DOCKETED COMPLAINT NO. 1986-5
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
JAMES PATRICK SYLER, D.V.M.
TEXAS VETERINARY MEDICAL LICENSE NO. 1946
1986 RENEWAL CERTIFICATE NUMBER 1786

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 13th day of May, 1986, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Ramada Inn in College Station, Brazos County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said JAMES P. SYLER, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. EDWARD S. MURRAY, President
DR. ED B. AVERY, Vice-President
DR. K. D. DORRIS, Secretary
DR. W. L. "DUB" ANDERSON, Member
MR. JIM HUMPHREY, Member
MR. MIKE LEVI, Member
DR. MARY E. MAINSTER, Member
DR. FRANK E. MANN, JR., Member
DR. FRED K. SCIFER, Member

Of Spur, TX
Of Pearsall, TX
Of Stephenville, TX
Of Addison, TX
Of Henrietta, TX
Of Spicewood, TX
Of San Antonio, TX
Of Wharton, TX
Of Houston, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. EDWARD S. MURRAY ordered the case to proceed at which time it was ascertained that JAMES P. SYLER, D.V.M. and his legal counsel, DAVID D. POWELL, were present in person; the Board then proceeded to hear the evidence presented by the State, and by DAVID POWELL, Attorney for JAMES P. SYLER, D.V.M., and on the same day, May 13, 1986, all of the above members of said Board being present and participating, makes the following findings, to-wit:

FINDINGS OF FACT

I.
JAMES P. SYLER, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 1946 with offices at Rt. 2, Box 341, Athens, Henderson County, Texas.

II.
JAMES P. SYLER, D.V.M. received notice of this hearing on May 6, 1986.

III.
JAMES P. SYLER, D.V.M. has failed to furnish the Board with quarterly reports as required in Condition #6 of the Agreed Board Order dated May 10, 1985.
IV.
JAMES P. SYLER, D.V.M. wrote the prescriptions contained in Paragraph II of the Docketed Complaint No. 1986-5.

V.
JAMES P. SYLER, D.V.M. has violated Condition #6 of the Agreed Board Order, dated May 10, 1986, which states in part:
"Dr. Syler agrees to provide the Board quarterly with an affidavit stating that he has not violated any federal or state law or any of the Rules of Professional Conduct . . . ."

VI.
JAMES P. SYLER, D.V.M. has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct.

VII.
JAMES P. SYLER, D.V.M. has failed to obey all federal laws, state laws and Rules of Professional Conduct for the veterinary profession as required in Condition #5 of the Agreed Board Order dated May 10, 1985.

VIII.
JAMES P. SYLER, D.V.M. has violated Rule #33 of the Rules of Professional Conduct duly promulgated by the Board which states in part:

"It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe . . . for any person . . . any controlled substances . . . where the use or possession of such drugs would promote addiction thereto."

CONCLUSIONS OF LAW

The Board concludes that DR. SYLER does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations 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.

ORDER

It is hereby ORDERED that Texas Veterinary License No. 1946 heretofore issued to JAMES P. SYLER, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of two (2) years, from the date this order is entered, PROVIDED HOWEVER, that the execution of this Order of Suspension be and it is HEREBY PROBATED, upon the following terms and conditions:
1. That the said JAMES P. SYLER, D.V.M. surrender his Controlled Substances Permits for all schedules II-V and have them reissued as a modified IIIN for Pentobarbital only.

2. That the said JAMES P. SYLER, D.V.M. present the Board with a current drug screen.

3. Continue in the after care program as directed by DR. JAMES LARSON Administrator, Charlton Methodist Hospital in Dallas, Texas. The program being:
   a. Once a week meeting with the Dallas "Impaired Professionals" group.
   b. Attend AA meetings on a twice weekly basis.
   c. Quarterly no-notice drug screens through DR. LARSON with results reported to the Board.
   d. The reporting requirements shall remain in effect for two years from the date of this Order.

4. Should Dr. Syler fail to meet the conditions of reporting and behavior this Order shall have the same effect as a revocation.

MADE the 22nd day of May, 1986, and entered the 22nd day of May, 1986.

[Signature]

EDWARD S. MURRAY, D.V.M., Board President
DOCKETED COMPLAINT NO. 1986-5

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VS.

JAMES PATRICK SYLER, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 1946

1986 RENEWAL CERTIFICATE NUMBER 1786

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared ERNIE M. CARROLL, who after being duly sworn, did depose and say:

"I, ERNIE M. CARROLL, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one DR. JAMES PATRICK SYLER, Texas Veterinary License Number 1946, 1986 Renewal Certificate Number 1786, a practitioner of veterinary medicine in the State of Texas.

