AGREED ORDER

On this the 28th day of February, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of DELBERT A. WALTERS, DVM, ("Respondent" or "Dr. Walters"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rules of Disciplinary Procedure 575.27, on May 30, 1997, a Informal Conference was held, Respondent nor his legal representative were present. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and to enter into this Agreed Order. In waiving an adjudicative hearing Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Delbert A. Walters, DVM, is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 5677, 1997 renewal certificate number 5317+P. Respondent is subject to prior disciplinary action by the Board.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.

3. On June 8, 1995, Dr. Delbert A. Walters entered into a Negotiated Settlement with the Texas State Board of Veterinary Medical Examiners. The Negotiated Settlement was based on Dr. Walters' violation of Rules 573.04 - Adherence to the Law and 573.41 - Use of Prescription Drugs of the Rules of Professional Conduct, and Section (a) (5) of the Veterinary Licensing Act, article 8890.

4. In this settlement, Dr. Walters agreed to a three year suspension, all probated, with the following conditions:
Attend a minimum of three meetings per week in a support group for recovering chemically dependent persons with at least one of these meetings in the Dallas/Fort Worth area with a support group for recovering professionals.

Documentation would be maintained to affirm attendance at each meeting.

Agree to maintain at least weekly contact with the peer assistance program designated by the Board.

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

Submit quarterly reports to the Board documenting participation in recovery programs and contacts with the Board's approved peer assistance program.

Authorize the peer assistance program to release information to the Board about participation in required programs, results of any drug tests, and overall progress.

To as a minimum, annually renegotiate the conditions of this settlement with the Board Secretary and make any modifications that the Secretary deem necessary.

5. Dr. Herbert Munden, Peer Assistance Program, Director, contacted the Board office to report, Dr. Mike Healy had performed an assessment of Dr. Walters on March 27, 1996. Dr. Healy's evaluation indicated that Dr. Walters had been using Ketamine on a regular basis and has never been completely free of chemical dependency. Dr. Walters agreed to submit to in patient treatment for chemical dependency at COPAC Jackson, Mississippi. He resided at COPAC from April 1, 1996 and remained there until August 15, 1996.

6. On September 26, 1996, Dr. Walters was involved in an automobile accident in Van Zandt, County, Texas. As a result of the accident Dr. Walters was arrested on DWI charges (second offense). During the arrest, Dr. Walters informed trooper C. M. Turk that he was on Ketaset (Ketamine Hcl.), a dangerous drug. A tool box was found in Dr. Walters' vehicle which contained several bottles of Ketaset (Ketamine Hcl.).

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.

2. Act § 14 (a) authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 3 through 6, Respondent has violated Rule 573.62 by violating Board Orders/Negotiated Settlement.

4. Based on Finding of Fact 6, Respondent has violated Rule 573.04 by being arrested for DWI.

5. Based on Finding of Fact 6, Respondent has violated Rule 573.41 by self-administering the prescription drug Ketamine Hcl.

6. Based on Findings of Fact 3 through 5, Respondent has violated Act § 14 (a) (2) and (5) by engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board and by being chronically, or habitually chemically dependent or addicted to drugs.

7. Based on any one of Conclusions of Law 3 through 6 Respondent is subject to disciplinary action by the Board under Act 14(a).

Based on the above findings of fact and conclusions of law, the Board ORDERS that Dr. Walters' veterinary license is VOLUNTARILY SURRENDERED for a period of two years.

1. Respondent must wait at least two years from the date of this order to petition the Board for license reinstatement.

2. Respondent must comply with Rule 575.22 and demonstrate that he has met the responsibilities therein during the period following license surrender.

3. Respondent understands that by meeting the requirements of Rule 575.22 is no guarantee that the Board will approve his petition for reinstatement.

Respondent, Delbert A. Walters, DVM, by signing this Agreed Order, agrees to its terms, acknowledges his understanding of it and the notice, findings of fact and conclusions of law set forth in the Agreed Order and agrees he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, Delbert A. Walters, DVM, by signing this Agreed Order waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.
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 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.

The date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, DELBERT A. WALTERS, DVM, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 2-12 1998.

