DOCKET NO. 2012-115

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
JAY K. MEYER, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 25th day of March, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of Jay K. Meyer, D.V.M. (“Respondent”). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on October 29, 2012. Respondent attended the conference and was not represented by counsel. 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


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 (Act). By entering into this Agreed Order, Respondent 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).

3. Respondent failed to renew his USDA accreditation prior to January 2012.
4. Between January and March 2012, Respondent performed Coggins tests on several horses, despite the fact that he was not a USDA accredited veterinarian.

5. In January and February 2012, Respondent performed Coggins tests on three horses. Respondent stated that he mailed the Coggins test forms to the Veterinary Medical Lab, but the address had changed and the forms were returned by the postal service. Respondent believed that if he resent the forms to the correct address, they would not be returned to him before the date the horses needed to be transported. Respondent therefore forged test results on the Coggins forms himself before giving the forms to the horse owners.

6. At the bottom of the Coggins test form, immediately below the signature line, is the statement, “Falsification of this form or knowingly using a falsified form is a criminal offense and may result in a fine of not more than $10,000 or imprisonment for not more than 5 years or both (U.S.C. Section 2001).”

7. On May 25, 2012, the Board’s Chief Investigator, Michael Miller, sent a letter to Respondent, informing him that an investigation regarding the forged Coggins tests had been opened, and requesting that he respond in writing within 21 days. Respondent did not respond.

8. On June 20, 2012, Mr. Miller received a voice mail message from Respondent, stating that he had received the letter from the Board and intended to mail his response by June 22, 2012. On June 26, 2012, Mr. Miller received another call from Respondent, informing Mr. Miller that Respondent had been in an automobile accident on June 22, 2012 and had not been able to mail his response to the Board. Respondent stated that he would mail his response later that week, but the Board did not receive a written response from Respondent.


10. The Enforcement Committee considered Respondent’s history of severe and debilitating depression as a mitigating factor in this case.

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 Findings of Fact 1 through 6, Respondent has violated Rule 573.4
ADHERENCE TO THE LAW, of the Board’s Rules of Professional Conduct, which requires that no licensed veterinarian shall commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the veterinarian’s practice of medicine, in that Respondent violated 18 U.S.C. §1001, by fraudulently forging test results on federal Coggins forms.

3. Based on Findings of Fact 1 through 6, Respondent has violated Rule 573.7, NO ABUSE OF POSITION OF TRUST, by using his position as a veterinarian to deceive his clients into believing that he was USDA accredited and would appropriately perform and process the Coggins test, when he actually was not USDA accredited and completed the tests fraudulently.

4. Based on Findings of Fact 1 through 6, Respondent has violated Rule 573.24, ISSUANCE OF CERTIFICATES THROUGH DIRECT KNOWLEDGE ONLY, of the Board’s Rules of Professional Conduct, by issuing a certificate attesting to the physical condition and/or soundness of an animal without appropriate tests to determine that the animal meets the requirements for the issuance of the certificate.

5. Based on Findings of Fact 1 through 6, Respondent has violated Rule 573.26, HONESTY, INTEGRITY AND FAIR DEALING, of the Board’s Rules of Professional Conduct, which requires that veterinarians conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, by charging for Coggins tests that Respondent performed fraudulently.

6. Based on Findings of Fact 1 through 8, Respondent has violated Rule 573.74, DUTY TO COOPERATE WITH THE BOARD, by failing to provide the Board with a requested written response.

7. Based on Findings of Fact 1 through 10 and Conclusions of Law 1 through 6, Respondent has violated Section 801.402 (4) and (6) 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:

(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine...

(6) engages in practices or conduct that violates the board’s rules of professional conduct.
8. Based on Conclusions of Law 1 through 8, 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 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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

9. Based on Conclusions of Law 1 through 8, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive an FORMAL REPRIMAND.

The Board further ORDERS that Respondent’s license be SUSPENDED for FIVE YEARS, with all but 30 DAYS of said SUSPENSION STAYED and Respondent placed on PROBATION for the remaining period of SUSPENSION.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of TWO THOUSAND DOLLARS ($2000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent’s license may be suspended until the penalty is paid.

The Board additionally ORDERS that Respondent be monitored by a licensed veterinarian, approved by the Board, for ONE YEAR from the date of this order. Prior to the date of this Order, Petitioner must submit to the Executive Director of the Board for approval the name of a monitoring licensed veterinarian, and receive approval from the Executive Director of the

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monitoring veterinarian ("Approved Monitor"). If Respondent fails to submit and receive approval for an Approved Monitor prior to the date of this Order, his license will be suspended until an Approved Monitor is submitted and approved. The Approved Monitor must provide quarterly reports to the Board during that period attesting to Respondent’s efforts toward securing consistent work as a veterinarian, competency in the practice of veterinary medicine, and adherence to the laws and rules pertaining to the practice of veterinary medicine. The Approved Monitor must submit a letter to the Board acknowledging that they have been made aware of the terms and conditions of the Order, and their responsibility to submit quarterly reports. It is the responsibility of the Petitioner to ensure that the approved monitor submits quarterly reports for one year from the date of this order.

The Board further ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date of this Agreed Order.

The Board further ORDERS that Respondent shall not renew his USDA accreditation without first receiving permission from the Board.

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 Agreed 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, 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.

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 acknowledges that he 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

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ORDER. 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, JAY K. MEYER, 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.

JAY K. MEYER, D.V.M.  

DATE  
12/17/2012

STATE OF TEXAS  
COUNTY OF Travis  

BEFORE ME, on this day, personally appeared Jay K. Meyer, 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 7th day of December, 2012

MICHAEL J. MILLER  
Notary Public  
STATE OF TEXAS  
Commission Exp. 07-31-2013

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25th day of March, 2013.

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

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