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5000 Hennessy Boulevard
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P. O. Box 154
Marksville, LA 71351

Anthony J. Hackett, Jr., M.D.
3970 Louisa
New Orleans, LA 70126

Office of the Secretary-Treasurer

J. Morgan Lyons, M.D.

830 Union Street, Suite 100

Telephone: (504) 524-6763

New Orleans, LA 70112-1499

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819 St. Landry Street
Lafayette, LA 70506

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In the Matter of

EDWARD ANDREW NORTON, M.D.

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Dated
7/31/86

FINAL DECISION

TO: Edward Andrew Norton, M.D.
2318 Jefferson Highway
Pineville, LA 71306

A formal administrative hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on June 26, 1986 to adjudicate alleged, specified violations of the Louisiana Medical Practice Act by Edward Andrew Norton, M.D. ("Dr. Norton"), to-wit: "prescribing, 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); "professional and medical incompetency," La. Rev. Stat., Title 37, Section 1285(12); "unprofessional conduct," La. Rev. Stat., Title 37, Section 1285(13); and "continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in the state," La. Rev. Stat., Title 37,

Section 1285(14). A quorum of the Board was present. Dr. Norton was present and represented by legal counsel, James S. Gravel, Esq.

Upon consideration of the evidence presented, pursuant to Louisiana Rev. Stat., Title 49, Section 958, the Board renders the following Findings of Fact, Conclusions of Law, and Decision.

FINDINGS OF FACT

1

Dr. Norton is a physician duly licensed by the Board to practice medicine in the state of Louisiana. By virtue of state licensure and Federal registration, he is authorized, as a practitioner, to prescribe, dispense or administer controlled substances. At all pertinent times, Dr. Norton was so licensed and authorized. Dr. Norton was engaged in the practice of medicine in Alexandria, Louisiana.

2

In the course of his practice, Dr. Norton treated a patient named Jerry Jones ("Jones").

3

Dr. Norton's treatment of Jones began in January of 1974 and continued until February of 1986.

4

Over this twelve (12) year period, Dr. Norton continuously prescribed approximately 100 Talwin (pentazocine) and Talwin NX tablets

per week for Jones. The Talwin tablets had a dosage of 50 mg. per tablet.

5

The prescriptions for Talwin were issued by Dr. Norton to Jones for no fee.

6

There were numerous, additional prescriptions written to Jones on Dr. Norton's prescription pad. These prescriptions could not be accounted for nor distinguished by Dr. Norton from those prescriptions that Dr. Norton admitted writing.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that:

1

Talwin (pentazocine) and Talwin NX are controlled substances under both state and federal law. LSA-R.S. 40:964 (Schedule II); 23 C.F.R. § 1308.14(f).

2

By prescribing Talwin at least weekly for Jones over the course of approximately twelve (12) years and by not being able to account for numerous other prescriptions written on his prescription pad to Jones, the Board concludes that Dr. Norton prescribed a habit-forming and controlled substance in other than a legitimate manner, and, therefore,

just cause exist for action against his license as provided for by LSA-R.S. 37:1285(6).

3

By prescribing Talwin at least weekly for Jones over the course of approximately twelve (12) years and by not being able to account for numerous other prescriptions written on his prescription pad to Jones, the Board concludes that Dr. Norton acted with professional and medical incompetency, and, therefore, just cause exist for action against his license as provided for by LSA-R.S. 37:1285(12).

4

The prescription of Talwin at least weekly for Jones over the course of approximately twelve (12) years and the inability to account for numerous other prescriptions written on his prescription pad to Jones constitutes a continuing or recurring medical practice which failed to satisfy the prevailing and usually accepted standards of medical practice in this state, and, therefore, just cause exist for action against his license as provided for by LSA-R.S. 37:1285(14).

5

The Board concludes that the evidence does not support a finding that Dr. Norton was involved in unprofessional conduct as provided for in LSA-R.S. 37:1285(13).

DECISION

Considering the foregoing,

IT IS ORDERED that Dr. Edward Andrew Norton be reprimanded for the conduct which is the subject of this Final Decision.

IT IS FURTHER ORDERED that Dr. Norton's license to practice medicine, as evidenced by Certificate No. 01128R, be, and the same is, suspended for a period of six (6) months.

IT IS FURTHER ORDERED that the imposition of the foregoing suspension be, and the same is, SUSPENDED, and Dr. Norton is hereby placed on probation for a period of five (5) years, imposition of which is conditioned on Dr. Norton's complying with the following conditions of probation:

- (1) Dr. Norton may not prescribe, dispense or administer any Schedule II controlled substances as defined, enumerated or included in 21 C.F.R. §§ 1308.11-.15 and LSA-R.S. 40:964, and any substance which may hereafter be included in any controlled substance by amendment or revision of the cited regulations or statutes.
- (2) Dr. Norton may not prescribe, dispense or administer any controlled substances as defined or included in 21 C.F.R. § 1308.14(f) and any substance which may hereafter be included in any controlled substance schedule by amendment or revision of the cited regulation.
- (3) Dr. Norton must demonstrate his completion of fifty (50) hours of American Medical Association approved Continuing Medication Education credits per year to the Board.


IT IS FURTHER ORDERED that Dr. Norton shall reappear before the Board at the conclusion of his probationary period and demonstrate to the Board satisfactory compliance with the conditions of probations set forth above.

IT IS FURTHER ORDERED that should Dr. Norton fail to comply with and satisfy the conditions of probation set forth above, the suspension described above will become executory and effective immediately, and will be deemed just cause for further action against Dr. Norton.

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 Edward Andrew Norton, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes as provided in LSA-R.S. 37:1285.

New Orleans, Louisiana, this 31 day of July, 1986.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS


J. MORGAN LYONS, M.D.
Chief Executive Officer and
Secretary-Treasurer