

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs**

vs.

**Charles Thomas McGlynn, MD
Respondent**

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**Docket No. 0615-49-05
File No. 03-49-07965**

PROTHONOTARY
7:05 DEC 22 AM 11:27
Department of State

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, (Act), 63 PS §§422.1-422.51a and the Medical Care Availability and Reduction of Error (Mcare) Act, Act of March 20, 2002, P.L. 154, No. 12, 40 P.S. §§1303.101-13-3.910.
2. At all relevant and material times, ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, License No. MD 040175L.
3. The Respondent admits that the following facts are true:
 - a. Respondent's license was current through December 31, 2002 and may be renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees.
 - b. Respondent's last address on file with the Board is 28 Eastwood Road,

Tunkhannock, PA 18657; however, the Commonwealth has received information that Respondent's current address is 593 Tanzanite Drive, Dubuque, Iowa 52001.

- c. Respondent last practiced in Iowa.
- d. On or about April 3, 2003, Respondent voluntarily surrendered his license to practice in the State of Iowa due to illness.
- e. On or about December 5, 2005 Respondent plans to return to Pennsylvania and resume the practice of medicine in accordance with the terms of this agreement and once his application for licensure is granted.
- f. In anticipation of his return to Pennsylvania to practice medicine, Respondent has been enrolled in and successfully completed 44 continuing medical education credits offered by the American Psychiatric Association.
- g. Respondent agreed, at the request of the Commonwealth, to be evaluated by George Woody, MD.
- h. On September 19, 2005, Respondent was evaluated by Dr. George Woody.
- i. Dr. Woody, based upon his review of the medical records and documents provided by Respondent and his evaluation of Respondent concluded the following: Respondent suffers primarily from Bipolar I Disorder, Most Recent Episode Depressed; that Respondent also suffers from Attention Deficit Hyperactivity Disorder and Post Traumatic Stress Disorder.
- j. Dr. Woody recommended in his report that:

[I]n view of his pending move and possibility of associated stress, the necessary change in psychiatrists, the presence of some residual symptoms, and the fact that Bipolar Disorder is known to

relapse (particularly at times of stress), I do not think that he should be considered able to practice with requisite skill and safety until he has completed his move, become engaged in follow-up treatment with a psychiatrist near his new place of residence, and can be shown to have remained in remission with no residual signs or symptoms for at least six months...if he regains his license and resumes medical practice he should be in an monitoring program for an extended period of time, as determined by the Board...

4. Based upon the factual allegations in paragraph 3 above, the Board is authorized to suspend, revoke or otherwise restrict Respondent's license under the Act at 63 P.S. §422.41(5).

5. The parties consent to the issuance of the following Order in settlement of this matter:

a. The Board is authorized to suspend, revoke or otherwise restrict Respondent's license under the Act at 63 P.S. §422.41(5) in that Respondent is unable to practice the profession with reasonable skill and safety to patients by reason of illness, or mental impairment.

b. Respondent's license, No. MD 040175L, is indefinitely SUSPENDED; however, within six months of moving to Pennsylvania and engaging in follow-up psychiatric treatment near his new place of residence and a showing to the satisfaction of the Board that he can safely and competently resume the practice of medicine the period of suspension will be stayed in favor of THREE YEARS PROBATION subject to the following terms and conditions:

c. If applicable, Respondent shall immediately, upon adoption of this Consent Agreement and Order, cease and desist from the practice of the profession, and shall not represent him/herself as a board licensee in any matter during the active period of suspension.

d. Respondent shall, within 10 days of the Board's approval and adoption of this Consent Agreement and Order, or as soon as his Respondent receives his reinstated license, surrender his wall certificate, registration certificate and wallet card by mailing them or delivering them in person to:

Anita P. Shekletski
Prosecuting Attorney
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105-2649

e. At or near the end of the six month period of suspension, in order to make a show to the satisfaction of the Board that he can safely and competently resume the practice of medicine, Respondent shall provide the Prosecuting Attorney and the Board with a report from his treatment provider verifying that he can safely and competently return to the practice of medicine.