DELBERT A. WALTERS, DVM
RESPONDENT

STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, on this day personally appeared Delbert A. Walters, DVM, known to me, who, first being duly sworn, signed the foregoing Agreed Order in my presence.
SIGNED on this 12th day of February, 1998.

MARY E. O'NEAL
Notary Public, in and for the State of Texas

Notary Seal
This agreed order has been entered between Dr. Delbert A. Walters 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.

RON ALLEN, Executive Director, TSBVME

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this 6th day of February, 1998.

Michael J. McCulloch, D.V.M., President
DOCKETED COMPLAINT NO. 1997-18

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL

MEDICAL EXAMINERS § LICENSE NO. 5677

vs. § 1997 RENEWAL CERTIFICATE

DELBERT A. WALTERS, DVM § NUMBER 5317+P

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:

I, Mike Carroll, an employee of the Texas State Board of Veterinary Medical Examiners ("Board"), investigated the professional conduct of one Delbert A. Walters, D.V.M., 200 Greene Road, Wilmer, Texas, 75172, Veterinary License Number 5677, 1997 Renewal Certificate Number 5317+P, a practitioner of veterinary medicine in the State of Texas, on or about February 14, 1997.

I, Mike Carroll, on behalf of the Board, present the following complaint against Delbert A. Walters, D.V.M., based on alleged violations of the Veterinary Licensing Act, Tex. Rev. Civ. Stat. art. 8890 ("Act"), and the Board's Rules of Professional Conduct ("Board Rules"):

I.

On June 8, 1995, Dr. Delbert A. Walters entered into a Negotiated Settlement with the Texas State Board of Veterinary Medical Examiners. The Negotiated Settlement was based on Dr. Walters' violation of Rules 573.04 - Adherence to the Law and 573.41 - Use of Prescription Drugs of the Rules of Professional Conduct, and Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

II.

In this settlement, Dr. Walters agreed to a three year suspension, all probated, with the following conditions:

Attend a minimum of three meetings per week in a support group for recovering chemically dependent persons with at least one of these meetings in the Dallas/Fort Worth area with a support group for recovering professionals.

Documentation would be maintained to affirm attendance at each meeting.

Agree to maintain at least weekly contact with the peer assistance program designated by the Board.

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

7-22-97
Submit quarterly reports to the Board documenting participation in recovery programs and contacts with the Board's approved peer assistance program.

Authorize the peer assistance program to release information to the Board about participation in required programs, results of any drug tests, and overall progress.

To as a minimum, annually renegotiate the conditions of this settlement with the Board Secretary and make any modifications that the Secretary deem necessary.

III.
Dr. Herbert Munden, Peer Assistance Program, Director, contacted the Board office to report, Dr. Mike Healy had performed an assessment of Dr. Walters on March 27, 1996. Dr. Healy's evaluation indicated that Dr. Walters had been using Ketamine on a regular bases and has never been completely free of chemical dependency. Dr. Walters agreed to submit to in patient treatment for chemical dependency at COPAC, Jackson, Mississippi. He resided at COPAC from April 1, 1996 and remained there until August 15, 1996.

IV.
On September 26, 1996, Dr. Walters was involved in an automobile accident in Van Zandt, County, Texas. As a result of the accident Dr. Walters was arrested on DWI charges (second offense). During the arrest, Dr. Walters informed trooper C. M. Turk that he was on Ketaset (Ketamine Hcl.), a dangerous drug. A tool box was found in Dr. Walters' vehicle which contained several bottles of Ketaset (Ketamine Hcl.).

V.
Based on the above, it is alleged Dr. Walters has violated Rule 573.04 - Adherence to the Law, Rule 573.41 - Use of Prescription Drugs and Rule 573.62 - Violation of Board Orders/Negotiated Settlement of the Rules of Professional Conduct.

VI.
Based on the above, it is alleged Dr. Walters has violated Act § 14 (a) (2) and (5).

Act § 14 (a) authorizes the Board to "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 the law;
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 31st day of July 1997.

Further, Affiant sayeth not.

Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 31st day of August 1997.

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 1997-18 this the 5th day of August 1997.

Robert I. Hughes, Jr., DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners