

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

IN THE MATTER
OF
JOHN R. MCGEE, M.D.

STATEMENT
OF
CHARGES

JOHN R. MCGEE, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 7, 2013 by the issuance of license number 272963 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 3, 2016, Respondent entered into a Consent Order with the New Jersey Board of Medical Examiners ("Board"), which was also dated on or about August 3, 2016. The Consent Order arose from allegations that Respondent had engaged in gross negligence, malpractice or incompetence and/or repeated acts of negligence, malpractice, or incompetence, professional misconduct, and indiscriminate prescribing, and had engaged in acts presenting a clear and imminent danger to the public. The case was initiated upon the filing of a Verified Complaint and Order to Show Cause on or about August 4, 2015, with a return date of on or about August 12, 2015, which alleged gross negligence, along with the other misconduct referenced above, with regard to prescribing for six patients.

B. Pursuant to the terms of the Consent Order, the Respondent was made subject to suspension for a period of five years, with an actual suspension for 364 days and the balance of the suspension to be served as monitored probation. Respondent was further ordered to permanently cease prescribing or dispensing all human growth hormone and controlled substances, except Schedule V controlled substances; to complete certain continuing medical education, to prove fitness before returning to practice, to fully and satisfactorily follow and complete all recommendations made by the Upstate New York Clinical Competency Center for Albany Medical College, and to comply with other conditions. The Respondent was also ordered to pay costs and a civil penalty.

C. Respondent's conduct upon which such findings of misconduct were based would, if committed in New York State, constitute professional misconduct under the laws of New York State pursuant to New York Education Law Section 6530 (3) [negligence on more than one occasion] and/or (4) [gross negligence].

D. On or about August 18, 2015, Respondent filed a Registration Renewal Application with the New York State Department of Education. Respondent answered "no" to the question "Since your last registration application, are charges pending against you in any jurisdiction for any sort of professional misconduct?" even though the Verified Complaint had been filed on or about August 4, 2015, with a return date of on or about August 12, 2015 and charges were, in fact, pending with the New Jersey Board of

Medical Examiners. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3) and/or (4) as alleged in the facts of the following:

1. The facts in Paragraphs A, B and C.

SECOND SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. The facts in Paragraph D.

DATE: May / , 2017
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct