

IN THE MATTER OF	*	BEFORE THE MARYLAND
DAVID M. O'NEIL, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D22619	*	Case Numbers: 2009-0859 & 2012-0103

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On or about August 15, 2011, the Maryland Board of Physicians (the "Maryland Board") received information that David M. O'Neil, M.D., (the "Respondent") (D.O.B. 11/26/1948), License Number D22619, pled guilty to one count of introducing into interstate commerce an adulterated or misbranded drug in the United States District Court for the District of Maryland on September 29, 2010. Based upon the Respondent's guilty plea, the Virginia Board of Medicine ("Virginia Board") disciplined the Respondent by reprimand in an Order dated September 9, 2011.

Based on the above referenced guilty plea and discipline by the Virginia Board, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the "Act"), under Md. Code Ann., Health Occ. ("H. O.") § 14-404(a):

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the

3. The Statement of Facts on page 4 of the Plea Agreement states the following:

In June and July 2008, the Respondent contacted a person in China by Internet connection and negotiated the purchase of approximately 698 tablets of Mifepristone and approximately 1797 tablets of Misoprostol; at that time, in his communication with the person he contacted, the Respondent informed the supplier that he intended to donate the tablets to a foreign clinic. Both Mifepristone and Misoprostol are drugs, the manufacture and labeling of which must be approved by the United States Food and Drug Administration (FDA) before the drugs can be introduced into interstate commerce in the United States. In or about July and August 2008, the Respondent directed the delivery to his office in Maryland of two packages mailed from China that contained the Mifepristone and Misoprostol tablets mentioned above. The Chinese supplier that was contacted by the Respondent has not been approved by the FDA and the labeling on the drugs did not bear adequate directions for use.

Bank records and email records indicate that on or about July 7, 2008, the Respondent sent funds by wire from his Bank of America account to an account at the Bank of China to pay for the Mifepristone and Misoprostol tablets mentioned above. On or about September 24, 2008, at a time when he knew that the FDA was investigating the circumstances described above, the Respondent sent email messages to the Chinese supplier of the Mifepristone and Misoprostol tablets mentioned above, and, in the messages, the Respondent said that the tablets were not for use in the United States, and he requested that the Chinese supplier falsely tell the FDA that the tablets had been sent to the wrong address.

4. As a result of the Respondent's guilty plea, the Respondent was sentenced to probation for one year; forty hours of community service; assessment of \$25.00; and fine of \$1,000.00.

5. By Order dated September 9, 2011, the Virginia Board, based upon the Respondent's guilty plea in the United State District Court for the District of Maryland, reprimanded the Respondent. A copy of the Virginia Board Order is attached hereto.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the Respondent's guilty plea and the disciplinary action taken by the Virginia Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(3)(ii) had those offenses been committed in this state.

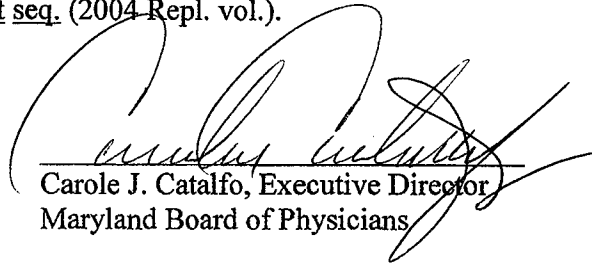
III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 14th day of November, 2012, by a majority of the quorum of the Board considering this case:

ORDERED that the Respondent's license to practice medicine in the State of Maryland be and is hereby **REPRIMANDED**; and be it further

ORDERED that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 et seq. (2004 Repl. vol.).

11-14-12
Date


Carole J. Catalfo, Executive Director
Maryland Board of Physicians

CONSENT

I, David M. O'Neil, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Consent Order, and understand its meaning and effect.

10/18/12
Date

David M. O'Neil M.D.
David M. O'Neil, M.D.
Respondent

STATE OF Virginia
CITY/COUNTY OF Fairfax

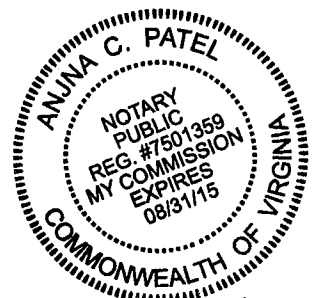
David M O'Neil
VA DC BC2467478
ISS 08/28/2009
EXP 11/26/2013

I HEREBY CERTIFY that on this 18 day of October, 2012, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared David M. O'Neil, M.D., and made oath in due form of law that the execution of the foregoing Consent Agreement was his/her voluntary act and deed.

AS WITNESSETH my hand and my notarial seal

Anjna Patel
Notary Public

MY COMMISSION EXPIRES: 08/31/2015



Anjna Patel
10/18/2012

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DAVID MICHAEL O'NEIL, M.D.
License No.: 0101-244380

CONSENT ORDER

The Virginia Board of Medicine ("Board") and David Michael O'Neil, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. O'Neil to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Dr. O'Neil was issued license number 0101-244380 by the Board to practice medicine in the Commonwealth of Virginia on September 9, 2008. Said license is currently active and will expire on November 30, 2012, unless renewed or otherwise restricted.
2. In or about July 2009, Dr. O'Neil purchased 698 tablets of mifepristone and 1797 tablets of misoprostol from a Chinese drug distributor that was not registered with the U.S. Food and Drug Administration. Dr. O'Neil intended to provide the mifepristone and misoprostol to a Mexican family planning clinic.
3. Dr. O'Neil violated Section 54.1-2915.A(17) of the Code of Virginia (1950), as amended ("Code"), in that by judgment entered on December 20, 2010, in the United States District Court for the District of Maryland, he pled and was adjudged guilty to one count of introduction of misbranded drugs, a misdemeanor, as defined by 21 U.S.C. §§ 331(a) and 333(a)(1).

4. Dr. O'Neil was sentenced to one (1) year probation, fined One-Thousand Dollars (\$1,000.00) and ordered to perform forty (40) hours of community service.

CONSENT

I, David Michael O'Neil, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Rose Matricciani, Esquire;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

- a. the right to an informal conference before the Board;
- b. the right to appear in person or by counsel, or other qualified representative before the agency.

4. I waive all rights to an informal conference;

5. I admit the truth of the above Findings of Fact contained herein and agree not to contest the Findings of Fact or Conclusions of Law in any future judicial or administrative proceedings where the Board is a party; and

6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

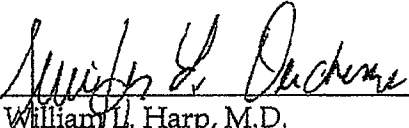
ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that David Michael O'Neil,

M.D., be and hereby is, issued a REPRIMAND.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

for 
William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

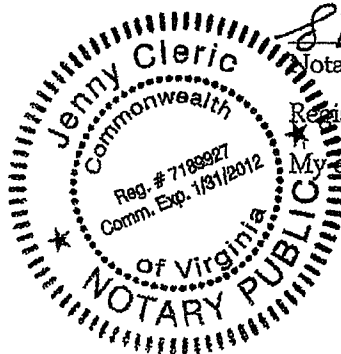
ENTERED: 9/9/11

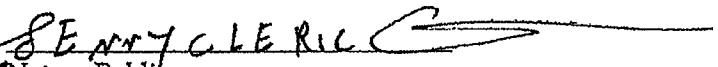
SEEN AND AGREED TO:


David Michael O'Neil, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 30 day of August, 2011, by David Michael O'Neil, M.D.




Notary Public

Registration Number: 7189927

My commission expires: 1-31-2012