

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

REVISED AGREED ORDER

On this date _____, 20__, 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 September 9, 2010. A previous Board order, Docket No. 2010-51 was signed by Respondent and approved by the Board on June 28, 2010. An informal conference was held to consider the alleged violation of the Board Order. The Respondent was represented by counsel, Louis Leichter. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent does not contest the findings that he failed to timely enroll in drug testing as required in the previous Board Order and agrees that, accordingly, the Board may treat the findings of fact and conclusions of law as true. The findings of fact and conclusions of law shall have the same force and effect as if evidence and argument were presented in support of the findings of fact and conclusions of law, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof. 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, Jay K. Meyer, D.V.M., of Round Rock, Texas currently holds Texas veterinary license 8248.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all 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/or the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 TEX. ADMIN. CODE, Chapter 575).
3. The Board Order 2010-51 ordered Respondent to begin drug testing at least two times a week within forty-eight hours of the informal settlement conference on February 17, 2010. Respondent never began drug testing, other than being tested at the focal evaluation in February. Until the afternoon following the informal settlement conference, Respondent was not being drug tested.



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On August 4, 2010, Dr. Herbert "Butch" Munden sent a letter notifying the Board that the Respondent has not ever begun random drug testing through the Peer Assistance Program and was out of compliance with the Peer Assistance Contract.

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. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Based on the above Finding of Facts, 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 the above Findings of Facts, Respondent has violated Rule 573.62, VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS, of the Board's Rules of Professional Conduct, which requires a licensee to comply with all terms and conditions of final agreed orders.
4. Based on Conclusions of Law 1 through 4, 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.

In addition, the Board ORDERS that Respondent shall see a Treating Psychiatrist selected and approved by the Peer Assistance Program at a minimum, once a month, or more at the recommendation of the Treating Psychiatrist. Respondent shall follow all recommendations of the Treating Psychiatrist.

Additionally, Respondent shall enter into a five-year Peer Assistance Contract under the Board's Peer Assistance Program. Respondent shall enter into the Peer Assistance contract within ten days of this order, or when Professional Recovery Network makes such contract available. The

terms of the Peer Assistance Contract shall be limited to the present terms of Respondent's present Peer Assistance Contract and the provision that Respondent follow all recommendations of the treating psychiatrist as noted above.

In addition, at the request of a representative of the Board, with or without notice, Respondent shall submit to appropriate examinations, including screenings for alcohol and drugs, through either a saliva, urine, blood, sweat, or hair specimen, to determine by laboratory analysis whether Respondent is free of prohibited drugs and alcohol. Respondent shall pay any costs associated with these analyses. Respondent shall execute any and all releases for medical records necessary to evaluate compliance with this order and/or are necessary to effectuate this order. Any violation of the terms of the Contract subjects Respondent to possible immediate revocation of his license.

The Board further ORDERS that the license of Respondent is SUSPENDED for one year, with all but fourteen (14) days STAYED and Respondent placed on PROBATION. The active SUSPENSION shall begin on Monday September 13, 2010 and run through September 26, 2010.

Based on the above Findings of Fact and Conclusions of Law, the Board further ORDERS that Respondent is FORMALLY REPRIMANDED.

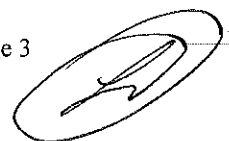
The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, an ADMINISTRATIVE PENALTY of ONE THOUSAND DOLLARS (\$1,000.00). If Respondent fails to pay the administrative penalty within 30 days of the date of this Order, any payment by the Respondent to the Board to renew his license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

Based on the above Findings of Facts and Conclusions of Law, the Board further orders Respondent to submit to blood alcohol, urine and hair sample testing at Concentra or Lab Corp, in Austin, Texas, by Monday, September 13, 2010. Respondent shall have the results sent to both the Board and the Peer Assistance Program Coordinator at Professional Recovery Network. Respondent shall also submit to urine and hair sample testing at Concentra or Lab Corp, in Austin, Texas, on October 1, 2010. Respondent shall have the results sent to both the Board and the Peer Assistance Program Coordinator at Professional Recovery Network.

