DOCKET NO. 2014-18

IN THE MATTER OF
THE LICENSE OF
JAY MEYER, D.V.M.

$TEXAS BOARD OF
$VETERINARY
$MEDICAL EXAMINERS

AGREED ORDER

On this, the 18th day of February, 2014, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of JAY MEYER, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on October 21, 2013. The Respondent 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 conference under Section 801.2056, and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed 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. On March 25, 2013, the Board entered Agreed Order 2012-115, disciplining Jay Meyer, D.V.M., and ordering that he receive a formal reprimand, suspending his veterinary license for five years with all but 30 days stayed and probated, ordering that he pay an administrative penalty of $2,000 within 45 days of the date of the Agreed Order, requiring that he be monitored by an approved licensed veterinarian for one year, and ordering him to take the jurisprudence examination.

2. During the 30 days in which his license was suspended, Dr. Meyer was required to notify all present and prospective employers of Agreed Order 2012-115, and had to get his employer to notify the Board that the employer had read and understood the terms of Agreed Order 2012-115. Dr. Meyer also was required to inform all veterinarians, equine dental providers, and veterinary technician employees with whom he practiced of the Agreed Order within 30 days, and notify the Board in writing that he had done so.
3. Dr. Meyer failed to submit the name of a monitoring veterinarian for board approval. Dr. Meyer also failed to have his current employer inform the Board in writing that he had read and understood the terms of the Agreed Order, and failed to notify the Board that he had informed all veterinarians, equine dental providers, and veterinary technicians with whom he worked regarding the Agreed Order.

4. On March 29, 2011, the Board entered Agreed Order 2011-62, disciplining Dr. Meyer for violating a prior board order by failing to abide by the terms of a contract with the Board’s Peer Assistance Coordinator in that he had tested positive for Tramadol. Under the terms of Agreed Order 2011-62, Dr. Meyer was ordered to enter into a contract with the Board’s Peer Assistance Coordinator and follow all recommendations. The contract Dr. Meyer entered with the Peer Assistance Coordinator forbids him, in relevant part, from consuming alcohol.

5. On May 7, 2013, and May 17, 2013, Dr. Meyer tested positive for having consumed alcohol. When informed of the positive test results, Dr. Meyer stated that he did not know what could have caused the positive tests. The Board’s Peer Assistance Coordinator requested that he submit to an inpatient assessment.

6. Dr. Meyer completed inpatient treatment on September 21, 2013.

Conclusions of Law

1. Based on the above Findings of Fact, Dr. Meyer has violated Rule 573.62, Violation of Board Orders/Negotiated Settlements, of the Board’s Rules of Professional Conduct, by failing to abide by the terms of two agreed orders.

2. Based on the above Findings of Fact, Dr. Meyer has violated Rule 573.69, Conditions Relative to License Suspension, of the Board’s Rules of Professional Conduct, by failing to inform his employer and any veterinarians, equine dental providers, or veterinary technicians he worked with about the terms of a board order suspending his license, by failing to ensure that his employer sent the Board written acknowledgement that he was aware of the terms of the order, and by failing to send the Board written notice that he had notified the veterinarians, equine dental providers, and veterinary technicians with whom he worked regarding the terms of the order.

3. Based on the above Findings of Fact, Dr. Meyer has violated Section 801.402 (3) of the Veterinary Licensing Act, Texas Occupations Code, by being chronically or habitually intoxicated, chemically dependent, or addicted to drugs.
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4. Based on the above Findings of Fact, Dr. Meyer has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, by engaging in practices or conduct that violates the Board’s rules of professional conduct.

5. Based on the above Conclusions of Law, Respondent has violated Section 801.402 (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:

(6) engages in practices or conduct that violates the board’s rules of professional conduct.

6. Based on Conclusions of Law 1 through 3, 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.

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

The Board ORDERS that the license of Jay Meyer, D.V.M., be SUSPENDED for FIVE YEARS and Respondent placed on PROBATION for the entire period of the SUSPENSION.

The Board additionally ORDERS that Respondent be monitored by a licensed veterinarian, approved by the Board, for the longer of ONE YEAR or when the Board’s Peer Assistance Coordinator’s approved mental health advisor determines a monitor is no longer necessary to ensure the safety of Respondent’s practice. 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 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.
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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 continue his Peer Assistance Contract under the Board’s Peer Assistance Program. Under such contract, Respondent must agree to submit to random periodic testing for blood alcohol and urine drug screens with the laboratory results furnished to the Board staff. In addition, if Respondent has more than one missed call in a six month period, one missed drug screening in a six month period, or tests positive without a legitimate prescription for any drug Respondent tests positive for, under the Respondent’s Peer Assistance Contract, further and immediate disciplinary action may be taken by the Board and is considered a violation of this Board 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 provision of the 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, 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.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent’s choice at his expense in any hearing before the Board.

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.

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

I, JAY MEYER, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED 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.

[Signature]
Jay Meyer, D.V.M.  
[Date]
11/20/2013

STATE OF TEXAS
COUNTY OF BASTROP

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

Given under the hand and seal of office this 20th day of November, 2013.

[Signature]
Erika Guerrero
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18th day of February, 2014.

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