f. Following the period of suspension as set forth in paragraph 5b , the suspension of Respondent's license shall be automatically STAYED in favor of no less than three years of PROBATION subject to the following terms and conditions:

GENERAL

(1) Respondent shall fully and completely comply and cooperate with the Bureau of Professional and Occupational Affairs, Professional Health Monitoring Program ("PHMP"), Disciplinary Monitoring Unit ("DMU") and its agents and employees in their monitoring of Respondent's impairment under this Consent Agreement and Order ("Agreement").

(2) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds a license to practice the profession. Summary traffic violations shall not constitute a violation of this Agreement.

(3) Respondent shall at all times cooperate with the PHMP and its agents and employees in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Agreement, including requests for, and causing to be submitted at Respondent's expense, written reports, records and verifications of actions that may be required by the PHMP.

(4) Respondent's failure to fully cooperate with the PHMP shall be deemed a violation of this Agreement.

(5) Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Agreement.

(6) Respondent may not be absent from the Commonwealth of Pennsylvania for any period exceeding twenty (20) days unless Respondent seeks and receives prior written permission from the PHMP subject to any additional terms and

conditions required by the PHMP.

(7) In the event Respondent relocates to another jurisdiction, within five days (5) days of relocating Respondent shall either enroll in the other jurisdiction's impaired professional program and have the reports required under this Agreement sent to the Pennsylvania PHMP, or if the other jurisdiction has no impaired professional program, Respondent shall notify the licensing board of the other jurisdiction that Respondent is impaired and enrolled in this Program. In the event Respondent fails to do so, in addition to being in violation of this Agreement, the periods of suspension and probation shall be tolled.

(8) Respondent shall notify the PHMP in writing within five (5) days of the filing of any criminal charges against Respondent, the initiation of any legal action pertaining to Respondent's practice of the profession, the initiation of charges, action, restriction or limitation related to Respondent's practice of the profession by a professional licensing authority of any state or jurisdiction or the Drug Enforcement Agency of the United States Department of Justice, or any investigation, action, restriction or limitation related to Respondent's privileges to practice the profession at any health care facility.

(9) Respondent shall notify the PHMP by telephone

within 48 hours and in writing within five (5) days of any change of Respondent's home address, phone number, employment status, employer and/or change in practice at a health care facility. Failure to timely advise the PHMP under this subsection due to the PHMP office being closed is not an excuse for not leaving a voice mail message with this information.

(10) Respondent shall cease or limit his/her practice if the PHMP case manager directs that Respondent do so.

EVALUATION - TREATMENT

(11) Within thirty (30) days subsequent to the effective date of this Agreement, Respondent shall have forwarded to the PHMP-DMU, P.O. Box 10749, Harrisburg, PA 17105-0749, (717) 783-4857, the written evaluation with Dr. Woody, as well as his plans for returning to Pennsylvania to practice medicine including but not limited to the name of a prospective employer and supervisor. Respondent shall keep the PHMP apprised of his plans to return to Pennsylvania and notify them when in fact he has moved as set forth herein. Respondent shall provide the PHMP-approved provider with a copy of any prior evaluations and counseling records and a copy of this Agreement. Before returning to the practice of medicine, Respondent must provide PHMP with a report from his current treatment provider verifying that he can safely and competently

return to the practice of medicine.

(12) Respondent shall authorize, in writing, the PHMP to have a copy of the PHMP-approved provider's written evaluation reports.

(13) If the PHMP provider's evaluation includes recommendations that Respondent obtain treatment, Respondent must fully comply with those recommendations as part of these probationary requirements.

(14) Respondent shall arrange and ensure that written treatment reports from all PHMP-approved providers are submitted to the PHMP upon request or at least every sixty (60) days after the effective date of this Agreement. The reports shall contain at least the following information:

- (a) Verification that the provider has received a copy of this Agreement and understands the conditions of this probation;
- (b) A treatment plan, if developed;
- (c) Progress reports, including information regarding compliance with the treatment plan;
- (d) Physical evaluations, if applicable;
- (e) The results of any testing;
- (f) Modifications in treatment plan, if applicable;

(g) Administration or prescription of any drugs to Respondent; and

(h) Discharge summary and continuing care plan at discharge.

(15) Respondent shall identify a primary care physician who shall send written notification to the Respondent's PHMP case manager certifying Respondent's health status as requested.

SUPPORT GROUP ATTENDANCE

(16) Respondent shall attend and actively participate in any support group programs recommended by the provider or the PHMP case manager at the frequency recommended by the provider, but no less than twice a week.

(17) Respondent shall provide written verification of any and all support group attendance to the PHMP on at least a monthly basis or as otherwise directed by the PHMP.

ABSTENTION

(18) Respondent shall completely abstain from the use of controlled substances, mood altering drugs or drugs of abuse including alcohol in any form, except under the following conditions:

(a) Respondent is a bona fide patient of a licensed health care practitioner who is aware of Respondent's impairment and participation in the PHMP;

(b) Such medications are lawfully prescribed by Respondent's treating practitioner and approved by the PHMP case manager; and

(c) Respondent provides the PHMP, within 48 hours of receiving the medication, the name of the practitioner prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication, and a signed statement consenting to the release of the medical information from the prescribing practitioner to the PHMP or its designated representative for the purpose of verification.

MONITORED PRACTICE

(19) "Practice" includes employment in any position requiring the maintenance of a current professional license.

(20) Licensee shall not work in any practice setting without workplace monitoring as required by PHMP.

(21) If Respondent is practicing, Respondent shall give any employer and supervisor a copy of this Agreement within five (5) days of the effective date of this Agreement.

(22) Licensee shall give any prospective employer and supervisor a copy of this Agreement when applying for employment in the practice of the profession.

(23) Respondent shall provide the PHMP by telephone within 48 hours, and in writing within five (5) days of the effective date of this agreement or obtaining employment, notification of the following:

(a) Name and address of workplace monitor if a workplace monitor is required by PHMP;

(b) The name(s) and address(es) of the place(s) at which Respondent will practice the profession and a description of Respondent's duties and responsibilities at such places of practice; and

(c) Any restrictions on Respondent's practice.

(24) Respondent shall ensure that Respondent's supervisor submits to the PHMP the following information in writing:

(a) Verification that the employer and supervisor have received a copy of this Agreement and understand the conditions of this probation;

(b) An evaluation of Respondent's work performance on a 60-day or more frequent basis as requested by the PHMP; and

(c) Immediate notification of any suspected violation of this probation by Respondent.

BODY FLUID TOXICOLOGY SCREENING

(25) Respondent, only if necessary or recommended by the treatment provider, shall submit to random unannounced and observed body fluid toxicology screens for the detection of substances prohibited under this Agreement as directed by the PHMP. A positive result on a body fluid toxicology screen shall constitute an irrefutable violation of this Agreement unless Respondent has complied with the provisions of this Agreement pertaining to the use of drugs. Failure to provide a specimen when requested will be considered a violation of this Agreement.

(26) Respondent shall avoid all foods that contain poppy seeds. Ingestion of poppy seeds will not be accepted as a valid explanation for a positive screen.

REPORTING/RELEASES

(27) Respondent, Respondent's providers, supervisor(s), employer(s) or other persons required to submit reports under this Agreement shall cause such reports, data or other information to be filed with the PHMP, unless otherwise directed, at:

PHMP-DMU
Box 10749
Harrisburg, PA 17105-0749

(28) Respondent consents to the release by the PHMP of any information or data produced as a result of this probation,

including written provider evaluations, to any treatment provider, supervisor, Commonwealth's attorney, hearing examiner, and Board members in the administration and enforcement of this Agreement.

