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 Certificate No. G 12938

Petitioner

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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

[Signature]
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. ) )
) ) MBC No. 16-2012-224717
) )
Physician’s and Surgeon’s ) )
Certificate No. G 12938 ) )
) ) ORDER GRANTING STAY
) ) (Government Code Section 11521)
) )
Petitioner. )
)_________________________________________)

John J. McGroarty, M.D., has filed a Petition for Reconsideration of the Decision in this matter with an effective date of January 9, 2015.

Execution is stayed until January 16, 2015.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: January 8, 2015

[Signature]
Elizabeth Amaral
Deputy Director
Medical Board of California
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 

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, 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).


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: 1/1/17

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings