

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and
Petition to Revoke Probation Against:

John Richard McGee, M.D.

Physician's and Surgeon's
Certificate No. G 128410

MBC File # 800-2024-105516

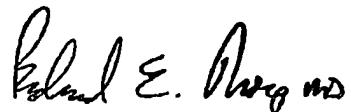
Respondent.

ORDER CORRECTING NUNC PRO TUNC
CLERICAL ERROR IN "CASE NUMBER" PORTION OF DECISION AND ORDER
PAGE

On its own motion, the Medical Board of California (hereafter "Board") finds that there is a clerical error in the case number portion of the Disciplinary Order and throughout the Proposed Decision in the above entitled matter and that such clerical error shall be corrected.

IT IS HEREBY ORDERED that the case number contained on the Disciplinary Order and throughout the Proposed Decision in the above-entitled matter are hereby amended and corrected nuc pro tunc as of the date of entry of the Decision to read as 800-2024-105516, respectively.

June 20, 2025



Richard E. Thorp, Chair
Panel B

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

**In the Matter of the Accusation and Petition
to Revoke Probation Against:**

John Richard McGee, M.D.

Case No. 800-2017-032798

**Physician's and Surgeon's
Certificate No. G 128410**

Respondent.

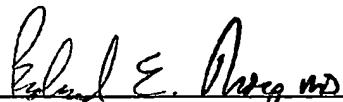
DECISION

**The attached Proposed Decision is hereby adopted as the Decision
and Order of the Medical Board of California, Department of Consumer
Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on June 6, 2025.

IT IS SO ORDERED May 9, 2025.

MEDICAL BOARD OF CALIFORNIA


Richard E. Thorp, M.D.
Richard E. Thorp, Chair
Panel B

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation and Petition to Revoke
Probation Against:**

JOHN RICHARD MCGEE, M.D.,

Physician's and Surgeon's Certificate No. G 128410

Respondent.

Case No. 800-2017-032798

OAH No. 2024090795

PROPOSED DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, heard this matter on March 27, 2025, by videoconference.

Deputy Attorney General Christopher Young represented complainant Reji Verghese, Executive Director, Medical Board of California, Department of Consumer Affairs.

Attorney Albert Garcia represented respondent John Richard McGee, M.D., who was present.

The record closed and the matter was submitted for decision on March 27, 2025.

FACTUAL FINDINGS

Procedural Background

1. On January 8, 2014, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate Number G 128410 to respondent John Richard McGee, M.D. The certificate was in effect at all times relevant to the charges in the accusation and petition. It is scheduled to expire on May 31, 2025, unless renewed.
2. Respondent has been licensed to practice medicine in New Jersey for more than 30 years. Respondent's New Jersey license has been disciplined, based on: 1) gross negligence, malpractice, or incompetence, and/or repeated negligent acts of negligence, malpractice, or incompetence; 2) professional misconduct; 3) violation of New Jersey Board regulations; 4) indiscriminate prescribing; and 5) presenting a clear and imminent danger to the public. His New Jersey license was suspended for five years, consisting of a 364-day period of actual suspension, beginning on September 6, 2016, followed by probation for the remainder of the term.

3. As a result of the New Jersey license discipline, respondent's California certificate was revoked, the revocation stayed, and probation imposed for a period of five years, effective January 13, 2017. As conditions of probation, respondent was required to complete a clinical training program, a professionalism program, and education courses. Respondent did not complete these programs in the time directed, and a petition to revoke probation was filed against him on August 30, 2017.

4. Respondent entered into a stipulated settlement agreement, which was approved by the Board, to resolve the petition to revoke probation. His certificate was again revoked, the revocation stayed, and a new five-year term of probation was imposed, effective May 31, 2018.

5. Respondent is also licensed to practice medicine in Florida. Respondent's Florida license has been suspended since 2018. This suspension is in effect until all licenses to practice medicine in other jurisdictions are unencumbered. The Florida Board of Medicine retained jurisdiction to impose practice restrictions or probation on respondent's Florida license upon reinstatement.

