

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
[www.lsbme.org](http://www.lsbme.org)



Telephone: (504) 568-6820  
FAX: (504) 568-8893  
Writer's Direct Dial:

Ext. \_\_\_\_\_

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In The Matter of  
**WALTER H. EISWORTH, M.D.**  
(Certificate No. 011452)

No. 03-I-057  
**CONSENT ORDER**  
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An investigation conducted by the Louisiana State Board of Medical Examiners (the "Board") indicates that Walter H. Eisworth, M.D. ("Dr. Eisworth"), a physician who at all times pertinent has been licensed to practice medicine in this state and engaged in the practice of pediatrics in and around Zachary, Louisiana, suffers from the episodic use and abuse of alcohol and mood-altering substances that have the capacity to render him incapable of practicing medicine with reasonable skill and safety to patients. Such information reveals, more particularly, that Dr. Eisworth's dependency on opiates, benzodiazepines and alcohol was first diagnosed and treated on an outpatient basis for six (6) months in 1985. At that time the physician entered into a monitoring contract with the Louisiana State Medical Society's Impaired Physicians' Program providing for ongoing monitoring of his condition. Following the return to his use of alcohol and opiates he underwent another six months of outpatient treatment in January 1999 in Baton Rouge. Thereafter, Dr. Eisworth remained abstinent for approximately one (1) year before relapsing on opiates and, subsequently, benzodiazepines, principally obtained through writing his own prescriptions. With the assistance of the Physicians' Health Foundation of Louisiana's Physicians' Health Program (the "PHP") Dr. Eisworth entered treatment at Palmetto Addiction Recovery Center ("Palmetto"), Rayville, Louisiana, from June 2-6, 2003. He was discharged for admission to another facility but was instead readmitted to Palmetto on June 23, 2003, where he remained until discharged on August 25, 2003, with diagnoses of alcohol, opiate, sedative/hypnotic dependency and major depression. Recommendations at the time of discharge included completion of approximately thirty (30) days of additional treatment at Red River Treatment Center, followed by residency in a structured halfway house for no less than six (6) months before re-evaluation of his capacity to return to work; participation in the PHP with ongoing treatment and therapy by a psychiatrist or addictionologist and counselor; the submission of periodic written reports; a prohibition on resuming practice in a private setting; and continuing medical education in pediatrics.

As evidenced by his subscription hereto, Dr. Eisworth acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285A(5), (6), (25), constituting sufficient cause for the suspension, revocation or imposition of such other terms or conditions on his license to practice medicine in the state of Louisiana as the Board may deem appropriate.<sup>1</sup>

<sup>1</sup>The Board may take action against the license of a physician as a result of: '[H]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or

On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Dr. Eisworth suffers may be susceptible to effective medical treatment, resulting in the restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Eisworth strictly observes and complies with appropriate restrictions on and conditions to restoration of his medical license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have administrative adjudication of the charges which have been asserted, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.*, Dr. Eisworth nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Eisworth also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Eisworth also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, 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 and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Eisworth expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that the license of Walter H. Eisworth, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 011452, be, and the same is hereby, effective as of the date hereof, **SUSPENDED**; and

**IT IS FURTHER ORDERED** that the reinstatement of Dr. Eisworth's license to practice medicine in the state of Louisiana shall be subject to his acceptance of and strict compliance with the following terms and conditions:

(a) **Inpatient Treatment; Notice of Discharge; Records and Reports.** Dr. Eisworth shall successfully complete all treatment prescribed or recommended by Palmetto, including residential, halfway house living arrangements and re-evaluation (the "Treatment Program"), and authorize and cause his

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psychological dependence;' '[P]rescribing, dispensing or administering legally controlled substances in other than a legal or legitimate manner;' and/or '[I]nability to practice medicine . . . with reasonable skill or safety to patients because of mental illness or deficiency . . . and/or excessive use or abuse of drugs, including alcohol;' La. Rev. Stat. §37:1285A(5), (6), (25), respectively.

treating physicians to provide the Board with a complete copy of his medical records at such program, together with a written report setting forth his discharge diagnosis, prognosis and prescriptions or recommendations for continuing outpatient and/or aftercare treatment, therapy and monitoring.

(b) **Inpatient Evaluation and Aftercare/PHP Treatment Contract.** Prior to or concurrently with his discharge from re-evaluation at the Treatment Program, Dr. Esworth shall enter into and execute a treatment contract with the Treatment Program providing for such outpatient treatment and aftercare monitoring as may be prescribed or recommended. Dr. Esworth shall, in addition, enter into and execute a new monitoring agreement with the PHP. Within five (5) days of the execution or amendment of any such treatment contract or monitoring agreement, be it with the Treatment Program or the PHP, Dr. Esworth shall furnish a true copy of such contract to the Board.

(c) **Minimum Suspension of Practice/Reinstatement.** Dr. Esworth shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written order reinstating his license. In no event shall Dr. Esworth apply for nor will the Board consider reinstatement prior to the expiration of at least one (1) year from the date of this Order. As express conditions to the issuance of such order, in addition to such other conditions as are set forth hereinabove, Dr. Esworth shall have been discharged from the Treatment Program upon the recommendation of his treating physicians and the Board shall have received the opinion of two (2) physicians acceptable to the Board that his prognosis for continued abstinence from the use of mood-altering substances is good and that Dr. Esworth is then capable of practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of him.

(d) **Personal Appearance Before the Board.** In connection with any request for reinstatement of his medical license, Dr. Esworth shall contact and request a meeting with the Board or its designee to discuss his compliance with the terms of this Order and advise of his intentions with respect to the practice of medicine.

**IT IS FURTHER ORDERED** that upon Dr. Esworth's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth, his license to practice medicine in the state of Louisiana shall be reinstated by the Board **ON PROBATION** for a period of five (5) years from the date of reinstatement; *provided, however*, that such reinstatement of license and his continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) **Continuing Treatment; Participation in the PHP; Reports to Board.** Dr. Esworth shall continue in, abide by and strictly adhere to each of the recommendations for ongoing treatment and monitoring that are contained in his PHP monitoring contract or any subsequent contract which may be recommended by the PHP, as well as those recommendations of his treating physicians at the Treatment Program and any other health care provider involved in his care to the extent that they continue to follow him. Dr. Esworth shall, in addition, authorize and cause his treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports should the Board desire the latter on his then-current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from alcohol, controlled or other mood-altering substances, his fitness and ability to practice medicine with reasonable skill and safety to patients, his compliance with the terms, conditions and restrictions of this Order, his PHP contract and any aftercare agreement he has executed or may hereafter execute.

(2) **Board Access to Treatment Records and Reports.** Dr. Esworth shall, and does by his subscription hereto, authorize any physician or institution at which he undergoes treatment for any

psychiatric or substance abuse condition, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. Eisworth's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Eisworth expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any necessary written authorization presented to him that permits the Board access to such records.

**(3) Drug Screens.** Dr. Eisworth shall submit to periodic, unannounced blood, urine, saliva and/or hair collection to detect the presence of alcohol, controlled or other mood-altering substances by a PHP physician or his or her designee. Dr. Eisworth shall authorize and cause such physician and/or the PHP to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.

**(4) Maintenance of Complete Abstinence.** Dr. Eisworth shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol, any controlled substance or any other mood-altering substance except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Dr. Eisworth shall personally inform his treating and monitoring physicians and the PHP in writing within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him from another physician for treatment of a *bona fide* medical condition.

**(5) Prescription, Dispensation, Administration of Controlled Substances Prohibited - All Schedules; Disclosure.** Dr. Eisworth shall not, for the duration of his medical career, prescribe, dispense or administer (i) any controlled substance which may be classified, defined, enumerated or included in 21 C.F.R. §1308.11-.15 or La. Rev. Stat. §40:964; (ii) any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute; (iii) any drug or medication which affects the central nervous system or which is capable of producing physiological or psychological dependence; (iv) any mood-altering substance; or (v) the drugs Nubain, Dalgan, Soma, Butalbital or Ultram in any form or generic thereof. This prohibition shall survive the probationary term provided by the Order and remain in effect so long as Dr. Eisworth holds any form of license or permit to practice medicine in this state. This prohibition shall not, however, prohibit Dr. Eisworth from ordering controlled substances and other prescription medications for administration to inpatients of and at a hospital or similar institution where he may be employed or exercise staff and clinical privileges under the controlled substance license and registration of such hospital or institution and in accordance with such hospital or institution's prescribed policies and procedures governing the administration of controlled substances. Dr. Eisworth shall, in addition, disclose to and provide each such hospital or institution with a copy of this Consent Order.

