

Dec 02 2009 16:22 HP LASERJET FAX

p. 2

Dec. 3. 2009 11:27AM Leichter Law Firm

No. 3300 P. 2/6

## DOCKET NO. 2010-12

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
ROBERT D. LANGLEY, JR., D.V.M.	§	MEDICAL EXAMINERS

## AGREED ORDER

On this date December 8, 2009, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Robert D. Langley, Jr., D.V.M. (Respondent) Pursuant to Sections 801.408 and 801.409, Texas Occupations Code and Board Rule 575.29 and Rule 575.35, an informal conference was held on October 26, 2009. The Respondent was represented by counsel, Louis Leichter. The Board was represented at the conference 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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, Robert D. Langley, Jr., D.V.M. holds Texas veterinary license 7764.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Title 4 (Aot). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Aot; TEX. GOV'T CODE ANN. §§ 2001.051 - .054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 TEX. ADMIN. CODE, Chapter 575).
3. On June 15, 2009, Herbert C. Munden, M.D. of Austin, Texas, as the Peer Assistance Program Coordinator, informed the Board of the Respondent's noncompliance with the Board's Peer Assistance Program by Robert D. Langley, Jr., D.V.M., Alvin, Texas. Dr. Munden stated that, in his professional opinion, Respondent was and is impaired and therefore presents a danger to the public.

Dec 02 2009 16:22 HP LASERJET FAX

p.3

Dec 02 2009 12:07 Fax Station HP LASERJET FAX

Dec. 3. 2009 11:28AM Leichter Law Firm

No. 3308 P. 3/6

4. On June 25, 2009, Respondent provided a voluntary statement to a Board investigator that he had used cocaine approximately six (6) days prior.

5. On October 9, 2009, Respondent appeared before the Board's Enforcement Committee for an informal settlement conference. When asked directly when his sobriety date was, Respondent answered February of 2009. When confronted with the fact that he had made a voluntary statement admitting to the use of cocaine on June 19, 2009, Respondent then agreed that his actual sobriety date was June 19, 2009. Respondent's behavior and demeanor at the informal settlement conference caused serious concern amongst Board staff as to Respondent's sobriety.

6. On October 12, 2009, Dr. Munden, provided a letter to the Board stating that, in his professional opinion, Respondent has the very active disease of chemical dependency, that Respondent's denial and rationalization are so powerful as to make him incapable of understanding his level of impairment, and that without specialized help, specifically a ninety-six (96) hour formal assessment, Respondent is incapable of safely practicing veterinary medicine.

7. On October 14, 2009, the Board's Executive Disciplinary Committee, after reviewing evidence presented by Staff, temporarily suspended Respondent's license, finding that Respondent was an immediate threat to the safety of the public.

8. On October 26, 2009, the Board's Enforcement Committee met in an open meeting regarding the Respondent's temporary license suspension. Respondent provided testimony that his actual sobriety date was July 27, 2009. Respondent signed his Peer Assistance Contract on July 22, 2009. Therefore, Respondent violated his Peer Assistance Contract by his use of cocaine on July 27, 2009.

9. As a mitigating factor, Respondent is currently receiving weekly counseling sessions for his addiction problems, and his current treating physician believes the Respondent is currently addressing his addiction problems.

#### 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 Finding of Facts 1 through 9, Respondent has violated Section 801.402 (3) of the Veterinary Licensing Act, Texas Occupations Code, GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION, which states a licensee is subject to disciplinary action for being chronically or habitually intoxicated, chemically dependent, or addicted to drugs.

4. Based on Conclusions of Law 1 and 2, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder

Dec 02 2009 16:22 HP LASERJET FAX

p. 4

Dec. 3. 2009 11:28AM Leichter Law Firm

No. 3308 P. 4/6

is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS Respondent's license be SUSPENDED for a period of five (5) years, with all five (5) years fully PROBATED with the following terms and conditions:

- 1) Respondent admit himself into a comprehensive multi-day formal assessment program by December 22, 2009 at a facility agreed upon by the Peer Assistance Program Coordinator;
- 2) Respondent shall comply with all recommendations as a result of the formal assessment;
- 3) Respondent shall provide a hair sample once a quarter as part of his drug testing under the Peer Assistance Contract, for the life of the contract;
- 4) Respondent shall attend AA/NA/Caducous meetings not less than three times per week for the period of his Peer Assistance Contract;
- 5) Respondent shall submit to random drug testing as determined by the Peer Assistance Program Coordinator; and
- 6) If Respondent has more than two missed calls in a six month period, two missed drug screenings in a six month period, or tests positive for any drug for which the Respondent does not have a legitimate prescription, for the period of his Peer Assistance contract, it shall be considered a violation of this Board Order, and further and immediate disciplinary action, up to and including revocation of his license, may be taken by the Board.

The Board further ORDERS that:

1. 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.
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 his understanding of the Agreed Order,

Dec 02 2009 16:23

HP LASERJET FAX

P. 5

Received at: Dec 02 2009 12:37 FAX Station: HP LASERJET FAX

Dec. 3. 2009 11:28AM

Leichter Law Firm

No. 3308 P. 5/6

the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board, up to and including immediate revocation of his license.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

**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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

I, ROBERT D. LANGLEY, JR., D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING THIS ORDER, 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.

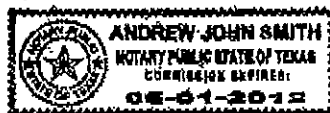
*Robert D. Langley, Jr.*  
Robert D. Langley, Jr., D.V.M.

*12-3-09*  
Date

STATE OF TEXAS §  
COUNTY OF Brazoria §

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

Given under the hand and seal of office this 3rd day of December, 2009.



*Andrew John Smith*  
Notary Public

Agreed Order 2010-12  
Robert D. Langley, Jr., D.V.M.

Page 4 of 5

Dec. 7. 2009 1:15PM Leichter Law Firm

No. 3336 P. 6

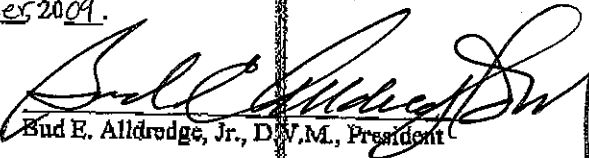
Dec 02 2009 16:23 HP LASERJET FAX

p. 6

Dec. 3. 2009 11:29AM Leichter Law Firm

No. 3308 P. 6/6

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS on this the 8 day of December 2009.

  
Bud E. Alldredge, Jr., D.V.M., President

Agreed Order 2010-12  
Robert D. Langley, Jr., D.V.M.

Page 5 of 5