TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, Texas 78704

DOCKET NUMBER 1995-12
DELBERT A. WALTERS, D.V.M.
LICENSE NUMBER 5677

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Delbert A. Walters, the Executive Director of the Texas State Board of Veterinary Medical Examiners, and 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. Walters, will be granted a continuance at his option.

Dr. Walters 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:

By obtaining the drug Ketamine HCl, a prescription drug, for his own use, and by being chemically dependent and addicted to drugs, Dr. Delbert Walters has violated Rules of Professional Conduct 573.4 - Adherence to the Law; 573.41 - Use of Prescription Drugs, and Section 14 (a) (2) and (5) of the Veterinary Licensing Act, Article 8890.

RECOMMENDED DISCIPLINARY ACTION:

Three year suspension of license, all probated.

CONDITIONS:

Attend a minimum of three meetings per week in a support group for recovering chemically dependent persons. At least one of these meetings shall be in the Dallas/Fort Worth area with a support group for recovering professionals. Some from of documentation shall be maintained to affirm attendance at each meeting.

Agrees to maintain at least weekly contact with the peer assistance program designated by the Board;

Agrees to submit to random, unannounced drug testing administered by or under the supervision of the designated peer assistance program;
Agrees to submit quarterly report to the board documenting participation in recovery programs and contacts with the board's approved peer assistance program;

Authorizes the peer assistance program to release information to the board about participation in required programs, results of any drug tests, and overall progress; and,

Submit to random, unannounced drug testing administered by or under the supervision of the designated peer assistance program.

Agrees to at least annually renegotiate the conditions of this order with the Board Secretary and make any modifications that the Secretary deems necessary.

Delbert A. Walters, DVM 5/25/95

RON ALLEN, Executive Director 5/17/95

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
The foregoing Agreed Settlement, entered into between Dr. Delbert Walters, Board Secretary, and the Board 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 8th day of June, 1995, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Finding and Order issued.

Executed this the 8th day of June, 1995.

Alton F. Hopkins, Jr., D.V.M., President

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

James N. Gomez, D.V.M., Secretary

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

Sharon O. Matthews, Member

Michael J. McCulloch, D.V.M.

Joyce G. Schiff, Member

Guy A. Sheppard, D.V.M., Member

Clark S. Willingham, Member

Date

Date

Date

Date

Date

Date

6/8/95

Date
DOCKETED COMPLAINT NO. 1995-12

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 5677
vs. § 1995 RENEWAL CERTIFICATE
DELBERT A. WALTERS, D.V.M. § NUMBER 2675

COMPLAINT AFFIDAVIT

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 November 14, 1994, Matthew Wendel, 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 Delbert A. Walters, D.V.M., 1877 Midway Road, Apt. 520, Dallas, Texas 75287, Veterinary License Number 5677, 1995 Renewal Certificate Number 2675, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against Delbert A. Walters, D. V. M.

I.

On or about November 8, 1994, at approximately 12:15 pm, Dr. Delbert Walters acquired a 10ml bottle of Ketamine Hcl, a prescription drug, from the Animal Hospital of Farmers Branch, 2561 Valley View Lane, Farmers Branch, Texas 75234.
Delbert A. Walters, DVM

II.

At approximately 12:44 pm, the City of Farmers Branch Fire Department responded to a call of a person having seizures at 2532 Valley View. The firemen arrived to witness Dr. Walters standing outside his wrecked pickup in a state of confusion. They also witnessed him throwing a container of Ketamine Hel toward a church located to the east of the accident location. A syringe was laying on the ground near the drivers side door.

III.

Officers Charles Taylor and Mike Coffee of the Farmers Branch Police Department, arrived at approximately 12:51 pm, to find a one vehicle/fixed object accident. Dr. Walters attempted to flee the scene of the accident.

IV.

On or about November 10, 1994, Matthew Wendel, Investigator for the Texas State Board of Veterinary Medical Examiners, personally interviewed Dr. Delbert Walters at the Green Oaks Treatment Center, Dallas, Texas, where he had admitted himself for treatment. At that time Dr. Walters told Investigator Wendel that he did have a problem with the drug Ketamine.

V.

On or about November 11, 1994, the Southwestern Institute of Forensic Sciences at Dallas received four tubes of blood from Parkland Hospital Police room lockup taken from Dr. Delbert Walters. The test results reported the presence of 0.23 mg/L Ketamine.
VI.

By obtaining the drug Ketamine HCl a prescription drug, for his own use, and by being chemically dependent and addicted to drugs, Dr. Delbert Walters has violated Rules of Professional Conduct 573.4 - Adherence to the Law; 573.41 - Use of Prescription Drugs, and Section 14 (a) (2) and (5) of the Veterinary Licensing Act, Article 8890.

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:

(2) is chronically, or habitually intoxicated, has a chemical dependency or is addicted to drugs;

(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;
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 an administrative 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 13th day of April, 1995.

Further, Affiant sayeth not.

Matthew Wendel, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel this the 13th day of April, 1995.

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. Delbert A. Walters, D.V.M. under Docketed Number 1995-12 this the 19 day of April, 1995

James N. Gomez, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners