DOCKET NO. 2010-51

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

JAY K. MEYER, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this date June 28, 2010, 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 575.27, an informal conference was held on February 17, 2010. 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


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. Based on information received from Herbert C. Munden, M.D. of Austin, Texas, the Board's Peer Assistance Program Coordinator, an investigation was opened by the Board regarding the diversion of controlled substances for self medication. On January 22, 2010, Dr. Munden and Bonnie Harris, D.V.M., Arlington, Texas, performed an intervention with Dr. Meyer regarding his self medication and asked that Dr. Meyer agree to a ninety-six hour evaluation to settle drug abuse concerns. Dr. Meyer denied having any problems with alcohol or drugs, but seemed
agreeable and cooperative. Dr. Munden provided Dr. Meyer with instructions on how to complete the assessment. However, Dr. Meyer stated to Dr. Munden that the assessment was a major inconvenience for multiple reasons and that he was not willing to complete the assessment. Dr. Munden informed Dr. Meyer that it was then his duty to convey the information to the Veterinary Board to investigate the complaint.

4. Dr. Munden informed the Board of possible issues involving Dr. Meyer and substance abuse in a letter dated January 28, 2010. In a letter dated February 1, 2010, Dr. Munden stated that he had received additional information that led him to believe this was an emergency situation. Dr. Munden stated that he had spoken at length with current and former employees who had direct information that Dr. Meyer is impaired from substance abuse.

5. On February 2, 2010, Investigators Michael Miller, Tracy Bohmer and Jimmy Seale conducted an onsite compliance inspection at Animal Care Clinic, in Round Rock, Texas. During the inspection, information was obtained pertaining to Aspirin (325mg)/Codeine (30mg) (controlled substance) tablets. The controlled substances had been obtained from Quick Pharmacy in Round Rock, Texas. According to the records at Quick Pharmacy, Animal Care Clinic had obtained 1,458 Aspirin (325mg)/Codeine (30mg) tablets during the period from March 12, 2008 to October 8, 2009. The controlled substances log for the clinic accounts for less than 200 tablets.

6. Dr. Meyer provided a voluntary written statement on February 2, 2010. Dr Meyer admits to the clinic’s controlled substances logs having inconsistencies and large periods where controlled substances were not properly accounted. Dr. Meyer stated that during the time period in question, approximately 1,000 (325mg)/Codeine (30mg) (controlled substance) tablets were missing. Dr. Meyer stated that a large number, possibly all, were taken by him. Dr. Meyer states that he used the controlled substances for pain control.

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 6, 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.

3. 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 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 that Jay K. Meyer, D.V.M., be FORMALLY REPRIMANDED.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent begin random drug screening at least two times a week within forty-eight hours of the informal settlement conference on February 17, 2010 and enter into a Peer Assistance Contract under the Board’s Peer Assistance Program and to follow any recommendations of the Peer Assistance Program Coordinator. 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. Respondent is to receive a ninety-six hour evaluation for impairment as soon as possible but no later than March 9, 2010 at a facility approved by the Peer Assistance Program Coordinator.

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, 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 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 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.

[Signature]
Jay K. Meyer, D.V.M.

4/15/2010
Date

STATE OF TEXAS
COUNTY OF [illegible]

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 15th day of April, 2010.

[Signature]
Marla McDaniels
Notary Public

Agreed Order 2010-51
Jay K. Meyer, D.V.M.
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 28th day of June, 2010.

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