TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
3810 Medical Parkway, Suite 119
Austin, TX 78756
(512) 458-1183

DOCKET NUMBER 1987-t2
MARK D. WALKER, D.V.M.
LICENSE NUMBER 5843

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Mark D. Walker, D.V.M., his attorney Mr. Robert Kuehm, and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Walker will be granted a continuance at his option.

Dr. Walker does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

1. Dr. Walker has violated Article 7465a, Section 7(b), of the Veterinary Licensing Act and Rule 30 of the Rules of Professional Conduct by failing to maintain records on Schedule II drugs.

2. Dr. Walker has violated Rule 33 of the Rules of Professional Conduct by obtaining Schedule II drugs for self administration.

RECOMMENDED PENALTY:

1. License suspension for two years, all probated.

CONDITIONS:

1. Surrender Schedule II and IIN Controlled Substances Certificate (this has already been accomplished) to be reinstated at the discretion of the Board.

2. Participate in the after-care program as prescribed by his physician, Dr. Steven Rosenblatt, in conjunction with the TVMA Peer Assistance Program.

3. Submit quarterly progress reports to the Executive Secretary during the probation period. The report will include the results of a quarterly no-notice drug screening test conducted through the TVMA Peer Assistance Program.
4. Abide by Article 7465a, Veterinary Licensing Act and the Rules of Professional Conduct for the profession duly promulgated by the Texas Board of Veterinary Medical Examiners.

MARK D. WALKER, D.V.M.
Date: 1/29/87

Donald B. Wilson, Executive Secretary
TEKSAS BOARD OF VETERINARY MEDICAL EXAMINERS
Date: 1/16/87

Witness
Date: 1/27/87
DOCKETED COMPLAINT NO. 1987-11

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

MARK D. WALKER, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 5843
1986 RENEWAL CERTIFICATE NUMBER 2814

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 29th day of January, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Hyatt Regency Hotel in Fort Worth, Tarrant County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said MARK D. WALKER, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. ED B. AVERY, President of Pearsall, TX
DR. EDWARD S. MURRAY, Vice-President of Spur, TX
DR. W. L. "DUB" ANDERSON, Secretary of Addison, TX
MR. JIM F. HUMPHREY, Member of Henrietta, TX
MR. MIKE LEVI, Member of Spicewood, TX
DR. MARY E. MAINSTER, Member of San Antonio, TX
DR. FRANK E. MANN, JR., Member of Wharton, TX
DR. FRED K. SOIFER, Member of Houston, TX

At 9:30 a.m., the appointed hour, the President of the Board, DR. ED B. AVERY ordered the case to proceed at which time it was ascertained that MARK D. WALKER, D.V.M. and his legal counsel, ROBERT C. KUEHM, were present in person; the Board then proceeded to hear the evidence presented by the State, and by ROBERT KUEHM, Attorney for Dr. Walker, and on the same day, January 29, 1987, all of the above members of said Board being present and participating, makes the following findings, to-wit:

FINDINGS OF FACT

I.

MARK D. WALKER, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License
Number 5843, 1986 Renewal Certificate Number 2814, with offices in Deer Park, Harris County, Texas.

II.

MARK D. WALKER received notice of this hearing.

III.

MARK D. WALKER, D.V.M. was present before the Board and was represented by legal counsel.

IV.

Between June 1, 1986 through July 23, 1986 DR. WALKER, utilizing his Controlled Substances Registration Certification Number N0061884, wrote Triplicate Prescriptions to himself for Schedule II Substances. The Demerol (Mepetidine Hydrochloride) scripts were written for self-treatment of a nervous breakdown and knee pain. The Seconal (Secobarbital Sodium) scripts were written as an aid to sleep. Dr. Walker subsequently over-dosed on the Seconal and required hospitalization.

V.

DR. MARK D. WALKER failed to maintain medical records as to the disposition of the above mentioned prescriptions.

CONCLUSIONS OF LAW

I.

The Board concludes that DR. WALKER entered into a Negotiated Settlement and that he does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations and based thereon, the Board found the allegations to be true, Respondent understands and intends that by so stating, he is not admitting truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.
ORDERS

It is hereby ORDERED that Texas Veterinary License No. 5843, here-
tofofore issued to MARK D. WALKER, D.V.M. by the TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS, be and the same is HEREBY SUSPENDED for a
period of two (2) years, from the date this Order is received by the
Defendant, PROVIDED HOWEVER, that the execution of this Order of
Suspension be and it is HEREBY PROBATED upon the following conditions:

1. That DR. WALKER surrender his Schedule II and IIN Controlled
Substances Certificate to be reinstated at the discretion of the
Board.

2. That DR. WALKER participate in the after-care program as prescribed
by his physician, Dr. Steven Rosenblatt, in conjunction with the
TVMA Peer Assistance Program.

3. That DR. WALKER submit quarterly progress reports to the Executive
Secretary during the probation period. The report will include the
results of a quarterly no-notice drug screening test conducted
through the TVMA Peer Assistance Program. The first report is due
April 1, 1987.

