

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102
Attorney for Board of Physical
Therapy Examiners

FILED
BOARD OF PHYSICAL THERAPY
NOV 05 2015

By: Carmen A. Rodriguez
Deputy Attorney General
Telephone (973) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
EXAMINERS

IN THE MATTER OF

Administrative Action

JOHN F. McGRAIL, P.T.
License # 40QA00810300

**ORDER REINSTATING
LICENSE WITH
RESTRICTIONS**

LICENSED TO PRACTICE PHYSICAL
THERAPY IN THE STATE OF NEW
JERSEY

This matter is before the Board on the application of John F. McGrail ("respondent") for reinstatement of his license to practice physical therapy. Respondent surrendered his license by order dated May 18, 2015 suspending his license for a minimum of one year, effective October 1, 2014, following his relapse and his ongoing efforts to obtain treatment and maintain sobriety, including a letter from the Executive Director of the Professional Assistance Program of New Jersey (PAPNJ).

At that time, the Board determined that respondent had relapsed and violated the terms of a February 24, 2010 private letter agreement and that his continued licensure and practice as a licensed physical therapist were not consistent with the public health, safety and welfare. The Board questioned respondent's ability to practice and his commitment to recovery and stated that it would not consider any application for reinstatement of his license in the absence of a demonstration of a protracted period of recovery.

Respondent appeared before the Board on September 22, 2015 accompanied by Richard West, Esquire and Edward Reading, Ph.D., LCADC., Assistant Director of the Professional Assistance Program. Respondent demonstrated that he has complied with the Board's directives and has served seven and a half months of monitored recovery including random urine screens eight times per month as shown by negative urine screens. He has been under the care of Laura G. Leahy, APN, twice a month, for treatment and has complied with directives for attendance at AA/NA. The Board, finds, that his return to practice under the conditions imposed by this order is consistent with the public health, safety, and welfare.

THEREFORE, IT IS ON THIS 5th DAY OF November, 2015,

ORDERED THAT:

1. The license of John McGrail, P.T., to practice physical therapy is reinstated subject to the terms of this order.
2. Pending further order of the Board, respondent shall continue his participation with the Professional Assistance Program and shall comply with the recommendations for treatment, including but not limited to monthly face-to-face contact with representatives

from that program, attendance at support groups, including NA or AA at a minimum of three times per week, urine monitoring not less than twice a week for six months, and continued therapy with Laura Leahy, APN. If respondent discontinues participation with the Professional Assistance Program or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the Professional Assistance Program, he shall be deemed in violation of this Order and subject to immediate suspension of his license to practice physical therapy.

3. Respondent shall abstain from the use of all psychoactive substances, unless prescribed by a treating physician for a documented medical condition with prior notification to the Executive Medical Director of the Professional Assistance Program of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

4. The Professional Assistance Program shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in his recovery, or if respondent terminates treatment with his psychiatrist or participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

5. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive

urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Professional Assistance Program. Respondent shall notify the Professional Assistance Program if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The Professional Assistance Program may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to her license.

7. (a.) Respondent shall notify the Board of the name and address of the licensee by whom she will be employed and shall provide a copy of this order and any further orders of the Board related to him to that licensee.

(b.) Laura Leahy, APN shall provide to the Board a signed statement indicating that she is aware of the restrictions on Mr. McGrail's license and that she agrees to report any use or suspicion of use of a controlled dangerous substance by Mr. McGrail to the Board of Physical Therapy Examiners immediately but in no event more than twenty-four (24) hours following the conduct.

8. (a.) Mr. McGrail shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

(b.) Mr. McGrail shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

9. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

PHYSICAL THERAPY
EXAMINERS

By: Beth Sarfaty
Beth Sarfaty, P.T.
Board President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.

[Signature]
John McGrail, P.T.

P.T., M.S., P.T.
NJ HD 0200 810300

10/30/15
Date

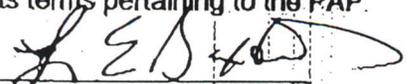
This order is agreed to as to form and

Entry: Richard A. West
Richard West
Attorney for Respondent, John McGrail, P.T.

10-30-15
Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with

its terms pertaining to the PAP.

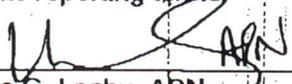


Louis E. Baxter, Sr., M.D.
Executive Medical Director
Professional Assistance Program

11/4/15

Date

I have read the terms of this
Order and agree to comply
with its reporting terms.



Laura G. Leahy, APN

10/30/15

Date