

DOCKET NO. 2014-159

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
JOEY LYNN BRYANT, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

On this the June 3, 2014 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Joey Lynn Bryant, D.V.M. A meeting of the Board's Executive Disciplinary Committee occurred on March 21, 2014, at which the Executive Disciplinary Committee temporarily suspended Respondent's veterinary license pursuant to Board Rule 575.35, and found that Respondent's continued practice of veterinary medicine constitutes a continuing threat to public welfare. A temporary suspension hearing before the Board's Enforcement Committee was held on March 24, 2014. The Respondent appeared at the hearing after receiving sufficient notice. The Board was represented at the hearing by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the 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. Respondent, Joey Lynn Bryant, D.V.M., of Kyle, Texas holds Texas veterinary license 9787.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice and due process required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Title 4 (the "Act"). By executing this Order, Respondent waives any judicial review, defect in notice, hearing and/or due process and/or any further right to judicial review, notice, hearing and/or due process under the Act, TEX.

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GOV'T CODE ANN. §§ 2001.051 through .054, and the Rules of the Texas Board of Veterinary Medical Examiners (22 TEX. ADMIN. CODE Chapter 575).

3. On July 16, 2013, the Board entered Agreed Order No. 2013-87 ("Order 2013-87"), for violating Section 801.402(3) of the Act for being "chronically or habitually intoxicated, chemically dependent, or addicted to drugs." During the investigation of that case, Respondent admitted to injecting herself with sixty-one (61) milliliters of Morphine and her statement is included in Order 2013-87. Under Order 2013-87, Respondent received a formal reprimand and was ordered to enter a Peer Assistance Contract under the Board's Peer Assistance Program for five years. The Board ordered Respondent to enter into a five-year Peer Assistance contract which prohibited Respondent from ingesting controlled substances or prescription drugs without a prescription. Order 2013-87 also provides that a violation of Order 2013-87 includes a substituted specimen for a drug screening. Also under Order 2013-87, Respondent was suspended for five years from the date of the adoption Order 2013-87 by the full Board with the entire suspension probated.

4. On March 20, 2014, Respondent's former employee reported Respondent to the Board for injecting herself with controlled substances that she obtained from her practice. The former employee further reported that Respondent was taking the controlled substances from her stock and replacing her urine with that of her child's for her required random drug screenings. On one occasion, Respondent saw a syringe containing a controlled substance lying on the counter for administration to a patient. Respondent replaced the syringe with a syringe of saline, but later, believing that act to be the antithesis of being a veterinarian, made sure the patient received the controlled substance. The former employee also reported that Respondent was taking Fentanyl vials from her practice.

5. On March 20, 2014, Board investigators inspected Respondent's practice. At that time, Respondent attested in writing to taking Tramadol without a prescription, diverting the medication from her practice, and taking between 22 and 40 pills of Tramadol a week beginning in January 2014. During that same time, Respondent attested to using her child's urine as a substitute specimen two times for her drug screens. She further attested to injecting herself twice with Fentanyl from her practice and taking Fentanyl CRI out of the bag from a patient in January 2014.

6. On March 21, 2014, the Executive Disciplinary Committee entered an Order of Temporary Suspension (Without Notice of Hearing) against Respondent, attached as Exhibit A, finding that a temporary suspension of her license was necessary because Respondent was a continuing or imminent threat and real danger to the public welfare, including the health of the Respondent's patients and/or to the public from the acts or omissions of Respondent caused through Respondent's impaired status. Respondent was served this Order of Temporary Suspension (Without Notice of Hearing) by personal service on March 21, 2014.

7. On March 24, 2014, the Enforcement Committee of the Board met pursuant to Section 801.409(c) and Board Rule 575.35 and determined that disciplinary proceedings should be initiated against Respondent. Respondent repeated her assertions that she had ingested Tramadol without a prescription that she had diverted from legitimate use at her veterinary clinic, that she had utilized her son's urine for her required drug screens under Order 2013-87 to cover-up her use of Tramadol without a prescription, that she had injected herself with Fentanyl without a prescription, and that she had drilled through the wall and into what was supposed to be a secure lockbox that stored the drugs at her clinic and obtained drugs out of that lockbox. She also stated that she had set up safeguards at her clinic to keep her from being able to abuse drugs, including denying her the authority to carry the keys to the drug lockbox, and that she had still been able to divert drugs for her abuse.

8. On April 8, 2014, the Board received from Respondent's clinic patient records that show that Respondent practiced veterinary medicine from March 21, 2014 through March 24, 2014 despite receiving by personal service the Board's Order of Temporary Suspension (Without Notice of Hearing) on March 21, 2014.

9. On March 21, 2014 the Petitioner notified Respondent that her license to practice was suspended. Respondent sent all of her patients home except Sarah, a dog being treated with intravenous fluids for pancreatitis. Sarah's owner was unable to pick her up until March 24, 2014 so the intravenous fluids were continued until the owner picked her up. Respondent did not provide other additional veterinary medical services for Sarah.

10. On April 14, 2014, the Board received from April Reeves, D.V.M., a signed statement that Respondent had practiced veterinary medicine on April 7, 2014. April 7, 2014, is fourteen days after the informal proceeding of the Enforcement Committee of the Board which Respondent attended and when Respondent was told in no uncertain terms that her license was suspended and she was not allowed to practice veterinary medicine. 2. On April 7, 2014, Respondent went to the clinic to perform paperwork. A cat presented to April Reeves, DVM, who was practicing at Respondent's hospital, with severe dyspnea while Respondent was at the clinic. Dr. Reeves diagnosed a pleural effusion and determined to refer the cat for treatment. On room air, the cat's SPO2 was only in the 60's. Respondent did not believe the cat would survive a referral unless the fluid was first drained. Dr. Reeves declined Respondent's offer to talk her through the procedure of tapping the chest for draining the effusion. Respondent was of the opinion that the cat would die a very painful death in route to a referral facility if the fluid was not first drained. Dr. Bryant says that Dr. Reeves anesthetized the cat. Dr. Reeves states that Dr. Bryant anesthetized the cat. Respondent inserted a needle in the chest with a stopcock for removal of the effusion. Dr. Reeves removed the effusion and the cat was referred, treated and survived.

11. In addition to all of these actions being violations of Order 2013-87, they are also actions

that demonstrate that Respondent is a continuing and imminent threat to the public welfare. Respondent has flaunted the requirements of her agreement with PRN. Respondent has undermined her own efforts to gain control over her addictions. Respondent has cast aside any conditions the Board has made for her to retain her license to practice veterinary medicine. During this whole time that Respondent actively engaged in the abuse of drugs and generally failed to gain control of her addiction, Respondent practiced veterinary medicine on animals of the public. For Respondent to comply with the conditions of PRN's monitoring, Respondent must make all drug screenings and use her own urine. Respondent has admitted to utilizing her son's urine for two drug screenings. Respondent must only ingest those drugs for which she has a prescription. Respondent has openly admitted to ingesting several doses of Tramadol without a prescription for Tramadol. Due to Respondent's refusal to genuinely engage in attempts to control her addiction, PRN cannot verify that Respondent is safe to practice veterinary medicine.

12. Respondent checked herself into The Right Step, completed 12 weeks of I.O.P., involved her entire family, staff and friends in her recovery support, continued to attend all 12 step meetings and professional (PRN) meetings, saw a therapist weekly, then closed her veterinary hospital and voluntarily checked herself into an intense, 90 day addiction treatment center, Palmetto Addiction Recovery Center.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.
2. Based on the above Findings of Fact, Respondent has violated Rule 573.60, PROHIBITION AGAINST TREATMENT OF HUMANS, of the Board's Rules of Professional Conduct, which provides that a veterinarian shall not provide care and treatment of humans including dispensing prescription medication for personal use by a human.
3. Based on the above Findings of Fact, Respondent has violated Rule 573.62, VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS, of the Board's Rules of Professional Conduct, which requires a licensee to comply with all terms and conditions of final agreed orders. By ingesting Tramadol without a prescription, injecting Fentanyl without a prescription, submitting urine samples using her son's urine, and failing to report her use of Tramadol or Fentanyl to the General Counsel of the Board within 24 hours, Respondent violated Order 2013-87 and thus, Board Rule 573.62.
4. Based the above Findings of Fact, Respondent has violated §801.402 (6) of the Veterinary Licensing Act, Occupations Code, and is therefore subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

- (3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs;...
- (6) engages in practices or conduct that violates the board's rules of professional conduct

5. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, in lieu of any administrative penalties or reprimands associated with a finding of a violation of the Board's rules and the Veterinary Licensing Act, Respondent agrees to voluntarily cancel her veterinary license and not seek reinstatement by the Board for five years from the date of this Order.

Respondent further agrees that her veterinary license will remain suspended until the Board meets and decides whether to adopt this Agreed Order.

The Board further ORDERS that:

- 1 Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
- 2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- 3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she had the right to be represented by legal counsel in this matter.

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 UNDER 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 effective date of this Agreed Order shall be the date it is adopted by the Board.

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

Joey Lynn Bryant
Joey Lynn Bryant, D.V.M.

May 13, 2014
Date

LOUISIANA
STATE OF TEXAS §
COUNTY OF Richland §
PARISH

BEFORE ME, on this day, personally appeared Joey Lynn Bryant, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 13th day of May, 2014.



James O. Adcock, Jr.
Notary Public
Notary Number 15897
Richland Parish, Louisiana

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3 day of June, 2014.

[Signature]
Bud E. Alldredge, Jr., D.V.M., President