

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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**In the Matter Of**

: **No. 86-I-106-E**

**MICHAEL PAUL GIROUARD, M.D.**  
**(CERTIFICATE NO.\* 009434),**

:

**CONSENT**  
**ORDER**

:

**Respondent.**

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\*Correct No. 015561

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The above-entitled and numbered proceeding was noticed and docketed for hearing to be held on August 21, 1987 before the Louisiana State Board of Medical Examiners (the Board) on the Administrative Complaint of Anthony J. Hackett, Jr., M.D., Investigating Officer, alleging violation of the Louisiana Medical Practice Act, LSA-R.S. 37:1285(14) and (18). Dr. Girouard denied the allegations and a hearing was noticed. The hearing was continued without date on Joint Motion of counsel for Dr. Girouard and counsel for the complainant.

The alleged facts upon which the above charges are based are that Dr. Girouard has routinely allowed his office nurses to administer Human Chorionic Gonadotropin<sup>1</sup>

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<sup>1</sup>Human Chorionic Gondatropin (HCG) is a polypeptide hormone produced by the human placenta, and has been approved by the U.S. Food and Drug Administration (FDA) for

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injections to virtually all patients seeking physician-assisted weight control.

On the basis of information provided to the Board on Dr. Girouard's behalf, the Board is persuaded that it is in the best interest of the citizens of this State to enter the Order set forth hereinafter, by consent.

Dr. Girouard, recognizing his right to have the allegations and charges asserted in the Administrative Complaint adjudicated pursuant to LSA-R.S. 49:955-58 and to a final decision rendered upon written findings of fact and conclusions of law, nonetheless hereby waives his right to formal adjudication of such Complaint and, pursuant to LSA-R.S. 49:955D consents to entry of the Order set forth hereinafter. The Board recognizes that Dr. Girouard would have had the opportunity to present defenses and his agreement to enter into a consent judgment does not constitute admissions of guilt to the allegations in the Administrative Complaint.

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. 49:955D;

**IT IS ORDERED** that the license of Michael Paul Girouard, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 015561 be, and the same is hereby **SUSPENDED** for a period of three (3) months from the date hereof.

**IT IS FURTHER ORDERED** that the imposition of the foregoing suspension be, and the same is, **SUSPENDED**, provided that Dr. Girouard complies with the probationary terms, conditions, and restrictions hereinafter expressed.

**IT IS FURTHER ORDERED** that the license of Dr. Girouard to practice medicine in the State of Louisiana, as evidenced by Certificate No. 015561, be and the same is hereby effective as of the date hereof, placed on **PROBATION**

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treatment of prepubertal cryptorchidism, selected cases of hypogonadotropic hypogonadism, and induction of ovulation and pregnancy in certain infertile women. HCG has no known effect on fat mobilization, appetite or sense of hunger, or body fat distribution. 1987 Physicians Desk Reference, 1897.

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for a period of one (1) year; and further, Dr. Girouard's continuing exercise of rights and privileges thereunder, including his privilege to practice medicine in the State of Louisiana, shall be subject to his acceptance and compliance with the following terms, conditions, and restrictions:

- a) Effective January 17, ~~1987~~<sup>1988</sup>, Dr. Girouard shall not prescribe, dispense, or administer Human Chorionic Gonadotropin (HCG), to any patient, at any time, for the purpose of weight control.
- b) Dr. Girouard shall conduct treatment of patients for obesity or weight control in keeping with accepted community standards, including the following:
  - (i) It shall be determined in each case by physical examination and appropriate diagnostic testing that each patient is a proper candidate for weight reduction treatment. Further, Dr. Girouard shall personally see each patient prior to any patient being placed on a program of medically assisted weight control;
  - (ii) A thorough prior history shall be obtained;
  - (iii) The examination, testing and history shall be used to determine:
    - (a) That the patient is a proper candidate for weight reduction treatment;
    - (b) That the patient's obesity is not primarily metabolic;
    - (c) The patient's weight loss/gain history;
    - (d) Whether the patient has a history of or any tendency toward abuse of drugs, including alcohol, or evidence of pathological depression; and,

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(e) the presence of contraindicative conditions, including arteriosclerosis, symptomatic cardiovascular disease, hypertension, hyperthyroidism, glaucoma, hypersensitivity or idiosyncrasy to anorectics, prior administration of monoamine oxidase inhibitors, and agitated states.

