



7. On July 13, 2016, Respondent submitted to a urine drug screen that returned positive for butorphanol. Respondent denied using this substance and stated that while he uses the substance on his patients, he does not have access to it unless his veterinary technician is also present. Respondent speculated that the positive drug screen was the result of spilling butorphanol on his hands.

8. Respondent's urine drug screen results were reviewed by PAP's Medical Review Officer (MRO) who determined that topical exposure would not cause the positive test result.

9. On September 22, 2016, Respondent submitted to a relapse assessment. The evaluator concluded that Respondent would not be safe to practice until he signed a new PAP contract, surrendered his DEA registration, and ceased having access to abusable drugs.

10. On October 20, 2016, Respondent signed a new 5-year PAP Support Agreement.

11. Respondent surrendered his DEA registration on October 27, 2016.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.

2. Respondent has violated Section 801.402(3) of the Veterinary Licensing Act, Texas Occupations Code.

3. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a) and (e).

#### TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

#### 1. PRACTICE LIMITATIONS, EMPLOYER NOTIFICATION, AND QUARTERLY REPORTING

- a. For the first 12 months following the effective date of this Order, Respondent shall limit his practice of veterinary medicine to practices that do not involve controlled substances. Respondent shall have no access to controlled substances during this period.
- b. For the first 12 months following the effective date of this Order, Respondent shall practice only under the general supervision of a licensed veterinarian. "General supervision" shall have the definition provided in Board Rule 573.80. Respondent

shall obtain written Board approval for any supervising veterinarian(s). Respondent shall cause any supervising veterinarian to provide written acknowledgment to the Board that they have read and understood the Order, and accept the responsibility of supervising Respondent. This acknowledgement must be provided to the Board before the Board will approve any supervising veterinarian. This acknowledgment shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

- c. At the end of the first 12 months following the effective date of this Order, Respondent shall be re-evaluated by a PAP-approved evaluator to determine the necessary level of supervision for the remainder of the PAP contract. Respondent shall follow the PAP Coordinator's recommendations
- d. For the duration of the PAP contract, Respondent shall notify all present and prospective employers of this Order. Respondent shall cause employers to provide written acknowledgment to the Board that they have read and understood the Order. This acknowledgement must be provided within 30 days of the effective date of the Order for present employers, or within 15 days of undertaking new employment. This acknowledgment shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.
- e. For the duration of the PAP contract, Respondent shall submit quarterly reports to the Board certifying compliance with this Order. The first quarterly report shall be submitted three months from the effective date of this order. A final report shall be submitted within 30 days of the termination date of the PAP contract. Reports shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

## 2. PEER ASSISTANCE PROGRAM PARTICIPATION

- a. Respondent shall complete the contract formed with the Board's Peer Assistance Program (PAP) on October 20, 2016, which has a duration of five years.
- b. For the duration of the PAP contract, Respondent shall abstain from the consumption of or intentional exposure to prohibited substances, except as prescribed by a physician to Respondent for legitimate and documented therapeutic purposes. Any such prescribed substances must be reported to the PAP. Prohibited substances include:
  - i. Alcohol in any form;
  - ii. Dangerous drugs, as defined by Health and Safety Code, Chapter 483;
  - iii. Controlled substances, as defined by Health and Safety Code, Chapter 481;

- iv. Any substance, including over-the-counter agents and food products, which may cause a positive result in a drug or alcohol screening; and
    - v. Any other substance designated as a prohibited substance by the PAP.
  - c. For the duration of the PAP contract, Respondent shall timely and satisfactorily submit to periodic screenings for prohibited substances as directed by the PAP Coordinator. Screenings may be through saliva, urine, blood, sweat, or hair testing. Respondent may be required to re-submit to inconclusive screenings. The following actions by Respondent shall constitute a violation of this Order:
    - i. Submitting a positive or positive-dilute specimen;
    - ii. Submitting an adulterated specimen;
    - iii. Submitting a substituted specimen; or
    - iv. Refusing or failing to submit to a screening as directed by the PAP Coordinator.
  - d. For the duration of the PAP contract, Respondent shall timely and satisfactorily comply with all recommendations of the PAP Coordinator, which may include, but are not limited to:
    - i. In-patient or out-patient rehabilitation, treatment, and counselling;
    - ii. Limitations in scope of veterinary practice, access to controlled substances, and number of working hours;
    - iii. Limitations in the type of facility in which Respondent may practice and the number of veterinarians associated with a facility or practice; and
    - iv. Pre-approval by the PAP and the Board of Respondent's employers or supervisors.
  - e. Respondent shall timely pay all costs associated with participation in the PAP, including the costs of all testing, examinations, and treatment.
  - f. Respondent shall execute all releases for medical records necessary for the PAP and the Board to evaluate Respondent's compliance with the PAP Coordinator's recommendations and this Order.

### 3. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

*Certification and Signature Page Follows.*

Received

MAR 30 2017


RESPONDENT'S CERTIFICATION

Texas State Board of  
Veterinary Medical Examiners

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

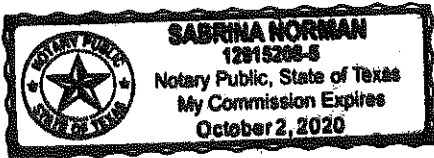
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 27 day of March, 20 17.

  
Jason Brinlee, D.V.M.


Sworn and subscribed before me this 27 day of March, 20 17.

SEAL:



  
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 8 day of May, 20 17.

  
Jessica Quillivan, D.V.M., Presiding Board Member