(29) Respondent shall sign any required waivers or release forms requested by the PHMP for any and all records, including medical or other health-related and psychological records, pertaining to treatment and monitoring rendered to Respondent during this probation and any corresponding criminal probation, as well as any employment, personnel, peer review or review records pertaining to Respondent's practice of the profession during this probation, to be released to the PHMP, the Commonwealth's attorney, hearing examiner and Board members in the administration and enforcement of this Agreement.

COSTS

(30) Respondent shall be responsible for all costs incurred in complying with the terms of this Agreement, including but not limited to psychiatric or psychotherapy treatments, PHMP-required toxicology screens prior to each screen's being conducted, and reproduction of treatment or other records.

BUREAU/PHMP EVALUATIONS

(31) Upon request of the PHMP, the Respondent shall submit to mental or physical evaluations, examinations or interviews

by a PHMP-approved treatment provider or the PHMP. Respondent's failure to submit to such an evaluation, examination or interview shall constitute a violation of this Agreement.

VIOLATION OF THIS ORDER

(32) Notification of a violation of the terms or conditions of this Agreement shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of the suspension, imposed in paragraph 5b above, of Respondent's license(s) to practice the profession in the Commonwealth of Pennsylvania, as follows:

(a) The prosecuting attorney for the Commonwealth shall present to the Board's Probable Cause Screening Committee ("Committee") a Petition which indicates that Respondent has violated any terms or conditions of this Agreement.

(b) Upon a probable cause determination by the Committee that Respondent has violated any of the terms or conditions of this Agreement, the Committee shall, without holding a formal hearing, issue a preliminary order vacating the stay of the within suspension, terminating this probation and activating the suspension of Respondent's license.

(c) Respondent shall be notified of the Committee's preliminary order within three (3) business days of its issuance by certified mail and first class mail, postage prepaid, sent to Respondent's last registered address on file with the Board, or by personal service if necessary.

(d) Within twenty (20) days of mailing of the preliminary order, Respondent may submit a written answer to the Commonwealth's petition and request that a formal hearing be held concerning Respondent's violation of probation, in which Respondent may seek relief from the preliminary order activating the suspension. Respondent shall mail the original answer and request for hearing, as well as all subsequent writings in the matter, to the Department of State, Bureau of Professional and Occupational Affairs' Prothonotary, 2601 North Third Street, Harrisburg, PA 17101, and a copy to the prosecuting attorney for the Commonwealth.

(e) If Respondent submits a timely answer and request for a formal hearing, the Board or a designated hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Prothonotary's receipt of Respondent's request for a formal hearing.

(f) Respondent's submission of a timely answer and request for a hearing shall not stay the suspension of Respondent's license under the preliminary order. The suspension shall remain in effect unless the Board or the hearing examiner issues an order after the formal hearing staying the suspension again and reactivating the probation.

(g) The facts and averments in this Agreement shall be deemed admitted and uncontested at this hearing.

(h) If the Board or hearing examiner after the formal hearing makes a determination against Respondent, a final order will be issued sustaining the suspension of Respondent's license and imposing any additional disciplinary measures deemed appropriate.

(i) If Respondent fails to timely file an answer and request a hearing, the Board shall issue a final order affirming the suspension of Respondent's license.

(j) If Respondent does not make a timely answer and request for a formal hearing and a final order affirming the suspension is issued, or the Board or hearing examiner makes a determination against Respondent sustaining the suspension of Respondent's license, after at least years of active suspension and any additional imposed discipline,

Respondent may petition the Board for reinstatement based upon an affirmative showing that Respondent has at least months of sustained documented recovery, a PHMP-approved provider's evaluation that Respondent is fit to safely practice, and verification that Respondent has abided by and obeyed all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations pertaining to the practice of the profession in this Commonwealth.

g. If the stay is terminated, Respondent shall still comply with all terms and conditions of probation during the active suspension, other than those terms and conditions pertaining to practicing the profession. Continued failure by the Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent.

h. Respondent's failure to fully comply with any terms of this Agreement may also constitute grounds for additional disciplinary action.

6. Nothing in this Agreement shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary action or corrective measures for violations or facts not contained in this Agreement.

7. After successful completion of probation, Respondent may petition the Board to reinstate Respondent's license to unrestricted, non-probationary status upon an affirmative showing that Respondent has complied with all terms and conditions of this Agreement and that Respondent's

resumption of unsupervised practice does not present a threat to the public health and safety.

8. This Agreement shall take effect immediately upon its approval and adoption by the Board.

9. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

10. Respondent agrees, as a condition of entering into this Agreement, not to seek modification of it at a later date without first obtaining the express written concurrence of the Prosecution Division of the Department of State.

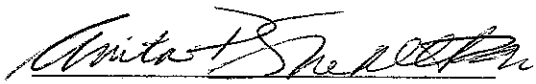
11. This Agreement is between the prosecuting attorney and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board approves and adopts the Agreement.

12. Should the Board not approve this Agreement, presentation to and consideration of it by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Agreement.

13. This Agreement contains the whole agreement between the participants. There are no

other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this Agreement.

14. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. '4904 relating to unsworn falsification to authorities.

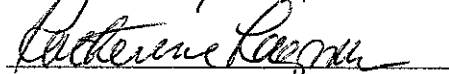


Anita P. Shekletski
Prosecuting Attorney
Department of State



Charles Thomas McGlynn
Respondent

DATED: 11/29/05



Katherine M. Layman, Esquire

DATED: 12/2/05

DATED: 11/30/05

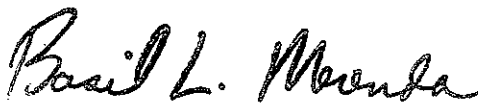
ORDER

AND NOW, this 20th day of December, 2005, the approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

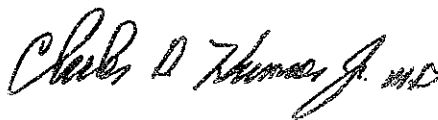
This Order shall take effect immediately.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



Basil L. Merenda
Commissioner



Charles D. Hummer, Jr., M.D.
Chairperson

File No. 03-49-07965

Date of Mailing:

December 22, 2005

For the Commonwealth:

Anita P. Shekletski, Prosecuting Attorney
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

Katharine M. Layman, Esquire
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103-3508

COPY

PROTHONOTARY
2007 MAR 28 AM 8:33
Department of State

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**


In the Matter of the Application for :
Reinstatement of the License to :
Practice Medicine and Surgery of :
: **Docket No. 1625-49-06**
: **File No. 06-49-08864**
Charles T. McGlynn, M.D. :
Petitioner :

**Final Order Adopting Hearing Examiner's
Adjudication and Order**

AND NOW, this 28th day of March, 2007, the State Board of Medicine (Board), having reviewed the entire record of this case established before the hearing examiner adopts the Adjudication and Order of the hearing examiner as the Final Adjudication and Order in this case. A copy of the Adjudication and Order is attached as Attachment A.

This order shall take effect immediately.

**BY ORDER:
STATE BOARD OF MEDICINE**



Charles D. Hummer, Jr., M.D., Chairman

Respondent's Attorney: Katherine M. Layman, Esquire
COZEN & O'CONNOR, P.C.
1900 Market Street
Philadelphia, PA 19103-3508

Prosecuting Attorney: Anita P. Shekletski, Esquire
P.O. Box 2649
Harrisburg, PA 17105-2649

Board Counsel: Sabina I. Howell, Esquire

Date of Mailing: *March 28, 2007*

HISTORY

This matter comes before the hearing examiner for the Department of State on an application for reinstatement submitted by Charles T. McGlynn, M.D. (Petitioner) following an order issued by the State Board of Medicine (Board) December 20, 2005, indefinitely suspending Petitioner's license to practice medicine and surgery. The instant petition was filed October 5, 2006,¹ and a formal administrative hearing was held in Harrisburg October 31, 2006. Petitioner attended the hearing with counsel, Katherine M. Layman, Esquire. Anita P. Shekletski, Esquire represented the Commonwealth as prosecuting attorney. The parties waived the filing of briefs and the notes of testimony was filed November 7, 2006.

¹ Petitioner submitted his petition to Anita Shekletski, Prosecuting Attorney, and Gerald S. Smith, Board Counsel, September 14, 2006. On direction from Board Counsel, Petitioner resubmitted his petition, which was filed of record with the Department Prothonotary October 5, 2006.

FINDINGS OF FACT

1. Petitioner holds license no. MD-040175-L, issued by the Board May 16, 1986, authorizing him to practice medicine and surgery in this Commonwealth. (Board records)

2. On December 20, 2005, the Board issued an order adopting a consent agreement by which Petitioner's license was suspended indefinitely on the basis of the voluntary surrender of his license to practice medicine in Iowa due to illness. (Board records, Consent Agreement and Order filed December 22, 2005, Docket no. 0615-49-05)

3. At the time of the 2005 Consent Agreement and Order, Petitioner was planning to return to Pennsylvania to resume the practice of medicine in accordance with the terms of the consent agreement and order. (Board records, Consent Agreement and Order filed December 22, 2005, Docket no. 0615-49-05)

4. Prior to the 2005 Consent Agreement and order, on September 19, 2005, Petitioner was evaluated by George Woody, M.D., who concluded that Petitioner suffers primarily from Bipolar I Disorder, Most Recent Episode Depressed, and that he also suffers from Attention Deficit Hyperactivity Disorder and Post Traumatic Stress Disorder. (Board records, Consent Agreement and Order filed December 22, 2005, Docket no. 0615-49-05)

5. In his report to the Bureau of Professional and Occupational Affairs, Dr Woody wrote that, in view of likely stress associated with Petitioner's move to Pennsylvania, that:

... he should not be considered able to practice with requisite skill and safety until he has completed the move, become engaged in follow-up treatment with a psychiatrist near his new place of residence, and can be shown to have remained

in remission with no residual signs or symptoms for at least six months.

(Board records, Consent Agreement and Order filed December 22, 2005, Docket no. 0615-49-05)

6. The Board's December 20, 2005 order provided that the suspension of Petitioner's license may be stayed as follows:

[W]ithin six months of moving to Pennsylvania and engaging in follow-up psychiatric treatment near his new place of residence and a showing to the satisfaction of the Board that he can safely and competently resume the practice of medicine the period of suspension will be stayed in favor of THREE YEARS PROBATION subject to . . . terms and conditions.

(Board records, Consent Agreement and Order filed December 22, 2005, Docket no. 0615-49-05)

6. Petitioner submitted the instant application for reinstatement and attended a hearing with counsel October 31, 2006. (Docket no. 1625-49-06)

7. Petitioner earned a Doctor of Medicine degree from the University of Medicine and Dentistry of New Jersey in 1984, and completed a four year residency in psychiatry at Albert Einstein Medical Center in Philadelphia in 1988. (Exhibit P-2; N.T. 30-31)

8. Petitioner practiced psychiatry in Philadelphia from 1988 until 1998 when he relocated to northeastern Pennsylvania. (Exhibit P-2; N.T. 35)

9. From 1998 until July 2001, Petitioner was on staff at several hospitals in Scranton and also worked as a staff psychiatrist at several state correctional institutions in Northeastern Pennsylvania. (Exhibit P-2; N.T. 36, 58-59)

10. In July 2001 Petitioner suffered a "psychological break" which resulted in his hospitalization in Wilkes Barre, after which Petitioner moved to Iowa to join his wife who had

moved there for her job. (Exhibit P-2; N.T. 36-38, 40)

11. Petitioner worked as the psychiatric director for an outpatient clinic for a brief time in Iowa but was unable to continue due to illness. (N.T. 40-41)

12. Petitioner was initially diagnosed as suffering from bipolar disorder and he was treated for that condition with lithium. (N.T. 39-40)

13. Petitioner voluntarily surrendered his Iowa license due to his disability in April 2003, which led to his 2005 Pennsylvania consent agreement. (Board records, Consent Agreement and Order filed December 22, 2005, Docket no. 0615-49-05; N.T. 41)

14. In preparation for returning to Pennsylvania, Petitioner resumed contact with colleagues from his prior practice in Philadelphia and he sought the assistance of the Physicians' Health Program of the Pennsylvania Medical Society (PHP/PMS). (N.T. 44-46)

15. Petitioner relocated to Pennsylvania and, in accordance with the 2005 consent agreement and order, began treatment with Martha Turner, M.D., a board certified psychiatrist in Philadelphia March 2, 2006. (N.T. 8, 11)

16. Dr. Turner has diagnosed Petitioner as suffering from post traumatic stress disorder (PTSD) and finds that he does not suffer from bipolar disorder, disagreeing with earlier diagnoses. Dr. Turner explained her diagnosis at the hearing:

Well, first of all, I had the advantage of being able to see [Petitioner] after he had reemerged or emerged from this dissociative state. Other people had tried to diagnose him when he was in it, and it was really difficult to do. He couldn't really express himself, and he looked - he had also had shock treatments, so it would be also confusing in trying to figure out a diagnosis. But now that he is present, I have found no evidence for any bipolar or other diagnosis they tried to give him. It was hard at the time for him, but it's really clear to me.

(N.T. 11-12)

17. Dr. Turner continues to see Petitioner approximately once a week. (N.T. 11)

18. Dr. Turner testified at hearing that Petitioner has done well in his treatment for PTSD, and can now safely and competently resume the practice of medicine and psychiatry.

(N.T. 13-14)

19. Petitioner has never been treated for substance abuse or chemical dependency and, in the opinion of Dr. Turner, no purpose would be served in his continued monitoring for substance abuse. (N.T. 15-16)

20. In approximately July 2006, Petitioner signed an agreement with the PHP/PMS through which he agreed to continue treatment with Dr. Turner and maintain contact with a monitor, John W. Martyniuk, Ph.D., M.D., the PHP/PMS Medical Director. (Docket no. 1625-49-06, Application, Exhibit C; N.T. 75-77)

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Petitioner in this matter. (Finding of Fact no. 1)
2. Petitioner has been afforded reasonable notice of a hearing and an opportunity to be heard in this proceeding. (Finding of Fact no. 6)
3. Petitioner has presented credible evidence in his petition and at hearing that he has met all requirements for reinstatement in accordance with the Board's December 20, 2005 order. (Findings of Fact nos. 14, 15, 16, 17, 18) *

DISCUSSION

Petitioner's license was suspended by order of the Board dated December 20, 2005, adopting a consent agreement in which Petitioner admitted that he voluntarily surrendered his license to practice medicine in Iowa due to illness. Petitioner further acknowledged that he was evaluated by a Board-appointed psychiatrist, George Woody, M.D., who concluded that Petitioner suffers primarily from Bipolar I Disorder, Most Recent Episode Depressed, and that he also suffers from Attention Deficit Hyperactivity Disorder and Post Traumatic Stress Disorder, and that he should not return to practice until he had completed an anticipated move back to Pennsylvania and engaged in follow-up treatment with a psychiatrist here for at least six months. The Board's December 20, 2005 order provided that Petitioner's license would be indefinitely suspended with the provision that he may apply for reinstatement six months after returning to Pennsylvania and engaging in follow-up psychiatric treatment, upon a showing that he can safely and competently resume the practice of medicine. Upon such a showing, the Board's order provided, the suspension of Petitioner's license would be stayed in favor of three years probation with terms and conditions including standard monitoring for substance abuse.

