

IN THE MATTER OF § BEFORE THE TEXAS STATE
J. MARK BEVERLY, D.V.M. § BOARD OF VETERINARY
§ MEDICAL EXAMINERS

AGREED ORDER
APPROVING LICENSE APPLICATION

On February 15, 2001, the Texas State Board of Veterinary Medical Examiners (“the Board”) considered the matter of the application for a Texas license by J. Mark Beverly (“the Applicant”). This matter was initially heard by the Board’s Enforcement Committee on January 19, 2001. Dr. Beverly personally appeared before the Enforcement Committee and the full Board. The Board has jurisdiction over this matter pursuant to the Veterinary Licensing Act, Texas Occupations Code, Chapter 801.

The Board finds that the Applicant resides in Myrtle Beach, South Carolina and is currently licensed in Wisconsin, Illinois, and South Carolina. The Applicant holds a probationary license from South Carolina based on his past physical and mental problems. The Applicant has a history of medical problems and bipolar disorder. The medical ailments have been stabilized and the bipolar disorder is in remission. The Applicant is currently employed as a veterinarian on a part-time basis in Myrtle Beach. His employer has reported that his work is satisfactory and that he has seen no manifestations of the Applicant’s past physical and mental problems. The Applicant has been in active practice for about three months out of the last 48 months.

The Applicant has passed the Texas State Board Examination given in December 2000. The Applicant has been offered permanent employment if he receives a license by a Texas veterinarian, William C. Anderson, D.V.M. Dr. Anderson has indicated that he is willing to act as the Applicant’s sponsor or monitoring veterinarian if the Board wishes to make that a requirement for licensing.

Based on the Applicant’s lack of hands-on veterinary practice for most of the last four years and his history of medical and mental problems, the Board finds that it is in the interest of the public and the Applicant to approve the Applicant’s application for a license and issue a probationary license subject to the terms and conditions below.

THEREFORE, IT IS ORDERED that the Applicant’s application for licensure be GRANTED and probationary license be ISSUED to expire three years from the date of this order subject to his compliance with the following conditions:

1. Prior to practicing veterinary medicine in Texas, the Applicant will retain the services of a Texas internal medicine physician and a psychiatrist approved by the Executive Director of the Board ("Executive Director") for the purpose of monitoring and treating the Applicant's physical and mental conditions. The Respondent shall transfer his existing medical records to his new internal medicine physician and psychiatrist. The Applicant shall schedule office visits at least once every sixty (60) days and more often if directed by the internal medicine physician or psychiatrist.

2. By the first day of April, July, October, and January each year, the Applicant shall have his treating internal medicine physician and treating psychiatrist submit written reports directly to the Board relating to the Applicant's treatment and status during the previous period and setting forth their professional opinions as to the Applicant's current psychiatric and physical condition and fitness to practice veterinary medicine. The Applicant must inform the internal medicine physician and psychiatrist of this responsibility and ensure timely compliance.

3. Within thirty (30) days of the date he begins practicing in Texas, the Applicant shall meet with the program director of the Board's Peer Assistance Program and, if recommended to the Executive Director by the program director, the Applicant shall enter the Program and comply fully with all of its requirements. Participation in the Program may include, but is not limited to, attendance on one or more weekly meetings of a support group. The Applicant shall submit quarterly reports to the Board documenting his attendance at required meetings and compliance with other Program requirements to the program director. The Applicant shall participate as a member of the Peer Assistance Program in any activities requested by the program director, including but not limited to public service activities.

4. The Applicant's practice shall be strictly limited to a specific setting and location approved in writing in advance by the Executive Director. The Applicant's practice shall be under the general supervision and monitoring of a licensed veterinarian in the State of Texas. Any change of monitoring veterinarian must be approved by the Executive Director in writing. The monitoring veterinarian shall review the Applicant's practice and counsel the Applicant on any perceived deficiencies. The Applicant shall ensure that the monitoring veterinarian submits quarterly reports to the Board. These reports shall be submitted on or before the tenth day after three months of practice, and every third month thereafter until further order of the Board. William C. Anderson, D.V.M., is designated as the initial monitoring veterinarian under this order. Any request by the Applicant to change the monitoring veterinarian must be made to the Executive Director in writing showing good cause for such change.

5. The Applicant shall give a copy of this order to all veterinary practices, veterinary hospitals or other entities where the Applicant will practice veterinary medicine. The Applicant shall ensure that any inquiries which are made to the Applicant by any person or entity regarding his Texas veterinary license are answered by accurate reference to this order.

6. The Applicant shall completely abstain from the consumption of mood-altering

substances, including alcohol, except as prescribed by a duly licensed medical doctor for a documented medical purpose. All use of such substances shall be reported by the Applicant to the Executive Director within 48 hours of initiation. All such medical treatment and prescribing shall be reported directly to the Executive Director in writing by the treating physician within ten (10) days after the date of treatment. The Applicant must inform the treating physician of this responsibility and ensure timely compliance.