During the suspension, Respondent shall abstain from the consumption of prohibited substances as defined below, except as prescribed by another physician to Respondent for legitimate and documented therapeutic purposes. As used in this provision, "consumption" means any manner of ingestion, including oral, injection, topical, inhalation, or otherwise. Prohibited substances, as used in this order, includes:

- 1) alcohol in any form;
- 2) Dangerous drugs, as defined in Chapter 483, Tex. Health & Safety Code;
- 3) Controlled substances, as defined in Chapter 481, Tex. Health & Safety Code;
- 4) Any substance, in any form, including over-the-counter (OTC) agents and food products, that may cause a positive drug or alcohol test.

The following is an illustrative, but not exclusive, list of prohibited substances:



- 1) Stimulants
- 2) Appetite suppressants
- 3) Medication for ADD/ADHD
- 4) Anti-anxiety agents
- 5) Antidepressants
- 6) Antihistamines
- 7) Anticholinergics
- 8) Antispasmodics
- 9) Recreational, mind-altering drugs
- 10) Any product containing pseudophedrine or epinephrine
- 11) Alcohol
- 12) Any product containing alcohol, including mouthwashes, cough medicines, after shave lotions, colognes, hand sanitizing formulas, and dietary and herbal supplements
- 13) Food containing any of the above and/or poppy seeds.

Within five days after receipt of this Board-signed Order, Respondent shall:

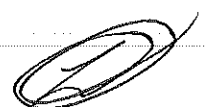
- 1) Provide to the General Counsel at TBVME a list of all prohibited substances that Respondent is currently consuming, whether by prescription or otherwise;
- 2) Give any treating physician or dentist a copy of this Order;
- 3) Cause any treating physician or dentist to report all prescriptions and orders for any prohibited substance within five days after the treating physician or dentist receives this Order. The report shall include the medical condition being treated; the supporting documentation, including lab results to substantiate the diagnosis; the substance prescribed, dispensed or administered; the amount of such substance; and any refills authorized.

During the term of this Order, Respondent shall:

- 1) Provide to the General Counsel for the Board a list of all subsequent prescriptions and any subsequent orders for prohibited substances within 24 hours after receipt of the subsequent prescription or order; and
- 2) Give any subsequent treating physician or dentist a copy of this Order within five days after the initiation of the treatment, and Respondent shall cause the subsequent treating physician(s) or dentist(s) to report all prescriptions and any orders for prohibited substances to the General Counsel of the Board no later than five days after receipt of this Order by the treating physician. The report shall include the medical condition being treated; the supporting documentation, including lab results to substantiate the diagnosis; the substance prescribed, dispensed or administered; the amount of such substance; and any refills authorized.

If Respondent consumes any prohibited substance in any form without prescription or order authorized by a physician for a legitimate medical purpose, Respondent shall immediately report Respondent's consumption in writing within 24 hours to the General Counsel of the Board.

A violation of this Order under this provision shall include: (1) a positive or a positive-dilute



screen for prohibited drugs or alcohol, or a metabolite of prohibited drugs or alcohol; (2) an adulterated specimen; (3) a substituted specimen; or (4) a refusal or failure to submit to random screenings. Should a specimen be reported as negative-dilute, Respondent may be required to undergo additional testing and may be subject to further Board action. A violation may be based on drug and alcohol screening under the Peer Assistance Program or any other drug and/or alcohol testing.

- (a) Evidence of a violation of this Order under this provision and any other information related to Respondent's violation of this Order may be presented to Board representatives at an informal proceeding held in accordance with 22 Tex. Admin. Code, §575.29.
- (b) If the Board representatives at such informal proceeding determine that Respondent is in violation of this Order pursuant to this provision, the Board representatives may direct the Executive Director to immediately **REVOKE** Respondent's veterinary license. **THIS REVOCATION SHALL BE EFFECTIVE IMMEDIATELY WITHOUT THE NEED FOR A FORMAL HEARING BEFORE THE BOARD, A PANEL OF THE BOARD, OR THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE VETERINARY LICENSING ACT OR THE ADMINISTRATIVE PROCEDURE ACT. RESPONDENT WAIVES ANY SUCH HEARING OR ANY SUCH DUE PROCESS AND ALL RIGHTS OF APPEAL IN REGARD TO THE SUSPENSION.**
- (c) If Respondent is revoked under this provision, a Board representative shall file a formal complaint under Section of the Veterinary Licensing Act as soon as practicable, alleging the violations of this Order under this provision and seeking revocation of the Respondent's license. The formal complaint may also include allegations of other violations of this Order and violations of the Veterinary Licensing Act. The parties may resolve the issues by an agreed order, either before or after the filing of a formal complaint. **RESPONDENT DOES NOT WAIVE AND SPECIFICALLY RESERVES THE RIGHT TO A HEARING BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS, WITH ALL RIGHTS PROVIDED BY THE VETERINARY LICENSING ACT OR THE ADMINISTRATIVE PROCEDURE ACT AND THE RIGHT TO SEEK JUDICIAL REVIEW OF THE FINAL ORDER.**

Respondent shall be solely responsible for and promptly pay all costs and charges by any facility that conducts screens on Respondent pursuant to this Order to determine whether Respondent has ingested alcohol or drugs. Respondent's failure to promptly pay these costs shall constitute a violation of this Order and shall be grounds for further disciplinary action under the Act.

Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Director of Licensing and the General Counsel of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

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. Failure to fully cooperate shall constitute a violation of this Order and a basis for disciplinary action against Respondent pursuant to the Act.
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, shall constitute a violation of this Order and a basis for disciplinary action against Respondent pursuant to the Act.

THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK

A handwritten signature, likely of Jay K. Meyer, is written in black ink. The signature is stylized and appears to be a cursive representation of the name.

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 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.

THIS ORDER IS A PUBLIC RECORD.

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.

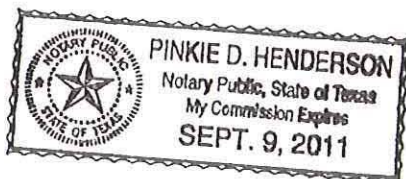

Jay K. Meyer, D.V.M.

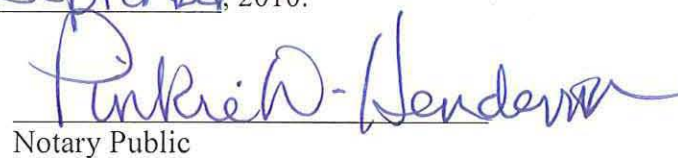
9/9/10
Date

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.

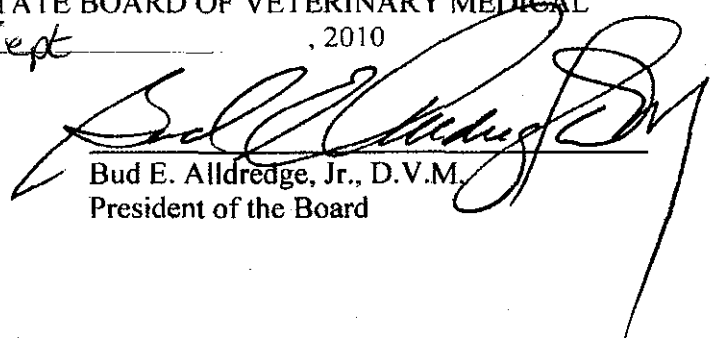
Given under the hand and seal of office this 9th day of September, 2010.




Notary Public



SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 10 day of Sept, 2010

A large, stylized handwritten signature in black ink, which appears to read "Bud E. Alldredge, Jr.", is written over a horizontal line.

Bud E. Alldredge, Jr., D.V.M.
President of the Board