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IN THE MATTER OF

ALBERT J. BLOOM, M.D.

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FINAL DECISION

5/19/83

A formal administrative hearing was conducted before the Louisiana State Board of Medical Examiners ("Board") on December 16, 1982, to adjudicate the alleged specified violations of the Louisiana Medical Practice Act by Albert J. Bloom, M.D. ("Dr. Bloom"), to wit: "[p]rescribing, dispensing, or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner," La. Rev. Stat., Title 37, Section 1285(6); "[p]rofessional or medical incompetency," La. Rev. Stat., Title 37, Section 1285(12); and "conviction of a criminal charge," La. Rev. Stat., Title 37, Section 1285(1). A quorum of the Board was present. Dr. Bloom was also present and was represented by legal counsel, Peter F. Liberto, Esq., a member of the Bar of the State of Louisiana. At the conclusion of the administrative hearing, the record was held open by the Board, for receipt and consideration of the transcript of the Federal court criminal proceeding referable to the physician, "United States of America v. Albert J. Bloom,

M.D.," Cr. No. 82-165 (U.S. Ct. E.D. La.), as well as summaries of the above cause by counsel for the Board and for Dr. Bloom.\*

Upon consideration of the evidence presented, both documentary and testimonial, and the arguments and representations of Dr. Bloom's legal counsel, pursuant to LSA-R.S. 49:958 and LSA-R.S. 38:1285, the Board renders the following findings of fact, conclusions of law and decision.

Findings of Fact

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Dr. Bloom is a physician duly licensed by the Board to practice medicine in the State of Louisiana. At all times material to the activities which this administrative proceeding concerns, Dr. Bloom was so licensed and engaged in the practice of medicine in the Parish of Orleans.

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\* By correspondence of May 11, 1983, the transcript of the federal trial, "United States of America v. Albert J. Bloom, M.D.," Cr. No. 82-165 (U.S. Ct. E.D. La.), was received by the Board along with a memoranda-summary thereof prepared by the Board's counsel. A copy of the said memoranda-summary was, similarly, submitted to Dr. Bloom's counsel with the request that any written response be tendered to the Board on or before April 11, 1983. (Correspondence from J. Morgan Lyons, M.D., Secretary-Treasurer, to Peter F. Liberto, Esq., March 23, 1983). The Board has not, however, received any reply or submission in response to the Secretary's correspondence.

-3-

2

Dr. Bloom began a "weight reduction" clinic for the employees of Flint-Goodridge Hospital in 1967, during which time he compiled a booklet which represented the accumulation of his work on the subject of weight reduction. This aspect of Dr. Bloom's practice was also continued in his private practice, which was conducted exclusively at offices in New Orleans, located on Dryades Street. Throughout the period which this administrative proceeding concerns, approximately 12 to 16 patients were seen each day by Dr. Bloom during office hours, which he regularly conducted between 4:00 and 6:00 p.m., Monday through Friday. Of this number, 4 to 5 patients were seen for complaints other than weight reduction.

3

An investigation was conducted by the Diversion Investigative Unit of the Department of Public Safety, Office of State Police ("DIU"), into Dr. Bloom's "weight reduction program" and his issuance of prescriptions for controlled substances in connection therewith. In the course of the investigation, seven DIU agents, employing fictitious identities, visited Dr. Bloom at his office. From October, 1981 through April, 1982, inclusive, the agents saw Dr. Bloom on 15 occasions and received a total of 14 prescriptions for controlled substances.

From the testimony of the seven DIU agents, an employee of Dr. Bloom, and the physician himself, a pattern of practice is clearly discernable. Without reference to individual agents, in most instances, several generalizations may be drawn respecting the nature of Dr. Bloom's "weight reduction" practice, his relationship with the agents-patients, the mode and manner of his examination, diagnoses and treatment of such agents-patients, and the issuance of prescriptions for controlled scheduled substances.

Virtually without exception, each agent testified that they contacted Dr. Bloom by telephone for the purpose of arranging an appointment with the physician. During the initial telephone conversation, the physician questioned all but one agent as to their weight and height and advised that the charge for the initial office visit would be \$75. Upon arriving at Dr. Bloom's office, the agents were weighed by an office assistant,\* who then elicited a brief medical history, inquiring into allergies, hospitalization, name, address, employment, salary and, in some but not all instances, previous arrests and/or convictions. Neither Dr. Bloom nor his

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\* Although one agent requested that he be allowed to remove his boots before being weighed, all agents were uniformly weighed in full attire, including shoes or boots.

-5-

assistant in any case, however, inquired into previous weight loss, psychological history, family history of obesity or diabetes.

6

While none of the agents advised Dr. Bloom or his assistant that weight loss was the purpose of the visit, each was questioned as to his desired weight loss goal. In response, on at least two occasions Dr. Bloom was advised that weight loss was not desired and, in one instance, Dr. Bloom was specifically informed that the agent was satisfied with her weight. On three other occasions, agents advised Dr. Bloom that the expressed purpose of the visit was to obtain something "to stay awake while driving trucks for long periods of time." Another agent requested the drug Librium, informing the physician that he needed it to "come down" from the affects of "diet pills" prescribed by another physician.

7

Upon seeing Dr. Bloom for the first time, each agent underwent a physical examination, which varied in intensity and thoroughness. In the main, the examination performed on the initial visit consisted of checking the blood pressure, pulse and eyes, and an examination of the heart by stethoscope applied to the chest. With the sole exception of an agent to whom Librium was prescribed, no laboratory testing of blood or

urine was conducted by Dr. Bloom. Those agents who returned to Dr. Bloom, following the initial visit, were, in some instances, subjected to no physical examination other than being weighed; on other occasions an examination consisting of the weight and either the blood pressure, pulse or chest was performed.

## 8

With the exception of one agent to whom Librium was prescribed, and another to whom Dr. Bloom refused to issue a prescription, the agents were uniformly placed on Dr. Bloom's "weight reduction program," which consisted, essentially, of a prescription for either Preludin (phenmetrazine hydrochloride), 75 mg. or Desoxyn (methamphetamine hydrochloride). Each agent was allowed to select his choice of prescription. On all occasions, the agents requested Preludin. In addition to the prescription, Dr. Bloom referred each agent's attention to certain pages of a booklet which he had compiled and which was to assist in the reduction of weight. In some instances, Dr. Bloom also distributed a one-page printed diet sheet. No additional information as to diet, food discrimination or exercise, however, was discussed with the agents; nor did Dr. Bloom advise as to the possible side-effects, dangers or warnings referable to Preludin.

-7-

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Dr. Bloom's patient record pertaining to one agent reflected a blood pressure reading of 140/100 and suspected anemia. A suspected heart murmur was noted by the physician on the agent's second visit.\* Preludin was however, prescribed on each of such occasions by Dr. Bloom.

10

While Dr. Bloom indicated that the prescriptions for Preludin were intended to assist in the reduction of weight, the evidence also reveals that two of the agents in question evidenced a weight gain upon return visits to the physician. Dr. Bloom continued however to prescribe Preludin to both of these agents.

11

The Board finds, as a matter of medical fact, consistent with the indications set forth in the "Physician's Desk Reference," 36th Edition 1982, as well as the American Medical Association's publication entitled "Drug Evaluations," Chapter 56, that Preludin is a sympathomimetic amine with pharmacologic actions similar to the amphetamines, acting as a central nervous and cardiovascular system stimulant. Preludin is classified as a Schedule II controlled substance under both

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\* Lori Posey (Agent Lisa Graves).

State statutes and Federal regulations. La. Rev. Stat., Title 40, Section 964; 21 C.F.R. § 1308.12. The exclusive indication for Preludin is as an appetite suppressant or anorexiant therapy, in the management of exogenous obesity, as a short-term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction, exercise and behavior modification. In prescribing Preludin, a physician must be cognizant of the known contraindications, possible adverse side-effects and potential dangers and weigh such risks against the limited usefulness of the substance. Therefore, Preludin is contraindicated in patients with glaucoma, advanced arteriosclerosis, symptomatic cardiovascular disease, moderate to severe hypertension, hyperthyroidism or known hypersensitivity or idiosyncrasy to sympathomimetic amines. Nor should Preludin be prescribed to patients who are in an agitated state or who have a history of drug abuse. Patients to whom Preludin is prescribed, should also be warned that the drug may impair the ability of the patient to engage in potentially hazardous activities such as operating machinery or driving a motor vehicle.\*

12

By Federal Grand Jury indictment, filed on May 6, 1982, Dr. Bloom was charged with a 14 count violation of Title 2,

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\* Physician's Desk Reference, 36 Ed. 1982, p. 680.



Section 841(a)(1) and Title 18, Section 2 of the United States Code, in that he

... knowingly and intentionally, did unlawfully dispense and cause to be dispensed to an ultimate user the following quantities of drug controlled substances contained in Title 21, United States Code, Section 812 and Title 21, Code of Federal Regulations, Chapter II, Part 1308, as amended; said acts of dispensing and causing dispensations in each instance were not in the usual course of professional practice and were not for a legitimate medical purpose.

The 14 counts with which Dr. Bloom was charged in the indictment, including the date, controlled substance, approximate quantity and federal schedule within which the controlled substances are listed, are as follows:

1.	October 6, 1982	Phenmetrazine (Preludin)	20	II
2.	October 21, 1981	Phenmetrazine (Preludin)	20	II
3.	November 5, 1981	Phenmetrazine (Preludin)	20	II
4.	November 9, 1981	Phenmetrazine (Preludin)	20	II
5.	November 16, 1981	Phenmetrazine (Preludin)	20	II
6.	December 9, 1981	Phenmetrazine (Preludin)	20	II
7.	January 21, 1982	Phenmetrazine (Preludin)	20	II
8.	March 11, 1982	Phenmetrazine (Preludin)	20	II
9.	March 18, 1982	Phenmetrazine (Preludin)	20	II
10.	March 18, 1982	Phenmetrazine (Preludin)	20	II
11.	April 12, 1982	Phenmetrazine (Preludin)	20	II
12.	April 12, 1982	Phenmetrazine (Preludin)	20	II
13.	April 13, 1982	Phenmetrazine (Preludin)	20	II
14.	April 13, 1982	Chloridiazepoxide (Librium)	40	IV

-10-

Each of the 14 counts of the indictment related to separate visits to Dr. Bloom's office by DIU agents. In each instance, an appointment was scheduled by the agent with Dr. Bloom and a prescription for a controlled substance was issued by the physician. The issuance of each prescription constituted a separate count against the physician. "United States of American v. Albert J. Bloom, M.D.," Cr. No. 82-165 (U.S. Ct. E.D. La.).

13

Following trial, on September 2, 1982, the jury returned a verdict of guilty as to each of the 14 counts charged. On October 6, 1982, Dr. Bloom was sentenced by the Hon. Robert F. Collins, District Judge, to a term of imprisonment for a period of six (6) months on each of counts 1 through 13, said sentences to run concurrently. Imposition of sentence was, however, suspended by the Court. A two (2) year special parole term on each count, also to run concurrently, was imposed. As to count 14, imposition of sentence was suspended and active probation for a period of five (5) years was ordered. As a special provision, the Court directed that Dr. Bloom not prescribe Schedule II substances during the course of the above-mentioned probationary period. "United States of America v. Albert J. Bloom, M.D.," Cr. No. 82-165 (U.S. Ct. E.D. La.).

-11-

Conclusions of Law

Based on the foregoing findings of fact, the Board concludes, as a matter of law that:

1

The foregoing findings of fact compel the conclusion that Dr. Bloom has engaged in "[p]rescribing, dispensing, or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner," and, therefore, just cause exists for action against his license as provided by LSA-R.S. 37:1285(6).

2

The Board does express concern cover Dr. Bloom's issuance of the prescriptions under scrutiny, particularly Preludin. A consideration of the known contraindications and warnings of Preludin, the information provided to the physician and the results of the physical examinations performed, dictate against prescribing the drug under the circumstances described in the foregoing findings of fact. Nevertheless, the Board concludes that the evidence is insufficient to establish that Dr. Bloom has been guilty of "[p]rofessional or medical incompetency," LSA-R.S. 37:1285(12).

3

Dr. Bloom has been convicted of a crime arising directly out of his practice of medicine in the State of Louisiana and,

therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(1).

Decision

Considering the foregoing,

IT IS ORDERED that the license of Albert J. Bloom, M.D. to practice medicine in the State of Louisiana, as evidenced by Certificate No. 5761, be, and the same is hereby, SUSPENDED for a period of three (3) months from May 30, 1983, said licensure to remain on PROBATION for a period of five (5) years from the above mentioned date; PROVIDED, HOWEVER, that:

A) Dr. Bloom shall not, during the period of probation defined above, prescribe, dispense or administer any Schedule I, II or III controlled substances as defined, enumerated or included in 21 C.F.R. §§ 1308.11-.13 and LSA-R.S. 40:964, and any substance which may be hereinafter included in any of the above-identified controlled substance schedules by amendment or revision of the cited regulations or statute.

B) Dr. Bloom shall not, during the probationary period defined above, prescribe, dispense or administer Valium (diazepam).

IT IS FURTHER ORDERED that any violation of the probationary terms, conditions and restrictions set forth herein shall be deemed just cause for the suspension or revocation of the medical licensure of Albert J. Bloom, M.D., or for such other disciplinary action as the Board deems appropriate, as if such

violations were enumerated among the causes provided in  
LSA-R.S. 37:1285.

New Orleans, Louisiana, this 19<sup>th</sup> day of May, 1983.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

By: Charles B. Odom M.D.  
CHARLES B. ODOM, M.D.  
President