STATE OF VIRGINIA  

COUNTY OF FAIRFAX  

BEFORE ME, the undersigned notary public, on this day personally appeared MARK D. WALKER, D.V.M., located at Hazleton Laboratories, 2900 Leesburg Turnpike, Vienna, Fairfax County, Virginia, who after being duly sworn, upon oath, deposed and said:

I, MARK D. WALKER, D.V.M., holder of Texas Veterinary License Number 5843, after conferring with DONALD B. WILSON, Executive Director, Texas Board of Veterinary Medical Examiners, voluntarily state as follows:

I hereby request that the Texas State Board of Veterinary Medical Examiners accept this voluntary surrender of my veterinary license in lieu of a hearing on Docketed Complaint 1991-18. I request the Board to take appropriate action to cancel same, effective immediately. I understand that reinstatement of my license will only be considered upon my petition to the Texas Board of Veterinary Medical Examiners, at the sole discretion of the Board, and will include any conditions the Board deems necessary.

MARK D. WALKER, D.V.M.

SUBSCRIBED and SWORN to by the said MARK D. WALKER, D.V.M., before me, on this the 5th day of February, 1991, to certify which, witness my hand and seal of office.

Kathy Wow

Notary Public in and for Virginia

My Commission Expires November 3, 1992
FINDINGS AND ORDERS OF THE BOARD

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VS.

MARK D. WALKER, D.V.M.

TEXAS VETERINARY LICENSE NUMBER 5843

BOARD ORDER ACCEPTING LICENSE FOR SURRENDER AND CANCELLATION

On the 7th day of February, 1991, Dr. MARK D. WALKER voluntarily surrendered Texas Veterinary License Number 5843 for cancellation in lieu of a hearing on Docketed Complaint 1991-18, as set forth in the attached affidavit.

On the 7th day of February, 1991, the attached affidavit was presented to the Board for acceptance. Accordingly, the Board accepted Texas Veterinary License Number 5843, previously issued to Dr. MARK D. WALKER, for surrender, and ordered License Number 5843 cancelled.

EXECUTED this the 7th day of February, 1991.

ROBERT D. LEWIS, D.V.M.
PRESIDENT

MARY E. MAINSTER, D.V.M.
VICE-PRESIDENT

GUY A. SHEPPARD, D.V.M.
SECRETARY

LARRY M. DUBUISSON, D.V.M.
MEMBER

OLIVIA R. EUDALY
MEMBER

ALTON F. HOPKINS, JR., D.V.M.
MEMBER

MIKE LEVI
MEMBER

FRED K. SOIFER, D.V.M.
MEMBER

CLARK S. WILLINGHAM
MEMBER
DOCKETED COMPLAINT NO. 1991-18

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VERSUS

MARK D. WALKER, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 5843
1990 RENEWAL CERTIFICATE NUMBER 4388

COMPLAINT AFFIDAVIT FORM

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

On or about May 3, 1990, Matthew Wendel, 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., Hazleton Laboratories, America, 9200 Leesburg Turnpike, Vienna, County, Virginia, Veterinary License Number 5843, 1990 Renewal Certificate Number 4388, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against MARK D. WALKER, D.V.M., who is hereinafter called Respondent.

I.

On or about August 26, 1989, Respondent presented an "Animal Emergency Clinic 59/Southwest" written prescription drug order, signed by himself, for 50 X 0.5 mg Xanax tablets, a Schedule IV Controlled Substance, at Walgreen's Pharmacy, 11894 Wilcrest, Houston, Texas. Respondent utilized his expired DEA Narcotics Registration Certificate Number BW0313952 to obtain the drugs "for clinic use only." However, Respondent did not provide the 50 Xanax tablets to the clinic.

II.

On or about October 15, 1989, a verbal prescription drug order, for 50 X 0.5 mg Xanax tablets, a Schedule IV Controlled Substance, for Mark D. Walker, D.V.M., was telephoned to Walgreen's Pharmacy, 9329 Katy Freeway, Houston, Texas. The drugs were ordered "for office use" and Respondent used a non-existent DEA Narcotics Registration Certificate Number AB0313952 to obtain the drugs.

III.

On or about October 25, 1989, Respondent presented a forged "Veterinary Emergency Referral Group, Inc." written prescription drug order, the property of Linda Matros, D.V.M., for 50 X 0.5 mg Xanax tablets, a Schedule IV Controlled Substance, at Kroger Pharmacy, 3300 Montrose, Houston, Texas. The drugs were issued to Mark Walker for Dog "Kaiser", #1809, Houston, Texas. Respondent utilized DEA Narcotics Registration Certificate Number BM0969735, registered to Linda Matros, D.V.M., to obtain the drugs.
IV.
On or about November 30, 1989, a verbal prescription drug order, for 30 x 1 mg Xanax tablets, a Schedule IV Controlled Substance, for Mark Walker, 9525 Katy, was telephoned into Walgreens Pharmacy, 3900 Westheimer, Houston, Texas. The drugs were ordered for "prior to travel for excitement" and Dr. Walker's expired DEA Narcotics Registration Certificate Number BW0313952 was given to the pharmacy.

