TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
333 Guadalupe, Suite 2-330
Austin, Texas  78701

DOCKET NUMBER 1996-21
TOMMY J. WALKER, D.V.M.
LICENSE NUMBER 3336

AGREED ORDER

This agreed order has been entered between Dr. Tommy J. Walker and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, 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 agreed order, Dr. Walker will be granted a continuance at his option.

Dr. Walker does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that: (1) the Board may treat the allegations of fact and law as true; and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. 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: Dr. Walker violated Rule of Professional Conduct: 573.64 - Continuing Education Requirements, and Sections 13 (g) and 14 (a) (5) of the Veterinary Licensing Act, by failing to obtain the required number of hours of continuing education for 1995, necessary to renew his license in 1996, and by signing his renewal notice falsely stating that he had obtained the required number of hours.

RECOMMENDED DISCIPLINARY ACTION:

1. Official Reprimand

2. Administrative Penalty in the amount of $250, to be paid within forty five (45) days of the date the Board adopts this Agreed Order.

CONDITIONS:

1. Obtain twenty seven (27) hours of approved Continuing Education between January 1, 1995 and December 31, 1996, fifteen (15) of which shall apply to his 1996 Continuing Education requirements.

2. Submit periodic reports of Continuing Education received and provide copies of documentation to verify attendance. Reports are to be submitted to the Board Office by August 30, 1996 and October 15, 1996.

3. Agree to abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and Laws of the State of Texas and the United States.
The foregoing Agreed Order, entered into between Dr. Tommy Walker, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 3rd day of October, 1996, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 3rd day of October, 1996.

John A. Wood, D.V.M., President

James N. Gomez, D.V.M., Vice-President

RECUSED
Michael J. McCulloch, D.V.M., Secretary

Howard Head, D.V.M., Member

Robert Hughes, Jr., D.V.M., Member

D. Carter King, D.V.M., Member

Sharon O. Matthews, Member

Jean McFaddin, Member

Joyce G. Schiff, Member
DOCKETED COMPLAINT NO. 1996-21

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS § TEXAS VETERINARY MEDICAL LICENSE NO. 3336

vs. § 1996 RENEWAL CERTIFICATE

TOMMY J. WALKER, D.V.M. § NUMBER 4817

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Mike Carroll, who after being duly sworn, did depose and say:

On or about June 10, 1996, Mike Carroll, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Tommy J. Walker, D.V.M., Animal Clinic of Arlington, 2430 North Davis Drive, Suite 114, Arlington, Texas, 76012, Veterinary License Number 3336, 1996 Renewal Certificate Number 4817, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Tommy J. Walker, D.V.M.

I.

On June 3, 1996, a compliance inspection was conducted by Mike Carroll, a Board investigator, at the Animal Clinic of Arlington, 2430 North Davis Drive, Suite 114, Arlington, Texas, 76012. This facility is owned by Tommy J. Walker, DVM, a Texas licensed veterinarian.

II.

On June 3, 1996, during the inspection, Dr. Walker informed investigator Carroll that he did not have his Continuing Education verification at the clinic for review. Mr. Carroll informed Dr. Walker that he would need to send copies of his verification to the Board office, to which Dr. Walker agreed.

III.

On June 10, 1996, Dr. Walker called the Board office and spoke with Ms. Ina Franz, an employee. Dr Walker informed Ms. Franz that he did not have written proof that he had obtained the necessary hours of Continuing Education.
IV.

On June 10, 1996, Dr. Walker also spoke with Mr. Peter Hartline, the Board's Chief Investigator. Dr. Walker informed Mr. Hartline that he thought he had obtained approximately nine (9) hours of Continuing Education not fifteen (15), as required by Board rule.

V.

Dr. Walker signed the back of his 1996 Renewal Notice, certifying that he had complied with the Continuing Education requirement of a minimum of fifteen (15) hours, when in fact he had not obtained the necessary hours.

VI.

By failing to obtain the required continuing education hours and by signing his renewal notice stating that he had, as described in paragraph III through V, Dr. Walker has violated Rule 573.64 - Continuing Education Requirements, of the Rules of Professional Conduct.

VII.

By violating the above listed Rule of Professional Conduct, Dr. Walker has also violated Sections 13 (g) and 14 (a) (5) of the Veterinary Licensing Act, article 8890.

ARTICLE 8890, SECTION 13

(g). . . the Board by rule shall establish a minimum number of hours of continuing education required to renew a license under this Act. The Board may establish broad general categories of continuing education that meet the needs of licensees and may require licensees to successfully complete continuing education courses.

ARTICLE 8890, SECTION 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 licensee . . . if it finds that a licensee:

(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 a law;
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 12th day of August, 1996.

Further, Affiant sayeth not.

[Signature]
Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 12th day of August, 1996.

[Signature]
Charles A. Adkins, 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. Tommy J. Walker, D.V.M. under Docketed Number 1996-21 this the 12th day of August, 1996

[Signature]
Michael J. McCulloch, D.V.M., Board Secretary
Texas State Board of Veterinary Medical Examiners

July 24, 1996