LICENSURE ORDER 2016-037

IN THE MATTER § TEXAS STATE BOARD OF
OF THE LICENSE OF § VETERINARY
RONALD MARTIN, D.V.M. § MEDICAL EXAMINERS

AGREED LICENSING ORDER

On this, the 26th day of January, 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Ronald Martin, D.V.M. ("Applicant"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on December 7, 2015. Applicant did attend the conference and was not represented by counsel. The Board was represented at the conference by the Board’s Enforcement Committee.

Applicant, 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. Applicant agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Applicant 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 Applicant’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. The Board has jurisdiction over the subject matter and Applicant. Applicant 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 ("Act"). By entering into this Agreed Order, Applicant waives any defect in the notice and any further right to notice and hearing under the Act; 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).

2. On October 23, 2015, Applicant presented an application for a veterinary license to the Texas Board of Veterinary Medical Examiners (Board).

3. Applicant holds an active veterinary license in the state of South Carolina and an inactive license in the state of Georgia. In 2007, Applicant’s Georgia license was disciplined based upon a standard of care issue related to the euthanasia of a pig.

4. In 1989, Applicant was convicted of misdemeanor dangerous drug charge, and in 2008, Applicant was convicted of a misdemeanor DUI, misdemeanor marijuana possession, and a misdemeanor charge of possession and use of drug-related objects.
5. Applicant reports that he has been sober since his 2008 convictions and is active in an after-care program.

Conclusions of Law

1. Applicant 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 Findings of Fact 1 through 5, Applicant has violated Section 801.402(3) and (17) of the Veterinary Licensing Act, Texas Occupations Code, and is 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;

...

(17) is subject to disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine...issued by another jurisdiction.

3. Based on Conclusions of Law 1 and 2, Applicant 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 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

...

(e) The board may issue a disciplinary order directing a veterinarian to participate in the peer assistance program under Section 801.157 if the board determines that the veterinarian is an impaired professional as defined by Section 467.001, Health and Safety Code.
NOW, THEREFORE, THE BOARD AND APPLICANT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Applicant is hereby granted permission to take the state licensing examination. Applicant must take and pass the state licensing examination within one year of the date of this Order. If Applicant passes the state licensing examination, he may be granted a Texas license subject to the following terms and conditions:

The Board ORDERS that Applicant submit to an evaluation with the Professional Recovery Network ("PRN") and follow all of PRN’s recommendations, including entering into a five-year monitoring contract if PRN so recommends.

The Board further ORDERS that:

1. Applicant 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. Applicant shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Applicant’s compliance with this order.

3. Failure by Applicant to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

Applicant, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, 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.

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

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. APPLICANT AGREES THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

Signature page follows.
I, RONALD MARTIN, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED LICENSING ORDER. I UNDERSTAND THAT 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.

Ronald Martin, D.V.M. 12/22/2015

STATE OF GEORGIA
COUNTY OF DEKALB

BEFORE ME, on this day, personally appeared Ronald Martin, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Licensing Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 22 day of December, 2015.

SHWETA ARORA
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 29, 2019

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 26 January, 2016.

Roland Lenarduzzzi, D.V.M.  INTERIM  Board President