AGREED ORDER

On this, the 3 day of June, 2014, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of CONSTANCE SACK, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.29, an informal conference was held on February 19, 2014. The Respondent attended the informal conference, but 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 her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

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, Constance Sack, D.V.M. of Dallas, Texas, holds Texas veterinary License 12944.

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. On March 25, 2013, the Board signed Agreed Order for Board Docket No. 2013-112 regarding Respondent. Respondent also signed the Agreed Order, which in part required her to follow any and all recommendations of the Peer Assistance Coordinator, Professional Recovery Network ("PRN").
PRN required Respondent to comply with random drug screenings and prohibited Respondent from consuming alcohol and other certain drugs.


On August 30, 2013, Respondent tested positive for the metabolites of alcohol. Respondent told PRN that she had consumed a glass of wine prior to the screen and did not know her contract prohibited consumption of alcohol.

On September 26, 2013, November 14, 2013, and November 26, 2013, Respondent submitted diluted urine samples for her drug screen. On each occasion, PRN informed Respondent of the guidelines to follow so as to avoid accidental dilution.

On November 19, 2013, Respondent entered into a second agreement with PRN. The agreement required her to submit to drug screenings, participate in individual therapy, and attend one Alcoholics Anonymous meeting a week for six months. Respondent failed to schedule her first therapy appointment before the required November 26, 2013, deadline in accordance with the agreement.

PRN made multiple attempts to contact Respondent in early December of 2013 but she failed to return any of those phone calls.

On December 6, 2013, Respondent missed another scheduled drug screen.

On December 11 and 20, 2013, and January 8, 2014, Respondent submitted to requested drug screens; however, she failed to follow the required instruction to have the urine collection be observed.

On December 27 and 30, 2013, Respondent again missed required drug screens.

On January 10, 2014, PRN informed the Board that Respondent continued to not comply with her agreement with them and; therefore, was discharged from working with them.

On December 16, 2013, the Board sent Respondent a request for information regarding this complaint. Respondent failed to respond in writing within the required 21 days.

Respondent did not follow all recommendations of PRN as she was required to do so under the signed Agreed Order. Respondent failed to comply with a Board Order.

**Conclusions of Law**

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 15, Respondent has violated Rule 573.62 VIOLATION of BOARD ORDER/NEGOTIATED SETTLEMENTS, which requires a licensee to abide by the terms of Board Orders.

3. Based on Finding of Fact 14, Respondent has violated Rule 573.75, DUTY TO COOPERATE WITH THE BOARD, which state that a licensee must respond within 21 days of receipt of requests for information regarding complaints.

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

5. 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.

.... (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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that CONSTANCE SACK, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent’s license be SUSPENDED for one year, with said
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SUSPENSION STAYED and Respondent placed on PROBATION for the entire period of SUSPENSION.

In addition, the Board ORDERS that Respondent to complete a Peer Assistance Contract under the Board’s Peer Assistance Program for five years (5) from the date of this Order. Respondent shall follow all recommendations of the Peer Assistance Program Coordinator. 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 ORDERS Respondent to notify her employer(s) of this Order. Respondent shall provide the Board with a signed acknowledgment from her employer within 30 days of the date of this Order acknowledging that she or he has read and understands this 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 her understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she 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 her right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that she is entitled to be represented by an attorney of Respondent’s choice at her 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 Medical Examiners.
I, CONSTANCE SACK, 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.

___/___/___
Constance Sack

DATE
3/31/14

STATE OF TEXAS
COUNTY OF __________

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

Given under the hand and seal of office this ___ day of March, 2014.

________________________
Christina Gonzalez
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the ___ day of June, 2014.

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