6. On August 2, 2024, complainant Reji Verghese filed this accusation and petition to revoke probation, solely in his official capacity as the Executive Director of the Board. Respondent filed a timely notice of defense. Respondent does not dispute the allegations in the petition to revoke probation, denies the allegations in the accusation, and requests that his probation be extended.

Non-Compliance with Probation Conditions

7. Condition 15 of respondent's probation provides that respondent must practice medicine for at least 40 hours each calendar month, and that respondent's period of non-practice while on probation shall not exceed two years. Practicing medicine in another state while on probation in that state is not considered non-practice. Should the period of non-practice exceed 18 calendar months, respondent is required to successfully complete the Federation of State Medical Boards' Special Purpose Examination (SPEX), or, in the Board's discretion, a clinical competence assessment program. Probation is tolled during periods of non-practice.

8. Respondent's probation in New Jersey terminated on December 20, 2021. He has continued to practice in New Jersey and has not practiced in California since that time.

9. Condition 12 of respondent's probation directs him to submit quarterly declarations, signed under penalty of perjury. Respondent has been submitting these declarations to his probation monitor, Maggie Lee.

10. A question on the quarterly declaration form asks whether the probationer is on probation in another state. On six quarterly declarations, submitted between January 2022 and April 2023, respondent falsely stated that he was on probation in another state, even though his New Jersey probation had already ended.

11. On May 8, 2023, Lee became aware that respondent was not on probation in New Jersey and therefore had been on non-practice status since December 2021. She wrote respondent and notified him that his period of non-practice would exceed 18 months on June 20, 2023, and that he would be required to take the SPEX prior to resuming practice in California at that point. She further notified him that his certificate would be subject to revocation should his period of non-practice continue through December 20, 2023. Lee also provided information about filing a petition for early termination of probation and about voluntary surrender.

12. On May 4, 2023, Lee emailed respondent that the address on his most recent quarterly declaration did not match his address of record with the Board. She directed him to update his address of record. Respondent replied on May 6, 2023, asking for assistance signing into his account on the BreEZe website. Lee provided directions and a contact telephone number for support.

13. On June 8, 2023, respondent emailed Lee:

After the usual torture and hours of time spent on the pathetic MBC website, the address is changed and license renewed. This is just one of a million reasons, I will Never practice in California, a nightmare state. However, I need to know what disciplinary actions face me after these trivial transgressions so I can make decisions on license. Imagine saving 1000 lives during the pandemic and then having to deal with this nonsense as a Doctor who hasn't practiced in California in more than 7 years. Sure I keep the board order in my back pocket. I might as well be in PRC (oh wait, California is more part of PRC than USA

14. Respondent did not take the SPEX and has not resumed practicing in California. He has not filed a petition for early termination of probation.

Citation

15. On June 30, 2023, Citation Order Number 800-2023-098354 was issued to respondent, for violating his probation conditions by failing to timely renew his certificate, failing to timely inform the Board of his updated business and residence addresses, and failing to make true statements on his quarterly declarations about whether his license was on probation in another jurisdiction. This citation included an order of abatement and imposed a \$350 civil penalty. The citation was mailed to respondent's previous address; as noted above, respondent updated his address of record with the Board earlier that month.

16. Complainant alleges that the citation was resent to respondent at his updated address of record on September 29, 2023, but did not submit supporting evidence to establish service of the citation at this address. Respondent denied receiving the citation and has not paid the citation fine.

Respondent's Evidence

17. Respondent stipulated that he violated probation by failing to practice in California for more than two years and by submitting six quarterly declarations inaccurately stating that his license was on probation in another jurisdiction. He denied intentionally misleading the Board and explained that he was "confused" about the status of his Florida medical license, thought he was on probation in that state, and did not have the money to hire an attorney for assistance. He called his actions "foolish" and promised that in the future, he would consult an attorney for licensing matters.

18. Respondent testified that he had not understood that he was required to practice in California, and that he had in fact been unaware that he even could practice in California. This belief, if true, was not reasonable.

19. Respondent asked that his certificate not be revoked. He stated that he "would love to practice in California," noting that he has family living in this state. Respondent stated that he is "very embarrassed by the verbiage" in the email he sent to Lee (Finding 13). He stated that he was "confused and frustrated" at the time.