7. The Applicant may be subject to periodic, unannounced blood and urine alcohol and/or drug analysis as desired by the Board and/or the program director of the Peer Assistance Program in order to ensure that the Applicant remains compliant with his prescribed medications and is otherwise alcohol and/or drug free. The cost of such blood and urine screening shall be borne by the Applicant, and the costs shall be paid within thirty (30) days after the date of the invoice. Failure to appear at a screening shall constitute a violation of this order and may result in immediate revocation of the Applicant's probationary license.

8. The Applicant shall personally appear before a committee of the Board, at least once each year that the Applicant is under the terms of this agreed order. The Applicant shall report on issues relating to his compliance with the terms and conditions of this order and any other issues of concern raised by the Board.

9. The Applicant shall renew his license annually in the same manner as any other license holder in the State of Texas. Failure to properly renew may result in automatic cancellation of the Applicant's license.

10. During calendar year 2001 and each year thereafter, the Applicant shall obtain at least fifteen (15) hours of continuing education (CE) approved by the Board in accordance with the Rules of the Board. During each year this order is in effect, the Applicant shall submit to the Board proof of the prior year's CE attendance with his annual renewal application. A copy of the attendance certificate issued by the CE provider or a detailed report which can be readily verified by the Board will satisfy this requirement.

11. The Applicant shall comply with all provisions of the Veterinary Licensing Act and other state and federal rules and statutes regulating the practice of veterinary medicine.

12. The Applicant shall file a properly completed application for a regular license no later than 60 days prior to the expiration of the probationary license in 2004. The application must include all documents and evidence requested by the Board regarding compliance with the conditions of the probationary license. The Applicant shall appear before the Board to request approval of his request for regular licensure.

13. The Applicant shall inform the Board in writing of any change of his office or mailing address within ten (10) days of the address change. Failure to provide such information may constitute the basis for disciplinary action by the Board, including immediate license

revocation.

14. The Applicant shall continuously maintain his residence in Texas during the period of his probation, unless the Executive Director waives this requirement for good cause shown. The time period of this order shall be extended for any period of time in which the Applicant subsequently resides or practices veterinary medicine outside of Texas. If the Applicant leaves Texas to live or practice, he shall immediately notify the Executive Director in writing of the dates of his departure from and subsequent return to Texas. Upon this return to Texas, the Applicant shall comply with the terms of this order for the period of time remaining on the order when he left the practice of veterinary medicine in Texas.

15. The Applicant shall immediately notify this Executive Director of any circumstances which occur after the date of this order which may constitute of violation of this order. The Applicant shall cooperate with the Board, its attorneys, investigators, compliance officers and other employees and agents, to verify that the Applicant has complied and is compliance with this order.

16. The Applicant shall not seek modification or amendment of the conditions of probation, except for clear error in drafting, for twelve (12) months from the effective date of this order. The Applicant may petition the Board in writing, no more frequently than annually, for amendment of the conditions after expiration of the 12-month period. The Board may conduct an investigation or inquiry in response to any request for amendment. The Board in its sole discretion may grant or deny any request for amendment.

17. Any violation by the Applicant of the terms of this order shall constitute a basis for immediate revocation of his probationary license by the Board. ANY REVOCATION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE VETERINARY LICENSING ACT OR THE TEXAS ADMINISTRATIVE PROCEDURE ACT, GOV'T CODE §§2001.051 *et seq.*, and THE APPLICANT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS REQUIREMENTS. The Respondent shall be notified of any revocation by certified mail, return receipt requested, to his last known address on file with the Board. If the Applicant's probationary license is revoked under this order, he may subsequently personally appear before the Board to request reinstatement of his license and present sufficient evidence to meet the requirements of 22 T.A.C. §575.22. The Board may in its sole discretion grant or deny the Applicant's request for reinstatement.

18. The Applicant, J. Mark Beverly, D.V.M., by signing this order agrees to and acknowledges his understanding of its terms and conditions, and agrees that he will limit his practice of veterinary medicine in the State of Texas in accordance with the terms and conditions of this order.

BY SIGNING THIS ORDER, THE APPLICANT 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 THE APPLICANT'S RIGHTS UNDER STATUTE OF THE UNITED STATES OF TEXAS LAW TO APPEAL AN ORDER OF THE BOARD SUBSEQUENT TO THIS ORDER EXCEPT AS THE APPLICANT MAY HAVE OTHERWISE AGREED TO IN THIS ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The date of this order shall be the date it is signed and entered by the Board.

THIS ORDER IS A PUBLIC DOCUMENT.

I, J. MARK BEVERLY, D.V.M., HAVE READ AND UNDERSTAND THE PROVISIONS OF THIS ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THE ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 1-31, 2001

J. Mark Beverly, D.V.M.
J. Mark Beverly, D.V.M.

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, on this day personally appeared J. Mark Beverly, D.V.M., known to me, who first being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this 31st day of JANUARY, 2001

Bob Halladay
Notary Public, in and for the
State of Texas ENDORSEMENT TO
Commission Expires 7-31-01

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this 15th day of February, 2001.

J. Lynn Lawhon, D.V.M., President of the
Board

A handwritten signature in black ink, appearing to be 'J. Lynn Lawhon', written over a horizontal line.