As an employee of the Texas Board of Veterinary Medical Examiners, I, ERNIE M. CARROLL, do hereby present the following complaint against JAMES PATRICK SYLER, D.V.M., who is hereinafter called Respondent.

I.

As of May 10, 1986, JAMES PATRICK SYLER, D.V.M. has not complied with the conditions of the Agreed Board Order dated May 10, 1985 and attached hereto as Exhibit A, signed by JAMES PATRICK SYLER, D.V.M., and ROGER D. SHIPMAN for the Texas Board of Veterinary Medical Examiners. JAMES PATRICK SYLER, D.V.M. has not caused the Board to be furnished with the quarterly reports, as agreed on in condition #6 of the Agreed Board Order.

II.

JAMES PATRICK SYLER, D.V.M., has violated Article 7465a, Section 14(e), Veterinary Licensing Act, Condition #5 of the Agreed Board Order and Rule #33 of the Rules of Professional Conduct because, between the period of December 13, 1985 to March 7, 1986, JAMES PATRICK SYLER, D.V.M. has written prescriptions for obtaining the following controlled substances at the locations cited:

DRUG-SAV #7
501 South Palestine
Athena, Texas

<table>
<thead>
<tr>
<th>Rx. NO.</th>
<th>WRITTEN TO</th>
<th>SUBSTANCE</th>
<th>QUANTITY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>163207</td>
<td>Dr. Syler</td>
<td>Hycodan</td>
<td>6oz</td>
<td>12/13/85</td>
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<tr>
<td>163224</td>
<td>Dr. Syler</td>
<td>Hycodan Tabs</td>
<td>20</td>
<td>12/14/85</td>
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<tr>
<td>163417</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>2oz</td>
<td>12/19/85</td>
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<tr>
<td>164321</td>
<td>Dr. Syler</td>
<td>Hycodan</td>
<td>3oz</td>
<td>1/6/86</td>
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<td>RX. NO.</td>
<td>WRITTEN TO</td>
<td>SUBSTANCE</td>
<td>QUANTITY</td>
<td>DATE</td>
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<td>----------------</td>
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</tr>
<tr>
<td>165393</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>4oz</td>
<td>1/22/86</td>
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<tr>
<td>165534</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>3oz</td>
<td>1/24/86</td>
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<tr>
<td>165981</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
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<td>2/1/86</td>
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<td>166600</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>6oz</td>
<td>2/11/86</td>
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**LEWIS CORNER DRUG**
629 South Palestine
Athens, TX

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<th>RX. NO.</th>
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<th>QUANTITY</th>
<th>DATE</th>
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<td>034598</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
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<tr>
<td>034627</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>90ml</td>
<td>1/11/86</td>
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<td>034713</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>90ml</td>
<td>1/13/86</td>
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<tr>
<td>034751</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>120ml</td>
<td>1/15/86</td>
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<tr>
<td>034802</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>120ml</td>
<td>1/17/86</td>
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<tr>
<td>034881</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>60ml</td>
<td>1/21/86</td>
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<td>035004</td>
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<td>Hycodan Syrup</td>
<td>90ml</td>
<td>1/25/86</td>
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<td>035095</td>
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<td>Hycodan Syrup</td>
<td>180ml</td>
<td>1/31/86</td>
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<tr>
<td>035121</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>360ml</td>
<td>2/2/86</td>
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**ANDERSON DRUG**
419 South Palestine
Athens, TX

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<th>SUBSTANCE</th>
<th>QUANTITY</th>
<th>DATE</th>
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<tr>
<td>99258</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
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<td>2/10/86</td>
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<td>97210</td>
<td>Dr. Syler</td>
<td>Hycodan Syrup</td>
<td>6oz</td>
<td>1/11/86</td>
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</table>

III.

By having violated Provision No. 6 of the Agreed Board Order dated May 10, 1985, Exhibit A, Dr. Syler is in violation of the provision of the Agreed Order which states

"Dr. Syler agrees to provide the Board quarterly with an affidavit stating that he has not violated any federal or state law or any of the Rules of Professional Conduct or any law concerning alcohol to the Board by affidavit each and every quarter."

IV.

By writing prescriptions for obtaining the above listed controlled substances, JAMES PATRICK SYLER, D.V.M. has violated Article 745a, Section 14(e), Veterinary Licensing Act, Condition #5 of the Agreed Board Order and Rule #33 of the Rules of Professional Conduct.
V.

Article 7465a, Section 14(e), Veterinary Licensing Act states in part:
       
       "... the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, ... if it finds that an applicant or licensee:
       (e) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law; or"

Condition #5 of the Agreed Board Order states in part:

"Dr. Syler agrees to obey all federal laws, state laws and Rules of Professional Conduct for the veterinary profession in Texas."