V.
On or about December 2, 1989, Respondent presented a written prescription drug order, signed by himself, for All Cats Veterinary Clinic, 101 Stella Link, Houston, Texas 77035, for 30 x 1 mg Xanax tablets, a Schedule IV Controlled Substance, at Walgreens Pharmacy, 8624 Stella Link, Houston, Texas. Respondent utilized his expired DEA Narcotics Registration Certificate Number BW0313952 to obtain the drugs "for clinic use only." However, the 30 Xanax tablets were not provided to the clinic.

VI.
On or about January 23, 1990, Respondent presented a forged "Tommy M. Wilks, D.V.M." written prescription drug order, issued in the name of Tommy M. Wilks, D.V.M., for 30 x .5 mg Xanax tablets, a Schedule IV Controlled Substance, at Kroger's Pharmacy, 3300 Montrose, Houston, Texas. Dr. Walker utilized DEA Narcotics Registration Certificate Number AW4115730, registered to Tommy Wilks, D.V.M. to obtain the drugs "for Mark Walker, "AVAH" feline", 2507 Montrose #34, Houston, Texas.

VII.
On or about February 21, 1989, Respondent presented a written prescription drug order, signed by himself for Richey Animal Hospital, 802 South Richey, Houston, Texas, for 30 x 1 mg Xanax tablets, and 50 x .5 mg Valium tablets, both of which are a Schedule IV Controlled Substance, at Kroger Pharmacy, 3300 Montrose, Houston, Texas. Respondent utilized his expired DEA Narcotics Registration Certificate Number BW0313952 to obtain the drugs "for clinic use only." However, the 30 Xanax tablets and the 50 Valium tablets were not provided to the clinic.

VIII.
On or about March 15, 1990, a verbal prescription drug order, for 30 x 1 mg Xanax tablets, a Schedule IV Controlled Substance, for Dog "Jessabelle" Walker, 802 South Richey, Houston, Texas, was telephoned to Kroger Pharmacy, 3300 Montrose, Houston, Texas. The drugs were ordered for "30 minutes prior to travel". Respondent used his expired DEA Narcotics Registration Certificate Number BW0313952 to obtain the drugs.

IX.
On or about April 7, 1990, a verbal prescription drug order, for 50 x 1 mg Xanax tablets, a Schedule IV Controlled Substance, for Mark Walker, 802 South Richey, Houston, Texas, was telephoned into AppleTree Pharmacy, 2617 West Holcombe, Houston, Texas. The drugs were ordered for "for hospital use". Respondent used his expired DEA Narcotics Registration Certificate Number BW0313952 to obtain the drugs. Dr. Walker was not delivered the drugs by the pharmacist at AppleTree, but only because the drugs were not available at the time.
X.
On or about May 21, 1989, and June 11, 1989, Respondent was employed as a veterinarian by Forsyth County After Hours Veterinary Emergency Clinic, Inc., Forsyth County, North Carolina, where Respondent intentionally diverted Demerol injectables, known as Meperidine Hydrochloride, a Schedule II Controlled Substance, for Respondent's own use, to provide to another person. Said offenses related directly to Respondent's duties and responsibilities as a licensed veterinarian.

XI.
On or about January 24, 1990, and April 7, 1990, Respondent received Deferral of Adjudication of Guilt for the offenses described in Paragraphs VI and IX.

XII.
Respondent failed to properly maintain drug inventory records of all scheduled drugs obtained by him, as described in Paragraphs I through IX, and as required by Board Rule.

XIII.
Dr. Walker failed to properly maintain patient records as required by Board Rule.

XIV.
Respondent failed to establish a veterinary/client/patient relationship prior to prescribing, ordering, possessing, dispensing and/or administering the drugs listed in Paragraphs through IX.

XV.
By engaging in the unlawful activity described in Paragraphs I through IX, and Paragraphs XII, XIII, and XIV, Respondent has violated Rules of Professional Conduct 573.4, 573.41, 573.43, 573.50, 573.52, and Article 8890 of the Veterinary Licensing Act, Sections 14(a)(3), (5), and (12), which state in part:

573.4 ADHERENCE OF THE LAW
No veterinarian shall render any service of advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

573.41 USE OF PRESCRIPTION DRUGS
(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, or a representative segment of a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.
(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of this section.

573.43 MISUSE OF DEA NARCOTICS REGISTRATION
It is dishonest or illegal practice for a licensee to prescribe, dispense, deliver, or order delivered, any controlled substance which requires the use of the Federal Drug Enforcement Agency narcotics registration number of another veterinarian, unless the veterinarian to whom the DEA number has been assigned has knowledge of the use and has given written permission for such use. Said permission shall extend only to the dispensing and administering of controlled substances. In no instance may a DEA unregistered licensee procure or purchase controlled substances. (CFR 21, Par 1300, paragraph 1301.24)

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND
Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:
1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and

573.52 PATIENT RECORD KEEPING
(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, name and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility and property of the employing veterinarian.

Article 8890, Sec. 14(a)
"... the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license ... if it finds that ... a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;
(5) 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 law;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship.

XVI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Mark Walker’s Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

**Article 8890, Sec. 14(a)**

"... the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license ... if it finds that ... a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(5) 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 law;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship.

**Article 8890, Section 14B**

(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 4th day of January, 1991.

Further, Affiant sayeth not.

[Signature]

MATTHEW WENDEL, Affiant
SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL, this the 4th day of January 1991.

JUDY C. SMITH
Notary Public, State of Texas
My Commission Expires SEP'T 13, 1993

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 1991-18, this the 4th day of January, 1991.

GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners