

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of:

JOSE GONZALO ZAVALETA, M.D.
(Certificate No. MD.12742R),

No. 08-I-264

**CONSENT
ORDER**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which indicated that Jose Gonzalo Zavaleta, M.D. ("Dr. Zavaleta"), a physician who at all times material to the facts and matters alleged herein is licensed and engaged in the practice of medicine in and around Alexandria, Louisiana, was arrested and charged with six counts of prescribing controlled substances beyond authority and accepted medical treatment, La. R.S. 40:971(C)(1).¹ The charges arose from four separate occasions where it is alleged that Dr. Zavaleta prescribed a total of seventy-five (75) dosage units of a Schedule III controlled substance, twenty (20) dosage units of a Schedule IV controlled substance and six (6) ounces of a Schedule V controlled substance to an undercover agent for the Louisiana State Police without medical justification. Prior to any plea being entered into the criminal case, on March 3, 2009, Dr. Zavaleta entered into a Pre-Trial Intervention Program with the Ninth Judicial District Attorney's Office. The Pre-Trial Intervention Program requires, among other things, that Dr. Zavaleta make 24 monthly visits to the Pre-Trial Intervention officer, a monthly payment for each monthly visit, and after 24 months, successfully complete one year of unsupervised probation.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Dr. Zavaleta,

¹ Louisiana Revised Statute 40:971(C)(1) provides, "It shall be unlawful for a person, including a physician, dentist, podiatrist, or veterinarian, to prescribe, dispense, or administer legally controlled substances beyond his respective prescribing authority or for a purpose other than accepted medical treatment of a disease, condition, or illness."

charging him with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §37:1285A(6).²

Without admitting the accuracy of the information described hereinabove or any violation of the Act, as evidenced by his subscription hereto, Dr. Zavaleta acknowledges that the reported information could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285(A)(6), and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice medicine in the state of Louisiana as the Board might deem appropriate.

Recognizing his right to have administrative adjudication of such charges, 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. §§49:955-965, Dr. Zavaleta, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Zavaleta also 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 or body relating to the matters referred to herein. By his subscription hereto, Dr. Zavaleta 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. Furthermore, Dr. Zavaleta expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue an Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. Zavaleta to maintain his license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by

² 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 "(6) Prescribing, 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 ..."

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 La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Jose Gonzalo Zavaleta, M.D., is issued a **PUBLIC REPRIMAND** and that Dr. Zavaleta's license to practice medicine in this State and Dr. Zavaleta's continuing exercise of rights and privileges there under shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions:

- (1) Satisfaction of Terms and Conditions of Pre-Trial Intervention Program.** Dr. Zavaleta shall successfully complete the terms and conditions imposed upon him in the Ninth Judicial District Attorney's Pre-Trial Intervention Program and/or any subsequent action in relation to the criminal case, all of which are incorporated herein by reference.
- (2) Continuing Medical Education – Proper Prescribing.** If he has not already done so, Dr. Zavaleta shall successfully complete the terms and conditions imposed upon him the Ninth Judicial District Attorney's Pre-Trial Intervention Program and/or any subsequent action in relation to the criminal case, all of which are incorporated herein by reference.
- (3) Payment of Fine.** Dr. Zavaleta shall pay a fine of One Thousand (\$1,000) dollars to the Board, which payment shall be made within ninety (90) days of the acceptance of this Order by the Board;
- (4) Effective Date.** This 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. Zavaleta shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Zavaleta's license to practice medicine in this state, 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.

Signed in New Orleans, Louisiana, and effective on this 24th day of June, 2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark H. Dawson MD
Mark H. Dawson, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA
PARISH OF Rapides

I, JOSE GONZALO ZAVALETA, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 24th day of March, 2010.


JOSE GONZALO ZAVALETA, M.D.

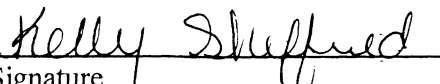
WITNESSES:


Signature

DANIEL SLAYTER
Printed Name

P.O. Box 3606
Address

PINEVILLE, LA 71360
City, State, Zip Code


Signature

Kelly Sheffield
Printed Name

P.O. Box 3370
Address

Pineville, LA 71360
City, State, Zip Code

Sworn to and subscribed before me at Pineville, Louisiana, this 24th day of March, 2010, in the presence of the two stated witnesses.


Notary Public (Signature & Seal)

GEORGE L. HIGGINS III
Printed Name/Notary Number (or Stamp)

La. Bm # 06872