**(6) Restriction of Practice.** Until and unless this condition is subsequently modified by written order of the Board, Dr. Eisworth shall not engage in the practice of medicine in the state of Louisiana other than in a private practice setting approved by the Board in writing.

**(7) Reports by Supervising Physician.** Dr. Eisworth shall authorize and cause a physician with whom he works or is associated in practice, who is acceptable to the Board, to submit to the Board not less frequently than quarterly, reports on Dr. Eisworth's professional competency, performance and compliance with the terms and conditions of this Order.

(8) **Continuing Medical Education.** Dr. Eisworth shall obtain not less than fifty (50) credit hours per year for each year of the probationary term herein through attendance at and participation in continuing pediatric medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the date of licensure reinstatement. On or before the anniversary date of licensure reinstatement for each year of the probationary term, Dr. Eisworth 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.

(9) **Sanction.** By his subscription hereto, Dr. Eisworth acknowledges that his receipt of written notification from the Board that it has received any report which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his consent to the immediate suspension of his license to practice medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board with respect to the information made the basis of such report.

(10) **Additional Probationary Terms.** In addition to such other terms and conditions as are placed upon any reinstated license to practice medicine by this Order, Dr. Eisworth hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, including, but are not limited to, an additional period of actual suspension of his license, restrictions as to the nature, scope, location and supervision of his practice, additional treatment, reports and evaluations and an extension of his probationary period, which the Board in its sole discretion may deem necessary or appropriate.

(11) **Probation Monitoring Fee.** For each year of the probationary term Dr. Eisworth shall pay the Board a probation-monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of the reinstatement of his license. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(12) **Cooperation with Board's Medical Consultant/Probation and Compliance Officer.** Dr. Eisworth shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order. Dr. Eisworth shall also make himself available, upon reasonable notice, for personal interviews with the Medical Consultant or Probation Officer of the Board or their designated representatives for the purpose of discussing his then-current compliance with the terms of this Order.

(13) **Absence from State - Effect on Probation.** Should Dr. Eisworth at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Eisworth notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance Dr. Eisworth shall not receive credit toward the probationary period for the time during which he was absent from the state of Louisiana.

(14) **Certification of Compliance with Probationary Terms/Personal Appearance Before the Board.** At least sixty (60) days prior to the conclusion of the probationary term Dr. Eisworth shall provide the Board with a notarized affidavit certifying that he has complied with all terms and conditions of probation imposed by this Order. He shall, in addition, contact the Board and arrange for a personal appearance before its Physicians' Health Committee or designee at its meeting preceding the expiration of the probationary term to discuss his then-current condition and treatment program and to advise the Committee and the Board of his intentions with respect to the practice of medicine. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Eisworth's compliance with the requirements of this provision.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Eisworth shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Eisworth's license to practice medicine in the state of Louisiana, as well as any right to renewal and/or reinstatement thereof, or for such other action as the Board may deem appropriate as if such violations were enumerated among the causes provided in La. Rev. Stat. §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 17<sup>th</sup> day of August, 2004.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS



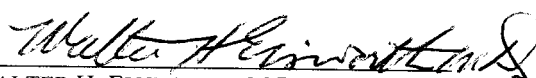
KIM EDWARD LEBLANC, M.D., Ph.D.  
*President*

**ACKNOWLEDGMENT AND CONSENT  
ON FOLLOWING PAGE**

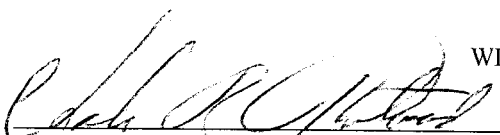
STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_

**ACKNOWLEDGMENT  
AND CONSENT**

I, WALTER H. EISWORTH, M.D., hereby acknowledge, approve, accept and consent to entry of the  
above and foregoing Order, this 28 day of JULY, 2004.

  
WALTER H. EISWORTH, M.D.

WITNESSES:

  
Signature

Charles R Fleetwood

Typed Name

630 CAMP ST

Address

NEW ORLEANS LA 70130

City, State, Zip Code

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

Sworn to and subscribed before me at \_\_\_\_\_, Louisiana, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004, in the presence of the two stated witnesses.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Printed Name)

Bar No.: \_\_\_\_\_

Notary No.: \_\_\_\_\_