) ("[k]nowingly making any false or  
12 fraudulent statement, written or oral, in connection with the practice of medicine or if  
13 applying for privileges or renewing an application for privileges at a health care  
14 institution.").

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

- 17 1. Respondent is issued a Practice Restriction.
- 18 2. As of the effective date of this Order, Respondent shall not practice medicine  
19 and is prohibited from prescribing any form of treatment, including prescription  
20 medications, in Arizona. In addition, Respondent shall not seek to renew his Arizona  
21 medical license and shall not reapply for an Arizona medical license for a period of five  
22 years from the effective date of this Order.
- 23 3. This Order vacates the Interim Practice Limitation dated June 19, 2012.

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DATED AND EFFECTIVE this 10<sup>th</sup> day of JUNE, 2013.



ARIZONA MEDICAL BOARD

By *Lisa S. Wynn*  
Lisa S. Wynn  
Executive Director

**CONSENT TO ENTRY OF ORDER**

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.



1 ORIGINAL of the foregoing filed  
2 this 10<sup>th</sup> day of June, 2013 with:

3 Arizona Medical Board  
4 9545 E. Doubletree Ranch Road  
5 Scottsdale, AZ 85258

6 *Mary Baker*  
7 Arizona Medical Board Staff  
8 AF:yl - #3293624

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**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**JOHN J. MCGROARTY, M.D. )**

**Physician's and Surgeon's )  
Certificate No. G 12938 )**

**Respondent )**

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**Case No. 16-2012-224717**

**OAH No. 2013071122**

**DECISION**

**The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on January 9, 2015.**

**IT IS SO ORDERED December 10, 2014.**

**MEDICAL BOARD OF CALIFORNIA**

By: Dev Gnanadev MD  
**Dev Gnanadev, M.D., Chair  
Panel B**

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JOHN J. MCGROARTY, M.D.,

Physician and Surgeon's Certificate No.  
G12938,

Respondent.

Case No. 16-2012-224717

OAH No. 2013071122

**PROPOSED DECISION**

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on October 28, 2014.

Esther H. La, Deputy Attorney General, represented complainant.

Respondent John J. McGroarty, M.D., was present and was represented by Jonathan H. Rose, Attorney at Law.

The matter was submitted on October 28, 2014.

**FACTUAL FINDINGS**

1. Complainant Kimberly Kirchmeyer made this accusation in her official capacity as the Executive Director of the Medical Board of California (Board).
2. On February 23, 1967, Physician and Surgeon's Certificate No. G12938 was issued by the Board to John J. McGroarty, M.D. (respondent). Respondent's certificate is renewed and current, and will expire on January 31, 2016, unless renewed.
3. On June 19, 2012, the Arizona Medical Board issued an Interim Order for Practice Limitation and Consent to the Same (Arizona Interim Order). The Arizona Interim Order contains findings that respondent has recognized that he has a medical condition that may limit his ability to safely engage in the practice of medicine, and that the Interim Order was necessary to mitigate danger to the public health and safety. Under the terms of the Arizona Interim Order respondent was prohibited from practicing medicine in Arizona and

from prescribing any form of treatment including prescription medications and the writing of Medical Marijuana Certifications until he applies to the Arizona Medical Board and receives permission to do so.

On June 10, 2013, the Arizona Medical Board issued an Order for Practice Restriction and consent to the Same (Arizona Order for Practice Restrictions). The Arizona Order for Practice Restriction contains factual findings which include: Respondent issued Medical Marijuana Certifications which contained false attestation and which violated the Arizona Medical Practice Act; respondent underwent a neuropsychological evaluation on June 6, 2012, which concluded that he was unsafe to practice as a physician; a review of some of respondent's patient charts revealed that he deviated from the standard of care in prescribing narcotic pain medication. Under the terms of the Arizona Order for Practice Restriction, respondent shall not practice medicine and is prohibited from prescribing any form of treatment, including prescription medications, in Arizona. In addition, respondent shall not seek to renew his Arizona medical license and shall not reapply for an Arizona medical license for a period of five years from the effective date of the Arizona Order for Practice Restriction.

4. Respondent's conduct and the actions of the Arizona Medical Board as set forth above, constitute unprofessional conduct within the meaning of the law in California.

5. Respondent underwent a full psychiatric evaluation in California by a board certified psychiatrist who concluded, based on his own evaluation and on the results of extensive neuropsychological testing, that respondent suffers from cognitive difficulties which greatly impair his ability to practice and safely function as a physician.

6. Respondent presented two neuropsychological evaluations by Annette Swain, Ph.D. She concludes that respondent has a mild cognitive impairment and demonstrates significant declines in the domains of visual perception and executive functioning. She also states that respondent has "parkinsonism." She does not give an expert opinion one way or the other concerning respondent's ability to safely function as a physician.

7. Based on the evidence in this matter it would not be in the public interest to allow respondent to practice medicine in California without expert evidence that his cognitive and physical impairments do not interfere with his ability to practice medicine safely.

#### LEGAL CONCLUSIONS

1. By reason of the matters set forth in Factual Findings 3 and 4, cause for disciplinary action exists pursuant to Business and Professions Code sections 2305 (discipline by another state) and 141, subdivision (a) (action taken by another jurisdiction). The action taken by the Arizona Medical Board is grounds for disciplinary action in California.

2. By reason of the matters set forth in Findings 5, and 6, cause for disciplinary action exists pursuant to Business and Professions Code sections 2227 (disciplinary action), and 822 (impaired ability to practice). Respondent's cognitive functioning is impaired to the extent that he cannot practice medicine safely.

ORDER

Physician and Surgeon's Certificate No. G12938 issued to respondent John J. McGroarty, M.D., is hereby revoked pursuant to Legal Conclusions 1 and 2, jointly and in combination.

DATED: 11/17/14

  
\_\_\_\_\_  
RUTH S. ASTLE  
Administrative Law Judge  
Office of Administrative Hearings



**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: )

**JOHN J. MCGROARTY, M.D.** )

Case No. 16-2012-224717

Physician's and Surgeon's )

OAH No. 2013071122

Certificate No. G 12938 )

Petitioner )

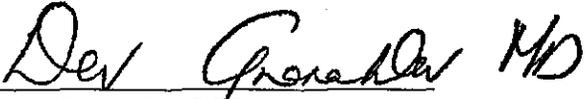
\_\_\_\_\_ )

**ORDER DENYING PETITION FOR RECONSIDERATION**

The Petition filed by John J. McGroarty, M.D., for the reconsideration of the decision in the above-entitled matter having been read and considered by the Medical Board of California, is hereby denied.

This Decision shall become effective at 5:00 p.m. on **January 16, 2015**.

**IT IS SO ORDERED: January 15, 2015**

  
Dev Gnanadev, M.D., Chair  
Panel B