



DEPARTMENT OF JUSTICE Drug Enforcement Administration

Walter Walters, M.D.; Decision and Order

On June 25, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Walter Walters, M.D., of Evansville, Indiana (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 4. The OSC proposed the revocation of Registrant’s Certificate of Registration No. FW6683331, alleging that Registrant’s registration should be revoked because Registrant is “currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Indiana, the state in which [he is] registered with DEA.” *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2-3 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 3.¹ “A default, unless excused, shall be deemed to constitute a waiver of the registrant’s/applicant’s right to a hearing and an admission of the factual allegations of the [OSC].” 21 CFR 1301.43(e).

Further, “[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21

¹ Based on the Government’s submissions in its RFAA dated August 20, 2025, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on June 30, 2025, the DI arranged for personal service to Registrant at a personal residence and a business address, but the service was unsuccessful. RFAAX 2, at 1. On July 1, 2025, the DI arranged for personal service to Registrant at Registrant’s “mail to” address associated with his DEA registration, but the service was unsuccessful. *Id.* The DI noted in the Declaration that Registrant was no longer employed at his DEA registered address. *Id.* at 2. Finally, on July 2, 2022, the DI emailed a copy of the OSC to Registrant’s registered email address, and the email was not returned as undelivered. *Id.* at 2; *see also id.* at 3. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI’s efforts to serve Registrant by other means were “‘reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.’” *Jones v. Flowers*, 547 U.S. 220, 226 (2006) (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)); *see also Mohammed S. Aljanaby, M.D.*, 82 Fed. Reg. 34,552, 34,552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful).

CFR] 1316.67.” *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant’s default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

FINDINGS OF FACT

The Agency finds that, in light of Registrant’s default, the factual allegations in the OSC are deemed admitted. According to the OSC, after Registrant’s employer notified DEA of suspected diversion of controlled substances, Registrant sent a letter, dated September 3, 2024, to the Indiana Professional Licensing Agency, stating his desire to retire both his Indiana medical license (state license number 01076958A) and Indiana controlled substance registration (state license number 01076958B). RFAAX 1, at 2; *see also* RFAAX 3. According to Indiana online records, of which the Agency takes official notice,² Registrant’s Indiana medical license is “retired”, and Registrant’s Indiana controlled substance registration is “expired.” Indiana State License Search, <https://mylicense.in.gov/everification> (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine nor to handle controlled substances in Indiana, the state in which he is registered with DEA.³

DISCUSSION

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 “upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.”

² Under the Administrative Procedure Act, an agency “may take official notice of facts at any stage in a proceeding – even in the final decision.” United States Department of Justice, Attorney General’s Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

³ Pursuant to 5 U.S.C. 556(e), “[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.” The material fact here is that Registrant, as of the date of this decision, is not licensed to handle controlled substances in Indiana. Accordingly, Registrant may dispute the Agency’s finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by e-mail to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at dea.addo.attorneys@dea.gov.

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) ("The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense ... controlled substances under the laws of the State in which he practices.' ... The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).").⁴ The Agency has applied these principles consistently. *See, e.g., Byron L. Aucoin, M.D.*, 67 Fed. Reg. 35,583 (2002); *Merry Alice Troupe, N.P.*, 89 Fed. Reg. 81,549 (2024); *Rachel Jackson, P.A.*, 90 Fed. Reg. 13,198 (2025).

According to Indiana statute, and subject to exceptions irrelevant here, "[e]very person who dispenses or proposes to dispense any controlled substance within Indiana must have a registration issued by the [Indiana Board of Pharmacy] in accordance with the board's rules." Ind. Code 35-48-3-3(b) (2025). Further, "dispense" means "to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner and includes the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery." Ind. Code 35-48-1.1-11 (2025).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to dispense controlled substances in Indiana because his Indiana controlled substance registration is expired. As discussed above, an individual must hold a controlled substances registration to

⁴ This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term "practitioner" to mean "a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Adam T. Rodman, P.A.*, 87 Fed. Reg. at 21,215 (2022); *Hazem Barmada, M.D.*, 90 Fed. Reg. 13,201 (2025); *Don Bullens, J.R., N.P.*, 88 Fed. Reg. 21,721 (2023).

dispense a controlled substance in Indiana. Thus, because Registrant lacks authority to handle controlled substances in Indiana, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

ORDER

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FW6683331 issued to Walter Walters, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Walter Walters, M.D., to renew or modify this registration, as well as any other pending application of Walter Walters, M.D., for additional registration in Indiana. This Order is effective **[insert Date Thirty Days From the Date of Publication in the Federal Register]**.

SIGNING AUTHORITY

This document of the Drug Enforcement Administration was signed on January 6, 2026, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.

Heather Achbach,
Federal Register Liaison Officer,
Drug Enforcement Administration.