

BEFORE THE
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter of:

JOAN M. SHEAN, M.D.
(Certificate No. 02373R)

Respondent

NO. 92-I-094-X

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board"), following receipt of information indicating that Joan M. Shean, M.D. ("Dr. Shean") was operating a bariatric or weight control clinic with several locations in the New Orleans metropolitan area. Dr. Shean's weight control program includes, *inter alia*, the choice of taking an adenosine-related drug either orally or by intramuscular injection,¹ and was advertised by Dr. Shean to be a "calorie-burner enzyme" drug. Although Dr. Shean has suggested that the adenosine medications were offered to weight control patients for their alleged value as nutritional supplements rather than for any weight reduction value, the Investigating Officer finds that Dr. Shean's prescription and administration of adenosine drugs to weight control patients, together with related advertising, may provide just cause for recommending that a formal administrative complaint be filed against Dr. Shean pursuant to the Louisiana Medical Practice Act, LSA-R.S. 37:1261 et seq., charging Dr. Shean with "violation of any rules and regulations of the Board, or any provisions of the part,"²

¹ The injectable medication utilized by Dr. Shean was "adenosine phosphate," a parental drug product indicated for the symptomatic relief of varicose vein complications and statis dermatitis. It is available only on prescription of a licensed physician, and is not approved by the U.S. Food and Drug Administration (FDA) in the treatment of obesity. The oral medication offered at Dr. Shean's clinic was adenosine triphosphate, a non-prescription compound, generally offered as a nutritional supplemental and advertised by manufacturers and distributors as potentially beneficial in a variety of conditions; it is not an FDA approved drug for the treatment of obesity.

² Section 6905 of the Board's rules regarding the prescription, dispensation and administration of medications used in the treatment of obesity specifically provides, under the subsection A "absolute prohibitions":

in violation of LSA-R.S. 37:1285A(29). Additionally, Dr. Shean's advertisements concerning the effectiveness of adenosine phosphate and adenosine triphosphate as "calorie-burners" and as equivalent medications in the treatment of obesity, if shown at formal hearing to be without sound, authoritative medical support could constitute violation of LSA-R.S. 37:1285A(10), which proscribes "efforts to deceive or defraud the public." Finally, if the evidence at a formal hearing established that the drugs adenosine phosphate and adenosine triphosphate were not legitimate medications in the treatment of obesity, such evidence could establish violation of LSA-R.S. 37:1285A(14), which proscribes "continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state," as well as violation of LSA-R.S. 37:1285A(12), "professional and medical incompetency."

Recognizing her right to have any allegation or charge asserted in a formal administrative complaint, pursuant to LSA-R.S. 49:955-58, and to a subsequent adjudication and final decision rendered upon findings of fact and conclusions of law, Dr. Shean, nonetheless, hereby waives her right to formal charges and formal adjudication and, pursuant to LSA-R.S. 49:955D, consents to entry of the order set forth hereinafter.

By her subscription hereto, Dr. Shean also hereby authorizes the Investigating Officer designated by the Board with respect hereto, together with legal counsel, 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, without prejudice to any subsequent formal proceedings which may go forward in the event that this Consent Order is not accepted by the Board in its present form.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to ensure 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. 49:955D;

A physician shall not prescribe, dispense, administer, supply, sell, give or otherwise use to or for any person for the purpose of weight control or weight reduction in the treatment of obesity any . . . substance which is not indicated for use in the treatment of exogenous obesity by express approval of the U.S. Food and Drug Administration (FDA).

Rule, Department of Health and Hospitals Board of Medical Examiners, Title 46 Part XLV, subpart III, Chapter 69, subchapter A, Section 6905A (published in the Louisiana Register Volume 18, No. 8, August 20, 1992) (originally published and effective July, 1992). Although most of the questioned medical practice by Dr. Shean occurred prior to the effective date of this rule, her practice of dispensing and administering adenosine drugs to weight control patients did continue after July, 1992.

IT IS ORDERED that the license of Joan M. Shean, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 02373R, be, and the same is hereby continued as unrestricted, subject to Dr. Shean's voluntary agreement to the following:


- a) *Retirement from Bariatric Medicine* Dr. Shean shall at no time following the effective date of this order and for the duration of her medical career treat any patient for obesity or weight control.³ Moreover, Dr. Shean shall receive no remuneration from, have no ownership interest in, or any association with any bariatric weight loss, diet or other clinic or practice which renders care and/or treatment to patients for obesity, diet or weight control.
- b) *Continuing Medical Education:* Dr. Shean shall obtain 50 AMA approved continuing medical education credits per year for the next three (3) years, qualifying for and obtaining the AMA Physician's Recognition Award at the conclusion of each year, forwarding to the Board's probation officer, proof of the CME credits earned during the preceding year on or before July 1, 1994, 1995, and 1996.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions, or restrictions of this Consent Order by Dr. Shean shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension and/or revocation of Dr. Shean's medical license 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, 1993.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 
BERNARD L. KAPLAN, M.D.
PRESIDENT

³ Dr. Shean is principally trained and practices in the field of emergency medicine and her intention is to devote her attentions to that field.

ACKNOWLEDGMENT AND CONSENT

I, JOAN M. SHEAN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 19th day of July, 1993.

Joan M. Shean, M.D.
JOAN M. SHEAN, M.D.

REVIEWED AND APPROVED
AS TO FORM:

[Signature]
FRANK UDDO

[Signature]
BASILLE UDDO