In the Matter of § Texas Board of
The License of § Veterinary
Gary F. Parker, D.V.M. § Medical Examiners

Agreed Order

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On this the 26th day of October, 2009, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Gregor A. Ulteig, D.V.M. ("Respondent"). Pursuant to §801.408 of the Veterinary Licensing Act and Board Rule 575.27, an informal conference was held on August 7, 2009. Respondent appeared at the conference. The Board was represented at the conference by the Board’s Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided him. Upon the recommendation of the Enforcement Committee and with Respondent’s consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. Gary F. Parker, D.V.M. ("Respondent") is employed by the USDA’s Food & Safety Inspection Department, and conducts inspections of meat processing facilities. On June 8, 2004, Respondent’s primary physician, Dr. Sondra Khalil, Charles Wilson VA Outpatient Clinic, Lufkin, Texas, prescribed him oral Hydrocodone/APAP 5/500 mg, 3 times daily for chronic back pain. Respondent stated his back pain was so debilitating that he was limited in his ability to function. He eventually developed a tolerance to the pills which became ineffective for pain management, so Dr. Khalil increased his dosage to 4 times daily. Then Dr. Khalil again increased his dosage to 7.5/500 mg, 4 times daily. Respondent stated that approximately one year ago, his back pain returned, and he began personally ordering tablets to supplement his prescription.

2. On April 10, 2009, Christopher Neel and Thomas McLaughlin, DEA Investigators, Tyler, Texas, met with Respondent regarding his purchase of 11,000 tablets of Hydrocodone from October 17, 2007 to December 29, 2008. Respondent admitted that he purchased the Hydrocodone tablets for personal use. Respondent told the investigators that he suffers from back pain and restless leg syndrome and he had been prescribed the tablets through a VA clinic in Lufkin, Texas for pain management. Respondent surrendered his DEA and DPS registrations, and 4 bottles of Hydrocodone, 500 tablet count. On April

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14, 2009, Respondent contacted Dr. Khalil and explained the DEA situation. Dr. Khalil then prescribed Hydrocodone/APAP 10/350 mg, Gabapertin 300 mg, both 3 times daily.

3. On April 15, 2009, Respondent contacted his supervisor at USDA and informed her of the DEA investigation. Respondent was told that he could continue to work for USDA. A few days later, Peter Hartline contacted the USDA’s Dallas District Manager and discussed the incident. An investigation was opened by the Labor Management Relations Division, and Respondent was placed on administrative leave on April 21, 2009.

4. Respondent coordinated with Herbert Munden of the Peer Assistance Program on April 24, 2009, and was subsequently evaluated by COPAC Addiction Recovery Service, Jackson, Mississippi. Respondent admitted himself into the VA Hospital in Shreveport, Louisiana for detoxification and was released on May 1, 2009.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s Rules.

2. Respondent’s purchase of Hydrocodone/APAP for personal use is in violation of Rules of Professional Conduct §573.43 – Misuse of DEA Narcotics Registration and §573.60 Prohibition Against Treatment of Humans. Respondent’s abuse of Hydrocodone/APAP is a violation of §§801.402(3) of the Veterinary Licensing Act prohibiting a licensee’s chronic or habitual intoxication, chemical dependence or drug abuse, and §801.402(6) of the Act prohibiting practices in violation of Board Rules of Professional Conduct.

3. Based on the Findings of Fact and Conclusions of Law, Respondent has violated §801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under §801.401 if the person:

(6) engages in practices or conduct that violates the board’s rules of professional conduct.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS: (1) No later than one month following the execution of this Order, Respondent shall enroll in the 90-day residential treatment program outlined in the correspondence dated June 24, 2009, provided by Respondent to the Enforcement Committee at the Informal Settlement Conference dated August 2009.

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7, 2009; (2) Respondent shall attend Alcoholics Anonymous, Narcotics Anonymous, or a comparable support group, at least once a week for the duration of this Order; (3) Respondent shall comply with all drug testing protocols provided for in the aforementioned VA substance abuse program, and shall not test positive to any prohibited substance; (4) Respondent’s VA counselor shall provide to TBVME, quarterly progress reports reflecting Respondent’s compliance with the terms of the VA program during the pendency of the program; (5) Respondent shall execute confidentiality waivers provided by TBVME allowing access to Respondent’s medical records and/or substance abuse treatment records; (6) Respondent’s request to retire his veterinary license is withdrawn; (7) This Order shall remain in effect for one (1) year.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

2. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board. The effective date of this Agreed Order shall be the date it is adopted by the Board. Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

I, GARY PARKER, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

[Signature]
Gary F. Parker, D.V.M.

Sept 3, 2009
Date

STATE OF TEXAS
COUNTY OF Travis

BEFORE ME, on this day, personally appeared GARY F. PARKER, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 3rd day of September, 2009.

[Signature]
Mary Edwards
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 26th day of October, 2009.

[Signature]
Bud E. Alldredge, Jr., D.V.M., President

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