4. That DR. WALKER abide by Article 7465a, Veterinary Licensing Act
and the Rules of Professional Conduct for the profession duly
promulgated by the Texas Board of Veterinary Medical Examiners.
The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 29th day January, 1987, in Fort Worth, Tarrant County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 29th day of January, 1987.

Ed B. Avery, D.V.M., President

4 (Vacant) Vice-President

W. L. "Dub" Anderson, D.V.M., Secretary

Jim E. Humphrey, Member

Mike Levi

Mary E. Mainster, D.V.M.

Frank E. Mann, Jr., D.V.M., Member

Fred K. Soifer, D.V.M., Member

Edward S. Murray, D.V.M., Member

Date 1/29/87

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DOCKETED COMPLAINT NO. 1987-11

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

MARK D. WALKER, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 5843

1986 RENEWAL CERTIFICATE NUMBER 2814

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared THOMAS CHESIRE who after being duly sworn, did depose and say:

"I, THOMAS CHESIRE being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one MARK D. WALKER, D.V.M., Deer Park Animal Hospital, 202 West San Augustine, Deer Park, Harris County, Texas Veterinary License Number 5843, 1986 Renewal Certificate Number 2814, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESIRE do hereby present the following complaint against MARK D. WALKER, D.V.M., who is hereinafter called Respondent.

I.

Between June 1, 1986 through July 23, 1986 DR. WALKER, utilizing his Controlled Substances Registration Certification Number N061884, wrote Triplicate Prescriptions to himself for Schedule II Substances. (See Exhibit A - DPS Triplicate Prescription Report.) The Demerol (Meperidine Hydrochloride) scripts were written for self-treatment of a nervous breakdown and knee pain. The Seconal (Secobarbital Sodium) scripts were written as an aid to sleep. Dr. Walker subsequently over-dosed on the Seconal and required hospitalization.

II.

DR. MARK D. WALKER failed to maintain medical records as to the disposition of the above mentioned prescriptions.
III.

Because of the acts in Paragraph I, writing Triplicate Prescriptions for other than use in treating animals, DR. MARK D. WALKER has violated Rule 33 of the Rules of Professional Conduct which states:

Rule 33 - "It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States."

This constitutes engaging "in dishonest or illegal practices in or connected with the practice of veterinary medicine" under Article 7465a, Section 14(c).

IV.

Because of the Acts in Paragraph II, failing to maintain the required records on Controlled Substances, DR. WALKER has further violated Article 7465a, Section 7(b) of the Veterinary Practice Act and Rule 30 of the Rules of Professional Conduct which state:

Article 7465a, Section 7(b), Veterinary Practice Act

"The Board may require its licensees to maintain a record-keeping system for certain controlled substances prescribed by the Board that includes the quantities and date of purchase, quantities and date dispensed, quantities and date administered, balance on hand, the name and address of the client receiving the drugs, and the reason for dispensing or administering the drugs to such patient. . . ."

Rule 30 - "Texas veterinarians shall maintain at their place of business records of all drugs listed in Schedule II of 21 Code of Federal Regulation, Part 1300 to end, in their possession. These records shall be maintained for a minimum of five (5) years. The Board shall prescribe a form for keeping records of those Schedule II substances which shall contain the following information:

A. Date of Acquisition"
B. Quantity Purchased  
C. Date Administered, Dispensed, or Prescribed  
D. Quantity Administered, Dispensed, or Prescribed  
E. Name of Client and Patient receiving the Drug(s)  
F. Diagnosis  
G. Balance on Hand

V.  

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Walker's license under the Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes, Section 7(b) and Sections 14(b), (c) and (e) which states:

"... the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, ... if it finds that an applicant or licensee:
(b) is chronically or habitually intoxicated or is addicted to drugs; or
(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine; or
(e) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law; or"

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 31st day of December, 1986.

Further, Affiant sayeth not.

[Signature]

THOMAS CHESHIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE this the 31st day of December, 1986.

[Signature]

JUDY C. SMITH,  
Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. MARK D. WALKER, D.V.M., under Docket Number 1987-11, this the 31st day of December, 1986.

K. D. DORRIS, D.V.M., Secretary
Texas State Board of Veterinary Medical Examiners
STATE OF TEXAS
COUNTY OF TRAVIS

CERTIFICATION

Now comes Larry Taylor who, after being duly sworn, deposes and says:

"I am Staff Services Assistant, Triplicate Prescription Section, Narcotics Service, Texas Department of Public Safety, and, as such, I am the official charged with the care and custody of all documents received by the Texas Department of Public Safety pursuant to Section 3.09 of the Texas Controlled Substances Act. (Article 4476-15, V.T.C.S.)"

The attached printout reflects prescriptions issued by DR. MARK DERWOOD WALKER, DVM, Texas Controlled Substances Registration Certification Number N0061884, as shown by records on file with the Texas Department of Public Safety, Triplicate Prescription Section.

To Certify which witness by hand this 8th day January, 1987.

[Signature]
Larry Taylor, Staff Services Assistant

Subscribed and sworn to before me this 8th day January, 1987.

[Signature]