

BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE

**TRUE AND EXACT  
COPY OF ORIGINAL**

In the Matter of the  
Medical License of  
Richard O. Walker, Jr., M.D.  
Date of Birth: 1/8/55  
License Number: 29,008

**STIPULATION  
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Richard O. Walker, Jr., M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Sheila A. Bjorklund, Attorney at Law, 1800 IDS Center, Minneapolis, Minnesota 55402, telephone (612) 339-8131. The Committee was represented by Jennifer M. O'Brien, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

**FACTS**

3. In the interest of settling this matter and avoiding the necessity for further proceedings, the Board may consider the following facts as true for the purpose of this stipulation. However, it is the intent of the parties that this stipulation and the facts set forth

herein shall have no collateral estoppel effect, *res judicata* effect, or other preclusive effect, and no evidentiary value in any action or proceeding in any forum or process other than proceedings before the Minnesota Board of Medical Practice or another authorized licensing board or licensing agency. Nothing in this paragraph shall limit or affect the Board's obligation to fulfill any reporting requirements.

a. Respondent has been licensed to practice medicine in the State of Minnesota since November 1984.

b. On June 22, 1992, Respondent entered into a Stipulation and Order with the Board based on chemical dependency and self-prescribing that required him, among other things, to abstain from the use of alcohol and mood-altering chemicals.

c. On November 13, 1993, the Board determined Respondent had satisfied the terms of his June 22, 1992, Order and approved an Order of Unconditional License.

d. Respondent provided psychiatric services to patient #1 (DOB: 1980) from May 23 to September 8, 1997. Patient #1 had a history of depression and mixed substance abuse. Respondent's services were for medical management of psychiatric medication upon referral of patient #1's treating therapist. Respondent's management of patient #1 raised the following concerns:

1) Respondent failed to maintain appropriate boundaries with patient #1 and her family during and after his treatment of her. Respondent was involved in a personal relationship with patient #1's mother on or before September 8, 1997, until the end of December 1997. At the September 8, 1997, appointment, Respondent provided a prescription and three refills of Prozac for patient #1. Respondent failed to appreciate how the personal

relationship he engaged in with patient #1 and her mother might negatively impact patient #1's course of therapy.

2) Respondent failed to appropriately and clearly terminate his therapeutic relationship with patient #1. Respondent acknowledged there was nothing in the record to document he had formally terminated the therapeutic relationship with patient #1 even though he stopped seeing patient #1 as her psychiatrist when he became friends with patient #1's mother.

### **STATUTES**

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g) and (k) (1998), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

### **REMEDY**

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order conditioning and restricting Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

a. Respondent is **REPRIMANDED**.

b. Respondent shall successfully complete a professional boundaries course approved in advance by the Committee. Successful completion shall be determined by the Board or its designee and must be accomplished within nine (9) months from the date of this Order.

c. Respondent shall pay to the Board a civil penalty of \$5,000 in partial reimbursement of the Board's investigative costs within one (1) year.

d. Upon completion of the requirements set forth in paragraphs b. and c., above, Respondent may petition the Board for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 400, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's limited or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three

days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

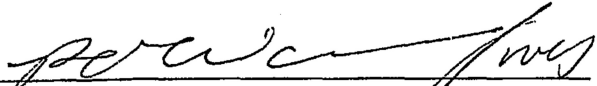
10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

11. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the

parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: Jan. 08, 2001

Dated: 3/10, 2001

  
RICHARD O. WALKER, JR., M.D.  
Respondent

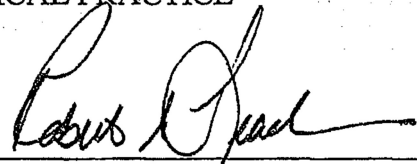
  
FOR THE COMMITTEE

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 10th day of March, 2001.

MINNESOTA BOARD OF  
MEDICAL PRACTICE

By: 

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: In the Matter of the Medical License of Richard O. Walker, Jr., M.D.  
License No. 29,008

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

Mary Ivy, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on March 12, 2001, she caused to be served the *Stipulation and Order*, by depositing the same in the United States mail at said city and state, a true and correct copy thereof, properly enveloped with prepaid first class postage, and addressed to:

Sheila A. Bjorklund, Esq.  
1800 IDS Center  
Minneapolis, MN 55402

  
Mary Ivy

Subscribed and sworn to before me  
this 12th day of March 2001.

  
NOTARY PUBLIC