20. Respondent requests that the Board extend his probation. He promised to comply with any probation conditions imposed by the Board, including taking the SPEX or a clinical competence assessment program. He stated that he is in "a better position" to comply with probation than he was before.

21. Respondent is the founder and medical director of a wellness practice with nine locations. He also practices internal medicine.

22. Respondent submitted three letters.

a. Former New Jersey Governor James McGreevey praised respondent's work for the New Jersey Reentry Corporation, which serves individuals released from custody. McGreevey wrote that respondent provided indispensable medical services to the program's participants during the COVID-19 pandemic. Respondent testified that he is still assisting the program.

b. Jonathan Fellus, M.D., is respondent's colleague and business partner. He has worked closely with respondent for 20 years. Dr. Fellus wrote that respondent is embarrassed and remorseful about his misrepresentation of his probationary status to the Board. Respondent has also expressed remorse to Dr. Fellus for the underlying conduct which resulted in his medical licenses being placed on probation. Dr. Fellus believes that respondent is an honest, reputable, responsible, competent, and brave physician with a long history of service to the community.

c. Attorney Frank P. Arleo has known respondent for 25 years. Respondent has been his client and Arleo and his wife and children have been respondent's patients. Arleo wrote that respondent is an honest, caring, and competent physician.

LEGAL CONCLUSIONS

1. Complainant has the burden of proving each of the grounds for revoking probation alleged in the petition to revoke probation, and must do so by a preponderance of the evidence. (*Sandarg v. Dental Bd. of California* (2010) 184

Cal.App.4th 1434, 1441.) Complainant has the burden of proving the allegations in the accusation by clear and convincing evidence. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

2. Condition 17 of respondent's probation provides that failure to fully comply with a term or condition of probation is a violation of probation.

3. Condition 15 of respondent's probation requires him to practice medicine in California or in a state where his license is on probation and provides that any period of non-practice on probation shall not exceed two years. Respondent violated this condition by failing to practice in California or in a state where his license was on probation since December 20, 2021. Cause for probation revocation was established in light of the matters set forth in Findings 7, 8, 14, and 17.

4. Condition 12 of respondent's probation requires him to submit quarterly declarations signed under penalty of perjury. Respondent submitted six quarterly declarations containing false statements about his probation status. Cause for probation revocation was established, in light of the matters set forth in Findings 9, 10, and 17.

5. Business and Professions Code sections 125.9 and 2234, and California Code of Regulations, title 16, section 1364.11, provide that the Board may discipline a licensee for failure to comply with a citation order. Cause for discipline was not established by clear and convincing evidence, in light of the matters set forth in Findings 15 and 16.

6. Business and Professions Code section 2229, subdivision (b), provides that when exercising its disciplinary authority, the Board, whenever possible, shall take

action that aids in the rehabilitation of the licensee. Protection of the public, however, remains the Board's highest priority. (Bus. & Prof. Code, § 2229, subd. (a).)

7. The Board's Disciplinary Guidelines provide for license revocation as the maximum penalty for a probation violation. The Guidelines advise that the maximum penalty should be given for repeated similar offenses or for violations revealing a cavalier or recalcitrant attitude.

8. Respondent failed to comply with probation when it was initially imposed in 2017, resulting in the filing of the initial petition to revoke probation. Respondent entered into a stipulated settlement agreeing to the reimposition of a five-year term of probation. Respondent asserted that he misunderstood the requirements of his probation and misunderstood the status of his Florida license. This failure to ascertain his obligations and stay in compliance with the requirements of his probation was unreasonable and demonstrates a cavalier attitude. This attitude is also reflected in his email communication with his probation monitor. Revocation of respondent's certificate is warranted. It would not be in the public interest to extend respondent's probation.

9. Complainant requests investigation and enforcement costs, and payment of outstanding probation costs, but did not establish a basis for these costs.

ORDER

The petition to revoke probation imposed in Board case no. 800-2017-032798 on Physician's and Surgeon's Certificate No. G 128410, issued to respondent John Richard McGee, M.D., is granted. The stay of revocation is lifted, and the Certificate is revoked.

DATE: **04/22/2025**

Karen Reichmann

KAREN REICHMANN

Administrative Law Judge

Office of Administrative Hearings