

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
William F. McGuirt, Jr., M.D. )                    CONSENT ORDER  
 )  
Respondent. )

This matter is before the North Carolina Medical Board (hereinafter Board) on Notice of Charges and Allegations issued on September 14, 2002, regarding William F. McGuirt, Jr., M.D, (hereinafter Dr. McGuirt). Dr. McGuirt admits, and the Board finds and concludes, that:

Whereas the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto, and

Whereas, Dr. McGuirt is a physician licensed by the Board on July 22, 1995, license number 95-01002 to practice medicine and surgery, and

Whereas, 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, and

Whereas, 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, and

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

Whereas, both research protocols required follow-up visits with the patients participating in these studies within two to five days after surgery, and

Whereas, Dr. McGuirt failed to conduct follow-up visits with these patients within two to five days after surgery as required by the protocols. However, 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, and

Whereas, Dr. McGuirt's violation of the research protocols and his entry of improper 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, and

Whereas Dr. McGuirt would like to resolve this matter without the need for more formal proceedings; and

Whereas the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. McGuirt's consent, it is ORDERED that:

1. Dr. McGuirt's license to practice medicine and surgery is hereby SUSPENDED for a period of six months, such suspension STAYED IMMEDIATELY, for the above-described conduct.

2. Dr. McGuirt agrees to abide by all laws, rules and regulations in the future.

3. Dr. McGuirt shall provide a copy of this Consent Order to all prospective persons interested in having Dr. McGuirt perform clinical trial research.

4. Dr. McGuirt hereby waives any requirement under any law or rule that this Consent Order be served on him.

5. Upon execution by Dr. McGuirt and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses, as required and permitted by law, including, but not limited to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

By Order of the North Carolina Medical Board this the 19<sup>th</sup>  
day of December, 2002.

NORTH CAROLINA MEDICAL BOARD

By:   
Charles L. Garrett, M.D.  
President-Elect

ATTEST:

R. David Henderson  
R. David Henderson  
Interim Executive Director

Consented to this the 19<sup>th</sup> day of December, 2002.

William F. McGuirt, Jr.  
William F. McGuirt, Jr., M.D.

State of North Carolina  
Forsyth County

I, Debra Senter, a Notary Public for the above named County and State, do hereby certify that William F. McGuirt, Jr., M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal  
this the 2<sup>nd</sup> day of Jan, 2002.3

Debra Senter  
DEBRA SENTER  
NOTARY PUBLIC  
FORSYTH COUNTY, NC  
My Commission Expires Sept. 29, 2003

My Commission expires: Sept 29, 2003