

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
JAMES F. MCGUCKIN, M.D.)
Complaint No. CR15-164)

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by James F. McGuckin, M.D. The parties to the Consent Agreement are: James F. McGuckin, M.D. ("Dr. McGuckin"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. Dr. McGuckin has held a license to practice medicine in the State of Maine since June 25, 2010 (license number MD18517), specializing in diagnostic and interventional radiology.

2. On December 16, 2015, the Board initiated a complaint alleging that disciplinary action had taken place in the State of Washington for conduct that if committed in Maine would constitute grounds for discipline in Maine, including unprofessional conduct, following receipt of information that the State of Washington Medical Quality Assurance Commission ("the Washington Commission") had issued Stipulated Findings of Fact, Conclusions of Law and Agreed Order on October 1, 2015 ("the 2015 Order"). The Board docketed the complaint as CR15-164, and sent it to Dr. McGuckin for a response.

3. In the 2015 Order, the Washington Commission found that between 2010 and 2013, Dr. McGuckin treated chronic cerebrospinal venous insufficiency ("CCSVI") in multiple sclerosis patients and performed CCSVI procedures on patients without ensuring that Bio-Med IRB obtained an approved Investigational Device Exemption from the United States Food and Drug Administration and represented to the Washington Commission that he adhered to the Bio-Med IRB protocol when in fact he had deviated from it. The Washington Commission also found that Dr. McGuckin failed to meet the standard of care in performing an experimental treatment on multiple sclerosis patients and created an unreasonable risk of harm by conducting angioplasty and stent placement to treat a non-vascular disease. The Washington Commission concluded that Dr. McGuckin committed unprofessional conduct. The remaining findings of the Washington Commission may be found in the 2015 Order.

4. By letter dated January 5, 2016, Dr. McGuckin responded to the complaint. In his response, Dr. McGuckin explained and discussed the findings underlying the 2015 Order, and stated that the complaint was initiated by competitors, no complaints had been asserted by patients, and that he no longer participates in the Hubbard Foundation registry or Bio-Med IRB. In addition he stated that he has not actively practiced in Maine since obtaining his license and that he has not treated any CCSVI patients in Maine. Dr. McGuckin further reported to the Board that there was no evidence of

injury or complication to any patient in the matter alleged in the Washington Commission complaint.

5. At its meeting on February 9, 2016, the Board reviewed Complaint CR 15-164, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. McGuckin this Consent Agreement to resolve this matter without further proceedings. Absent Dr. McGuckin's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before April 25, 2016, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

6. Dr. McGuckin admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(F) (for engaging in unprofessional conduct), and (2)(M) (for disciplinary action by another state for conduct that if committed in Maine would constitute grounds for discipline).

7. As reciprocal discipline for the conduct described above, Dr. McGuckin agrees that a) he SHALL NOT PERFORM angioplasty and stenting procedures of the venous system for CCSVI or multiple sclerosis patients in the State of Maine; and b) he shall comply with the 2015 Order issued by the Washington Commission.

8. Violation by Dr. McGuckin of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not

limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

9. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

10. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. McGuckin or any other matter relating to this Consent Agreement.

11. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

12. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

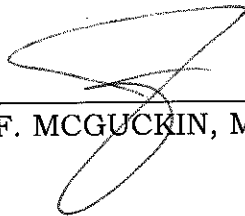
13. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

14. Dr. McGuckin acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

15. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, JAMES F. MCGUCKIN, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 4/27/2016



JAMES F. MCGUCKIN, M.D.

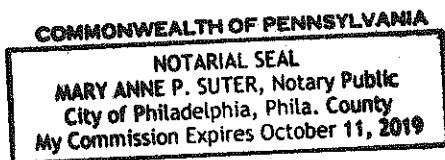
STATE OF Pennsylvania
Philadelphia County, S.S.

Personally appeared before me the above-named James F. McGuckin, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 4/27/16




NOTARY PUBLIC/ATTORNEY



MY COMMISSION ENDS: 10/11/19

DATED: 4-28-16



JAY P. MCCLOSKEY, Esq.
Counsel for James F. McGuckin, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

5/10/16




MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

May 10, 2016



MICHAEL MILLER
Assistant Attorney General

Effective Date:

May 10, 2016