(iv) In those instances in which the foregoing prerequisites have been met, and when, in Dr. Girouard's judgment, the prescription of an anorectic medication is appropriate, Dr. Girouard shall: (a) initiate anorexiant therapy with the lowest dosage expected to be effective of the lowest schedule of preferred anorectics, avoiding the use of higher schedules of anorectic drugs until or unless the initial choice proves ineffective; (b) monitor the patient's progress closely and frequently, prescribing a quantity of anorectics sufficient for a maximum of only three weeks with visits scheduled at such intervals; and (c) discontinue anorexiant therapy upon evidence of tolerance, euphoria followed by irritability or depression, or excessive use, misuse or abuse by the patient; (d) re-prescribe anorectics only if the patient demonstrates weight loss (failure to lose an average of four pounds per month for a period of three months will require that no anorectic medication be prescribed for a period of three months).

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- (v) That patient shall be provided with a carefully prescribed diet along with counseling on exercise and, as appropriate, other supportive or behavioral therapy.
- (vi) It shall be determined the patient's obesity is not responsive, or has proven refractory, to non-drug forms of treatment;
- (vii) In no instance shall Dr. Girouard prescribe anorectics to any patient for a period in excess of twelve (12) consecutive weeks, or issue multiple prescriptions for a quantity of anorectics sufficient for a patient to ingest more than the maximum daily therapeutic dosage applicable to the particular anorectic prescribed;
- (viii) In no instance shall Dr. Girouard prescribe any anorectic to a patient whom Dr. Girouard knows to be dependent, or to have abused anorectics or who has given or sold the medication to others;
- (ix) In no instance shall Dr. Girouard prescribe any anorectic solely for its stimulant effect, to counteract or preclude fatigue, or to counteract the effect of depressant or hypnotic agents; and,
- (x) In no instance shall Dr. Girouard issue a prescription or re-prescription for any anorectic medication in the absence of demonstrated consistent weight loss in the interim.

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- c) Dr. Girouard shall obtain not less than fifty (50) credit hours per year for three (3) years through 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 February 1, 1989, 1990 and 1991, Dr. Girouard 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; and

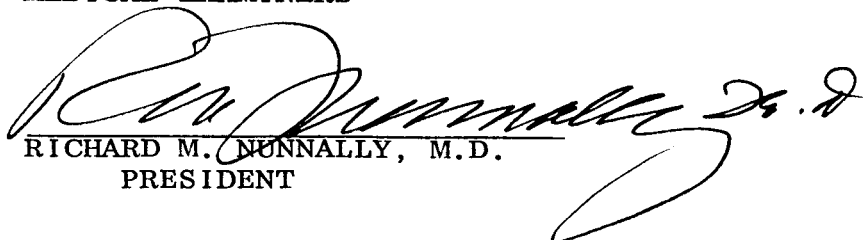
IT IS FURTHER ORDERED that the hereinabove ordered terms, conditions and restrictions shall remain effective and applicable until and unless this Consent Order is amended or rescinded by the Board.

IT IS FURTHER ORDERED that any violation of the probationary terms, conditions and restrictions set forth herein shall be deemed just cause for suspension or revocation of the medical license of Michael Paul Girouard, 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. No sanctions shall be imposed except as provided in LSA-R.S. 49:961(c).

IT IS FURTHER ORDERED that the Administrative Complaint filed herein on June 26, 1987, be, and the same is hereby, **DISMISSED**, without prejudice.

New Orleans, Louisiana, this 10<sup>th</sup> day of December, 1987.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

  
RICHARD M. NUNNALLY, M.D.  
PRESIDENT

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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I, MICHAEL PAUL GIROUARD, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 10<sup>th</sup> day of December, 1987.

  
MICHAEL PAUL GIROUARD, M.D.