

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In Re:)
)
William F. McGuirt, Jr., M.D.) NOTICE OF CHARGES
) AND ALLEGATIONS;
) NOTICE OF HEARING
Respondent.)

The North Carolina Medical Board (hereafter "Board") has preferred and does hereby prefer the following charges and allegations:

1. The Board is a body duly organized under the laws of North Carolina and Chapter 90 of the North Carolina General Statutes.

2. William F. McGuirt, Jr., M.D., (hereafter Dr. McGuirt) is a physician licensed by the Board on July 22, 1995, license number 95-01002.

3. At the times relevant herein, Dr. McGuirt practiced pediatric otolaryngology in the Winston-Salem, North Carolina, area and was an Associate Professor, Surgical Sciences - Otolaryngology, Wake Forest University School of Medicine.

4. Around March 2001, Dr. McGuirt commenced a pharmacokinetic study of ototopical Ciprodex® suspension and Ciloxan® solution in pediatric and young adult patients following tympanostomy tube surgery.

5. Around December 2001, Dr. McGuirt commenced a pharmacokinetic study of ototopical moxifloxacin solution in pediatric and young adult patients following tympanostomy tube surgery.

6. Both research protocols required follow-up visits with the patients participating in these studies within two to five days after surgery.

7. Dr. McGuirt failed to conduct follow-up visits with these patients within two to five days after surgery as required by the protocols. In an effort to conceal this violation of the protocols, Dr. McGuirt recorded in the research charts that he had visited the patients within two to five days after the surgery, had examined the surgery site, and had taken the patient's vital signs. Dr. McGuirt placed his signature below this data indicating that these things had been done, which was not true.

8. Dr. McGuirt's violation of the research protocols and his entry of false data in the research charts as described above constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether a patient is injured thereby, or the committing of any act contrary to honesty,

justice, or good morals, whether the same is committed in the course of the physician's practice or otherwise, within the meaning of N.C. Gen. Stat. 90-14(a)(6), and grounds exist under those sections of the General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. McGuirt's license to practice medicine and surgery issued by the Board or to deny any application he might make in the future for a license to practice medicine.

NOTICE TO DR. MCGUIRT

Pursuant to N.C. Gen. Stat. 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations will be held before the Board at 8:00 a.m. on December 19, 2002 at 1:00 p.m., or as soon thereafter as the Board may hear it, at the offices of the Board, 1201 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

Pursuant to N.C. Gen. Stat. 150B-40 (c)(5), it is further ordered that the parties shall arrange a prehearing

conference at which they shall prepare and sign a stipulation on prehearing conference. The prehearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. 150B-40(d), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward, without waiting for the arrival or return of counsel or a party.

This the 14th day of September, 2002.

NORTH CAROLINA MEDICAL BOARD

By: Walter J. Pories
Walter J. Pories, MD
President

ATTEST:

Andrew Watry
Andrew Watry
Executive Director