

IN THE MATTER OF * **BEFORE THE**
JOHN SHEEHAN, M.D. * **MARYLAND STATE BOARD OF**
Respondent * **PHYSICIANS**
License Number: D10096 *
(expired) * **Case Number: 2016-0381**
* * * * * * * * * * *

CEASE AND DESIST ORDER

Pursuant to the authority granted to the Maryland State Board of Physicians (the “Board”) under Md. Code Ann., Health Occ. § 14-206, the Board hereby orders **JOHN SHEEHAN, M.D. (the “Respondent”)** to immediately **CEASE AND DESIST** from the unauthorized practice of medicine in Maryland.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to and available to the Board, the Board has reason to believe that the following facts are true:

1. The Respondent is not currently licensed to practice medicine in the State of Maryland. He was initially licensed in Maryland on April 6, 1971; however, his license expired on September 30, 1991.
2. The Respondent was licensed to practice medicine in Colorado from November 12, 1981 until April 30, 2015, when his license expired.
3. The Respondent does not have an active license to practice medicine in any state.
4. The Respondent’s medical specialty was psychiatry.
5. On December 29, 2015, the Colorado Medical Board issued to the Respondent a Cease and Desist Order, having determined that the Respondent had practiced medicine in Colorado subsequent to the expiration of his license.

6. On or about November 15, 2015, the Board received a complaint from an insurance company that the Respondent was practicing medicine in Maryland without a license.
7. The Board subsequently initiated an investigation.
8. The Board's investigation revealed that the Respondent had moved from Colorado to Maryland in or around late 2014 or early 2015.
9. The Maryland Medical Practice Act (the "Act"), Health Occ. § 14-101(o)(1), defines the practice of medicine, in pertinent part, as follows:
"Practice medicine" means to engage, with or without compensation, in medical
 - (i) Diagnosis;
 - (ii) Healing;
 - (iii) Treatment; or
 - (iv) Surgery
10. Section 14-601 of the Act prohibits practicing, attempting to practice, or offering to practice medicine without a license.
11. The Board has promulgated regulations governing the practice of telemedicine, Md. Code Regs. 10.32.05.01 *et seq.*, which provides in pertinent part:

.02 Definitions

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms defined.

...

(8) "Telemedicine" means the practice of medicine from a distance in which intervention and treatment decisions and recommendations are based on clinical data, documents, and information transmitted through telecommunications systems.

.03 Licensure

Except as specified in Health Occupations Article, § 14-302, Annotated Code of Maryland,¹ an individual shall be a licensed Maryland physician in order to practice telemedicine if one or both of the following occurs:

- A. The individual practicing telemedicine is physically located in Maryland;
 - B. The patient is in Maryland.
12. Subsequent to the expiration of all licenses to practice medicine in any state and while residing in Maryland, the Respondent provided psychotherapy by Skype² to a patient (“Patient A”) who resides in Colorado.
13. Subsequent to the expiration of all licenses to practice medicine in any state and while residing the Maryland, the Respondent prescribed medication to a patient (“Patient B”) who resides in Colorado.

CONCLUSION OF LAW

Based on the foregoing, the Board concludes as a matter of law that the Respondent practiced medicine without a license, in violation of Health Occ. § 14-601, and based upon the Board’s authority pursuant to Health Occ. § 14-206(e) and Md. Code Regs. 10.32.02.11E, it is hereby

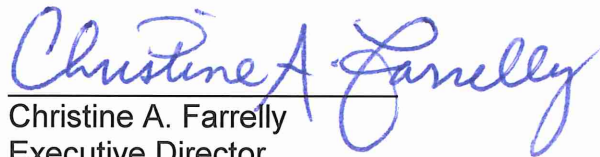
ORDERED that the Respondent **CEASE AND DESIST** from providing any and all services that constitute the practice of medicine in Maryland; and it is further

¹ The licensure exceptions set forth in Health Occ. § 14-302 do not apply in the instant case.

² Skype is a form of video conferencing.

ORDERED that pursuant to Md. Code Ann., Gen. Prov. §§ 4–101 *et seq.* this is a
PUBLIC DOCUMENT.

08/15/2016
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO CHALLENGE ORDER

This Order is effective immediately when issued. The date on the cover letter shows the date it was issued. The Respondent has the right to challenge the factual or legal basis of the Order if he files a written opposition with the Board within 30 days of the effective date of this Order. The written request should be made to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215, with a copy mailed to: Victoria H. Pepper, Assistant Attorney General, Health Occupations Prosecution and Litigation Unit, 300 West Preston Street, Suite 201, Baltimore, Maryland 21210. The Respondent may also request a hearing. The applicable procedures are set forth in Md Code Regs. 10.32.02.11E(3).