

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: ESTON ROBERT CALDWELL, III, M.D.  
License No.: 0101-035637

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Eston Robert Caldwell, III, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Caldwell to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Eston Robert Caldwell, III, M.D., was issued license number 0101-035637 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 14, 1983. Said license is currently active and will expire on November 30, 2016, unless renewed or otherwise restricted.
2. Dr. Caldwell violated Sections 54.1-2915.A(17); 54.1-3303.A and 54.1-3408.A of the Code of Virginia (1950) as amended, ("Code") in that between January 21, 2012 and December 28, 2014, he prescribed controlled substances to Individuals A-C outside of a bona fide practitioner-patient relationship. Specifically:
  - a. From on or about January 21, 2012 to on or about December 19, 2014, Dr. Caldwell prescribed approximately 2,100 dosage units of Vyvase 70mg (C-II), and 480 dosage units of Vyvase 50mg to Individual A, a family member.
  - b. From on or about February 10, 2012 to on or about December 28, 2014, Dr. Caldwell prescribed approximately 2,220 dosage units of Vyvase 70mg, and 90 dosage units of Vyvase 50mg to Individual B, a family member.
  - c. From on or about June 28, 2014 to on or about December 12, 2014, Dr. Caldwell

prescribed approximately 150 dosage units of Vyvase 70mg, and 120 dosage units of Vyvase 50mg to Individual C, a family member.

3. On January 13, 2105, Dr. Caldwell stated to the Board's investigator that he previously wrote prescriptions for his three adult children for treatment of ADD, and that all three have been diagnosed with ADD. Dr. Caldwell stated that he did not maintain any medical records "because they were family and he was aware of their situations." He informed his children that they needed to seek treatment at a physician of their choosing, and further stated he was unaware of the restriction on prescribing for family members, and apologized for not knowing the regulation.

### CONSENT

I, Eston Robert Caldwell, III, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
  - a. the right to an informal conference before the Board;
  - b. the right to appear in person or by counsel, or other qualified representative before the agency; and
4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact contained herein and agree not to

contest the Findings of Fact, Conclusions of Law or any sanction in any future judicial or administrative proceedings where the Board is a party; and

6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Eston Robert Caldwell, III, M.D., is issued a REPRIMAND.

It is further ORDERED that Dr. Caldwell's license is subject to the following TERMS and CONDITIONS:

1. Within thirty (30) days from entry of this Consent Order, Dr. Caldwell shall provide the Board with a written statement certifying that he has read and will comply with the Drug Laws for Practitioners.

2. Upon receipt of evidence that Dr. Caldwell has complied with the requirements of this Order, the Committee authorizes the Executive Director to close this matter, or refer it to a special conference committee for review.

Dr. Caldwell shall maintain a course of conduct in his practice of medicine and surgery commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Caldwell's license. In the event that Dr. Caldwell violates this Order, an administrative proceeding may be

convened to determine whether such action is warranted.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

*For* *William L. Harp, M.D.*  
William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine  
4/13/2015  
ENTERED

SEEN AND AGREED TO:

*Eston Robert Caldwell, III, M.D.*  
Eston Robert Caldwell, III, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Albemarle, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 1<sup>st</sup> day of April, 2015, by Eston Robert Caldwell, III, M.D.

*William L. Spicuzza*  
Notary Public

Registration Number: 7235899

My commission expires: Oct. 31, 2017