Petitioner submitted an application for reinstatement which was filed of record October 5, 2006. With his application Petitioner included, *inter alia*, two letters from his current treating psychiatrist, Dr. Turner, explaining her diagnosis of PTSD, his treatment and, her recommendation as of September 14, 2006, that Petitioner is able to safely and competently

return to the practice of medicine. A formal hearing was held on the instant application October 31, 2006, at which time Dr. Turner testified consistent with her two letters appended to the application.²

In addition to describing Petitioner's present diagnosis and progress in treatment, Dr. Turner and Petitioner both testified at some length concerning the events which underlie the PTSD diagnosis. In the opinion of Dr. Turner, Petitioner suffered numerous emotional traumas in childhood from an abusive father and other children who "brutalized" Petitioner. According to Dr. Turner, Petitioner experienced severe threats and abuse from prison guards during his work at state correctional institutions in northeastern Pennsylvania in approximately 2001; which led to Petitioner reliving his childhood traumas and resulting in a severe dissociative behavior which rendered him disabled for several years. In Dr. Turner's opinion, Petitioner's dissociative condition masked the underlying cause of his condition and led to the misdiagnosis of bipolar disorder. Since March 2006, Petitioner has made substantial progress in treatment, addressing his childhood and adult traumas and developing skills which enable him to cope with these and future issues in a healthy manner. Dr. Turner also noted that Petitioner has no need for medication for his condition, and that he has never suffered from chemical dependency or substance abuse.

² Also testifying at the hearing were Petitioner, Dr. Martyniuk of the PHP/PMS, and Dr. Richard Smith, a colleague of Respondent from his prior practice at Einstein.

The record presented with Petitioner's application for reinstatement and confirmed at hearing demonstrates that he has met the conditions set forth by the Board in its December 20, 2005 order for a stay of suspension and commencement of probationary practice. In addition, Petitioner presented compelling and undisputed evidence that he has not suffered from chemical dependency or substance abuse, thereby negating the need for Petitioner to comply with conditions contained in the December 20, 2005 order relating to abstention and body fluid toxicology screening. At the conclusion of the hearing, the Commonwealth represented that it did not oppose the instant application.

Finding that the instant application is supported by the evidence of record, the following proposed order shall issue.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

In the Matter of the Application for Reinstatement :
of the License to Practice Medicine and Surgery of : Docket no. 1625-49-06
Charles T. McGlynn, M.D., : DOS File no. 06-49-08864
Petitioner :

PROPOSED ORDER

AND NOW, this 15th day of February, 2007, in accordance with the foregoing findings of fact, conclusions of law and discussion, it is hereby ordered that the suspension of the license to practice medicine and surgery issued to Charles T. McGlynn, M.D., license no. MD-040175-L, as provided in the order dated December 20, 2005, shall be stayed, subject to the following terms of probation:

GENERAL

1. Petitioner shall fully and completely comply and cooperate with the Bureau of Professional and Occupational Affairs (BPOA) Professional Health Monitoring Program (PHMP), Disciplinary Monitoring Unit (DMU), and its agents and employees in the monitoring of Petitioner's impairment under the Consent Agreement and Order dated December 20, 2005.

2. Petitioner shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Petitioner holds a license to practice a health care profession. Summary traffic violations shall not constitute a violation of this Order.

3. Petitioner shall at all times cooperate with the Bureau of Professional and Occupational Affairs, its Professional Health Monitoring Program (PHMP) and its agents and employees in the monitoring, supervision and investigation of Petitioner's compliance with the terms and conditions of this Order, including requests for, and causing to be submitted at Petitioner's expense, written reports, records and verifications of actions that may be required by the PHMP.

4. Petitioner's failure to fully cooperate with the PHMP shall be deemed a violation of this Order.

5. Petitioner shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Order.

6. Petitioner may not be absent from the Commonwealth of Pennsylvania for any period exceeding twenty (20) days unless Petitioner seeks and receives prior written permission from the PHMP subject to any additional terms and conditions required by the PHMP.

