

In the Matter Of
IRWIN L. FONTENELLE, M.D.
(CERTIFICATE NO. 005018)
Respondent.

No. 92-I-110-X
CONSENT ORDER

¹La. Rev. Stat. Ann. §37:1285(A)(6), (12) and (14).

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 notice of allegations and charges asserted against him to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Fontenelle nonetheless hereby waives his right to notice of allegations and charges and 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. Fontenelle 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 waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Fontenelle expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file a formal 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. §49:955(D);

IT IS ORDERED that the license of Irwin L. Fontenelle, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 005018, be, and the same is hereby maintained conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(a) *Prescription, Dispensation, Administration of Controlled Substances Prohibited.* Dr. Fontenelle shall not, during his lifetime, prescribe, dispense or administer any controlled substance, as defined, enumerated or included in federal or state statutes or regulations, 21 C.F.R. §1308, La. Rev. Stat. §40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute. This prohibition shall remain in effect so long as Dr. Fontenelle shall hold any formal license or permit to practice medicine in the State of Louisiana.

(b) *Cooperation with Board's Probation and Compliance Officer.* Dr. Fontenelle 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.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions and restrictions of this Order as set forth hereinabove, shall be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of the medical licensure of Irwin L. Fontenelle, M.D., 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.

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 20 day of January, 1994.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: Bernard L. Kaplan
BERNARD L. KAPLAN, M.D.
President

ACKNOWLEDGMENT
AND CONSENT

I, Irwin L. Fontenelle, M.D., HEREBY ACKNOWLEDGE, APPROVE, ACCEPT AND CONSENT to entry of the above and foregoing Order, this 11th day of January, 1994.

Irwin L. Fontenelle
IRWIN L. FONTENELLE, M.D.

Peta Wilssens
WITNESS