

**BEFORE THE LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

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| In The Matter Of | : | |
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| JOHN E. HEARN, JR. M.D. | : | |
| (Certificate No. 006388), | : | |
| <i>Respondent.</i> | : | CONSENT ORDER |

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An investigation conducted on behalf of the Louisiana State Board of Medical Examiners ("Board") developed information indicating that John E. Hearn, Jr., M.D. ("Dr. Hearn"), a physician licensed to practice medicine in the state of Louisiana, and practicing in the Leesville, Louisiana area, had written and issued prescriptions for a variety of legally controlled substances, principally anorectic sympathomimetics, opioid and narcotic analgesics, and hypnotic benzodiazepines in apparent excessive quantities, frequencies and for extended periods of time to twenty-four (24) patients. The investigation included an analysis of prescription records maintained by pharmacies together with the physician's own office records with respect to these patients.

Predicated on the information received during the course of its investigation, the above-entitled and numbered proceeding was noticed and docketed for hearing before the Board upon Administrative Complaint,¹ specifying alleged violations of the Louisiana Medical Practice Act, LSA-R.S. §37:1261-92, to-wit: "[P]rescribing, dispensing or administering legally controlled substances or other dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner," LSA-R.S. §37:1285A(6); "[P]rofessional or medical incompetency" in connection with the indications, contraindications and dependency-inducing potential of such controlled substances, LSA-R.S. §37:1285A(12); and "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state," LSA-R.S. §37:1285A(14).

¹Administrative Complaint, *In the Matter of John E. Hearn, Jr., M.D.*, No. 91-A-016, before the Louisiana State Board of Medical Examiners, July 18, 1991.

As evidenced by his subscription hereto, and without denying the accuracy of the charges asserted in the Administrative Complaint described hereinabove, Dr. Hearn acknowledges the existence of probable cause for the institution of administrative proceedings against his medical licensure, further acknowledging that proof of such information upon administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension or revocation of his license to practice medicine in Louisiana, or for such other action as the Board might deem appropriate, pursuant to LSA-R.S. §37:1285.

Recognizing his right to have the allegations and charges asserted in the aforesaid Administrative Complaint adjudicated, pursuant to LSA-R.S. §§49:955-58, and to a Final Decision rendered upon findings of fact and conclusions of law, Dr. Hearn, nonetheless, hereby waives his right to formal adjudication and, pursuant to LSA-R.S. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Hearn also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer assigned to this matter, Ike Muslow, M.D., the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state pursuant to LSA-R.S. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. §37:1285 and LSA-R.S. §49:955(D);

IT IS ORDERED that the license of John E. Hearn, Jr., M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 006388, shall, and the same is hereby, **SUSPENDED** for a period of six (6) months, commencing on October 11, 1991;

IT IS FURTHER ORDERED that Dr. Hearn's medical license be and the same is hereby, effective as of the date hereof, placed **ON PROBATION**, for a period of five (5) years and Dr. Hearn's continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following probationary terms, conditions and restrictions:

(a) *Dispensation and Administration of Controlled Substances - Schedules II, III and Anorectics.* Dr. Hearn may not, at any time following the effective date hereof, and for the duration of his medical career, prescribe, dispense or administer any Schedule II or III controlled substances as defined, enumerated or included in 21 C.F.R. §1308 and/or LSA-R.S. §40:964, and any substance which may be hereinafter included in such Schedules, by amendment or revision of the cited regulation or statute; nor may he prescribe, dispense or administer any anorectic substance, without regard to the schedule within which such substance may be classified, to patients seeking weight control or weight reduction. The prohibition

as to Schedules II and III controlled substances shall not, however, extend to medications ordered or prescriptions written by Dr. Hearn for institutional or hospital in-patients under the permit or license of said institution or hospital.

(b) *Continuing Medical Education.* Dr. Hearn shall obtain not less than one hundred (100) credit hours per year for each of the five (5) years of his probation (September 26, 1991 - September 26, 1996) through attendance at and participation in continuing medical education ("CME") programs accredited by and qualifying for the Physicians Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years of the date hereof. On or before September 26, 1992, 1993, 1994, 1995 and 1996, Dr. Hearn shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months. Further, fifty (50) hours of the CME credits required hereunder must be devoted to a course or courses of study directed to the judicious prescribing of controlled substances and/or pain management.

(c) *Cooperation with Board's Probation Officer.* Dr. Hearn shall immediately notify the Board's Probation Officer of any change in his current home and professional addresses and telephone numbers. Dr. Hearn shall direct any and all correspondence required in connection with this Consent Order, including his CME credits and Physician's Recognition Award, to the attention of the Board's Probation Officer and he shall cooperate with him in all matters.

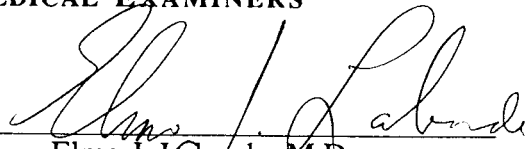
IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions and/or restrictions of this Order by Dr. Hearn shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the revocation and cancellation of Dr. Hearn's license to practice medicine in the state of Louisiana, 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.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 26 day of September, 1991.

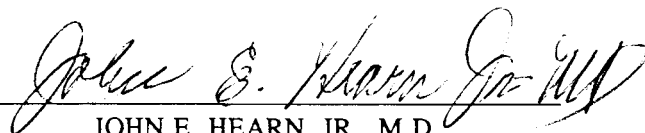
**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: _____


Elmo J. Laborde, M.D.
President

ACKNOWLEDGEMENT
AND CONSENT

I, JOHN E. HEARN, JR., M.D., HEREBY ACKNOWLEDGE, APPROVE, ACCEPT AND
CONSENT to entry of the above and foregoing Order this 19th day of September, 1991.



JOHN E. HEARN, JR., M.D.

WITNESS:
