

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of :
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:
EDDIE MATTHEW SMITH, M.D. : **No. 10-I-123**
:
(Certificate No. 018307), : **CONSENT ORDER**
:
Respondent. : **FOR PUBLIC REPRIMAND**
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The Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board"), began an investigation of Eddie Matthew Smith, M.D. ("Dr. Smith"), a licensee in the State of Louisiana pursuant to Certificate Number 018307, upon receipt of apparently reliable information indicating that Dr. Smith was prescribing excessive quantities of controlled substances to patients without appropriate medical justification. In the course of the investigation, the Director of Investigations subpoenaed certain medical records from Dr. Smith's office, which revealed that Dr. Smith had been prescribing narcotic medications without documenting the patient's medical record in compliance with the requirements of the Board's Rules for Treatment of Chronic Pain and/or Obesity (the "Pain Rules").

In his meeting with the Director of Investigations, Dr. Smith represented himself as a conscientious family medicine practitioner who had difficulty maintaining appropriate boundaries with patients requesting prescriptions, and who appeared to accommodate with such requests without appropriate documentation under the Pain Rules or careful supervision of his staff. Furthermore, at the meeting Dr. Smith voluntarily agreed to make substantive changes to his practice and discontinue accepting patient's seeking pain management treatment.

As evidenced by his subscription hereto, Dr. Smith without admitting any liability or violation of federal or state law or regulation, and for purposes of this Consent Order only, acknowledges that such information would provide the Investigating Officer with a basis to initiate formal administrative proceedings against his license pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285A(6),¹ (13),² and, (30)³

¹ Pursuant to La. R.S. §37:1285A(6), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner."

constituting cause for such action against the physician's license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to have an administrative adjudication of such charges, at which time Dr. Smith 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. §§49:955-965, Dr. Smith, 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. Dr. Smith also acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, et seq., or to which he otherwise may be afforded by any law to contest his agreement to or the authority of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Smith also hereby authorizes the Investigating Officer designated by the Board with respect hereto, 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. Smith expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint, 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 Eddie Matthew Smith, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 018307 shall receive an **OFFICIAL REPRIMAND**; *provided, however*, that Dr. Smith's license to practice medicine and his continuing exercise of the rights and privileges granted to him thereby, shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

² Pursuant to La. R.S. §37:1285A(13), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "[u]nprofessional conduct."

³ Pursuant to La. R.S. §37:1285A(30), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "[v]iolation of any rules and regulations of the board, or any provisions of this Part."

(1) **Attendance at Approved Seminar.** Within 6 months of the entry of this Order, Dr. Smith shall attend and complete one or more courses of study of no less than twenty-five (25) credit hours, pre-approved by the Board, which address the appropriate prescribing of controlled substances, the creation and maintenance of adequate medical records, appropriate medical boundaries and medical ethics.

(2) **Payment of Fine.** Dr. Smith shall pay a fine of \$3,000 to the Board, which payment shall be made within 6 months of the acceptance of this Order by the Board.

(3) **Personal Appearance before the Board.** Prior to the consideration of this Consent Order, Dr. Smith shall personally appear before the Board or its designee to permit the Board to discuss with him his understanding of and intent to comply with the terms of this Order and to advise the Board of his intentions with respect to his continued practice of medicine.

(4) **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Smith shall be deemed adequate and sufficient cause, upon proof of such violation or failure at a hearing, for the revocation and cancellation of Dr. Smith's license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285. Dr. Smith's right to judicial review of any such Board disciplinary action is reserved.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 22 day of June, 2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



ROBERT E. DAWSON, M.D.

VICE PRESIDENT

Acknowledgement and Consent on Following Page


STATE OF Louisiana
PARISH/COUNTY OF Lafourch

**ACKNOWLEDGMENT
AND CONSENT**

I, EDDIE MATTHEW SMITH, M.D., hereby acknowledge, approve, accept and
consent to entry of the above and foregoing Order, this 26th day of May,
2010.


EDDIE MATTHEW SMITH, M.D.

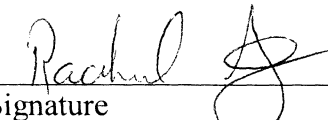
WITNESSES:


Signature

Lynelle Smith
Typed Name

394 Buchanan St.
Address

Larose LA 70373
City/State/Zip Code



Signature

Rachael Angeron
Typed Name

18110 W Main
Address

Balliano, LA 70354
City/State/Zip Code

Sworn to and subscribed before me this 26th day of May, 2010,
in the presence of the two stated witnesses.


Notary Public (Signature)

Print name Julie S. Cheramie

Bar/Notary No.: 50124