

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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X
:

No. 15-I-947

In The Matter Of

:

JAMES FREDRICK MCGUCKIN, Jr., M.D.
(Certificate No. 202013)

:

**CONSENT ORDER
FOR REPRIMAND**

:

X

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information concerning James Frederick McGuckin, Jr., M.D. ("Dr. McGuckin"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of medicine in other states, but also licensed to practice medicine in this state, as evidenced by Certificate No. 202013.

Such information revealed that during the year 2015 Dr. McGuckin entered into a Stipulated Agreed Order ("Agreed Order")¹ with Washington Medical Quality Assurance Commission ("Washington Board"), restricting his performance of angioplasty and stenting procedures of the venous system for chronic cerebrospinal venous insufficiency ("CCSVI") in multiple sclerosis ("MS") patients in that state.² The Order was in disposition of an investigation that alleged that Dr. McGuckin engaged in unprofessional conduct arising from his treatment of patients in the state of Washington. Dr. McGuckin subsequently entered into orders or agreements with several other states restricting his practice in accordance with the Washington Agreed Order.³

Dr. McGuckin voluntarily disclosed the Agreed Order to the Board, met with the Investigating Officer ("IO") assigned by the Board with respect to this matter, explained the

¹*Stipulated Findings of Fact, Conclusions of Law and Agreed Order*, In the Matter of the License to Practice as a Physician and Surgeon of: James F. McGuckin, MD, License No. MD00047625, No. M2013-185, St. of WA Med. Qual. Assur. Comm. (Oct. 1, 2015).

²Among other items the Order also required Dr. McGuckin to: take an ethics course; pay a fine of \$17,500; refund the cash fees to patients who received the CCSVI procedure after a certain date who did not have insurance or third-party payors; and provide specified reports to the Washington Board. *Id.*

³*Consent Order*, Dept. Fin. and Prof. Reg., St. of IL vs. James McGuckin, Jr., M.D., Lic. No. 036.126229, No. 2015-09252. (Feb. 29, 2016); *Consent Order*, MD St. Bd. Phy., In the Matter of James McGuckin, Jr., Lic. No. D62353, Case No. 2016-0350 (Mar. 1, 2016); *Negotiated Settlement Agreement*, District of Columbia Order, Govt. of the Dist. Of Columbia, Bd. of Med., in re: James F. McGuckin, M.D., Lic. No. 39102 (Mar. 30, 2016); *Consent Order*, TN Bd. Med. Exam., In the Matter of James McGuckin, M.D., No. 201504323

circumstances that culminated in the Agreed Order and described the nature of his practice in this state. In so doing, he has advised that he has not performed any procedure, similar to that at issue in Washington, in this state since 2011.

While Dr. McGuckin has fully cooperated with the Board's investigation the IO's review and analysis of the matter indicates that just cause exists for recommending that an Administrative Complaint be filed against the physician, charging him with violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261-1292 (the "Act").⁴

As evidenced by his subscription to this Order, Dr. McGuckin acknowledges the substantial accuracy of the foregoing information and that proof of such information upon an administrative evidentiary hearing could establish grounds under the Act for such action against his license to practice medicine in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to have notice of such allegations and charges asserted against him, and to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.*, Dr. McGuckin, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. McGuckin further acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court relating to the matters referred to herein. By his subscription hereto, Dr. McGuckin also hereby authorizes the IO to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. McGuckin expressly acknowledges that the disclosure of information to the Board by the IO shall be without prejudice to the IO's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the IO, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D),

IT IS ORDERED that James Frederick McGuckin, Jr., M.D. is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

⁴Pursuant to La. Rev. Stat. §37:1285A, the Board may take action against the license of a physician as the result of: '(12) [U]nprofessional conduct;' and '(29) [T]he refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state . . .'

IT IS FURTHER ORDERED that Dr. McGuckin shall:

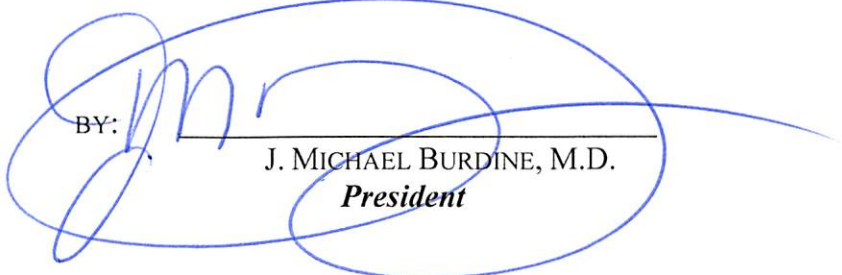
1. Not perform angioplasty or stenting procedures of the venous system for CCSVI or MS patients in the state of Louisiana.
2. Fully comply with the Agreed Order entered by the Washington Board, which is incorporated herein by reference. Dr. McGuckin shall also notify the Board upon the termination of such Order.
3. Pay a fine in the amount of five thousand (\$5,000) dollars, within ninety (90) days of the approval of this Order by the Board.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. McGuckin shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action as the Board may deem appropriate as if such violation was enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 15th day of July, 2016.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**


BY: 

J. MICHAEL BURDINE, M.D.
President

STATE OF Pennsylvania
PARISH/COUNTY OF Philadelphia

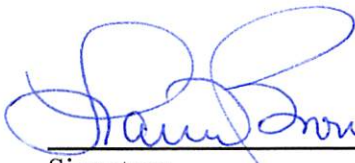
**ACKNOWLEDGMENT
AND CONSENT**

I, JAMES FREDERICK MCGUCKIN, JR., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 27th day of June, 2016.



JAMES FREDERICK MCGUCKIN, JR., M.D.


WITNESSES:



Signature
Laurie Brown BSW, RN

Printed Name
2929 Arch Street Suite 1705
Philadelphia, PA 19104

Address




Signature
Andrea Vernin

Printed Name
2929 Arch St., Ste 1705
Philadelphia, PA 19104

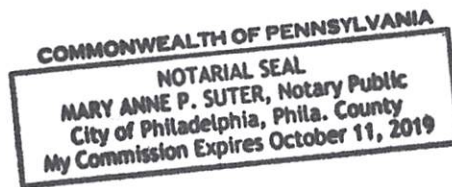
Address

Sworn to and subscribed before me at 2929 Arch St, Phila, PA 19104, this 27 day of June, 2016, in the presence of the two stated witnesses.



Notary Public (Signature)
Mary Anne Suter

Printed Name



Notary/Bar #