Rule #33 of the Rules of Professional Conduct duly promulgated by the Board states in part:

"It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe ... for any person, ... any controlled substances ... where the use or possession of such drugs would promote addiction thereto."

VI.

Article 7465a, Section 14, Veterinary Licensing Act states in part:

"... the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, ..."

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the ____ day of April, 1986.

[Signature]
ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 29th day of April, 1986.

[Signature]
JUDY C. SMITH, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. James Patrick Syler, D.V.M., under Docket Number 1986-5___, this the 28th day of April, 1986.

[Signature]

K. D. Mackie, D.V.M., Secretary
Texas State Board of Veterinary Medical Examiners
AGREED BOARD ORDER

RE: JAMES PATRICK SYLER, D.V.M.

BEFORE THE TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

On this day came on to be considered by the Texas Board of Veterinary Medical Examiners, the matter of Texas veterinary license number 1946, heretofore issued to JAMES PATRICK SYLER, D.V.M. of Athens, Texas.

The Texas Board of Veterinary Medical Examiners gave preliminary notice to Dr. Syler by letter dated March 19, 1985 that the Board staff had reason to believe that Dr. Syler violated the Texas Veterinary Licensing Act, Article 7465a, Texas Civil Statutes, Section 14(b) in that he may have become addicted to certain controlled drugs.

An informal conference was held in the office of the Texas Board of Veterinary Medical Examiners on March 29, 1985 with Dr. Syler and Roger D. Shipman, Executive Secretary of the Board of Veterinary Medical Examiners. Dr. Syler was not accompanied by legal counsel. By his appearance at the informal conference and by his signature on this Order, John Patrick Syler, D.V.M. does hereby waive a right to Notice of Hearing and to Hearing before the Texas Board of Veterinary Medical Examiners. After a discussion of the matter previously outlined in this Order, Dr. James Patrick Syler agreed to the entry of an Order dispensing with the need for further disciplinary action in this matter. By his signature on this Order, Dr. Syler neither admits nor denies the truth of the matters previously set out in this Order. Dr. Syler has agreed to the following terms and conditions to be placed upon Dr. Syler's continued retention of his license to practice veterinary medicine for the consideration of the Board of Veterinary Medical Examiner's forbearance to file a formal complaint and schedule a Hearing before the Board to determine if the previously outlined allegation of violation of the Veterinary Licensing Act did occur and if so, what disposition should be made of Dr. Syler's license to practice veterinary medicine in the State of Texas.

Should Dr. Syler fail to keep the terms and conditions of this Agreed Board Order, the Board staff is directed to file a formal complaint with the Board of Veterinary Medical Examiners against Dr. Syler and proceed to Hearing forthwith.

James Patrick Syler, D.V.M., agrees that he will do and keep the following conditions:

1. Surrender his Drug Enforcement Administration permit to possess controlled substances and have said permit altered so that it will be unlawful for Dr. Syler to possess, prescribe or dispense Schedule II or IIN controlled substances.

2. James Patrick Syler, D.V.M., agrees to surrender his Department of Public Safety controlled substance permit to have it reissued to him without the authority to possess, prescribe, or dispense Schedule II or IIN controlled substances.
3. James Patrick Syler, D.V.M. agrees to authorize a mutually agreeable health professional, an M.D. or equivalent, to furnish an initial written report and semi-annual reports to the Board of Veterinary Medical Examiners which will contain a statement concerning the condition of Dr. Syler relevant to dependency upon pharmaceuticals or alcohol and also to contain a report whether or not drugs or alcohol were found to be present in Dr. Syler's system at the time of the examination.

4. It is further agreed by Dr. Syler and the Board that Dr. Syler will not hold the above mentioned mutual agreement physician liable in a court of law in any manner for the contents of said report.

5. Dr. Syler agrees to obey all federal laws, state laws and Rules of Professional Conduct for the veterinary profession in Texas relevant to the practice of veterinary medicine, controlled substances, dangerous drugs, together with any law controlling alcohol or the consumption thereof or driving while intoxicated.

6. Dr. Syler agrees to provide the Board quarterly with an affidavit stating that he has not violated any federal or state law or any of the Rules of Professional Conduct or any law concerning alcohol to the Board by affidavit each and every quarter beginning _________.

This agreement shall last until a further Order of the Board or for a period of five (5) years from the date of this Order, whichever occurs sooner.

ORDER OF THE BOARD

BE IT REMEMBERED THAT ON THIS THE ______ DAY OF MAY, 1985, the Texas Board of Veterinary Medical Examiners considered an Agreed Board Order entitled "In Re: JAMES PATRICK SYLER, D.V.M." and finding that the Board concurs with the provisions of the agreement hereby Orders that:

1. JAMES PATRICK SYLER, D.V.M. will surrender his Drug Enforcement Administration permit to possess controlled substances and have said permit altered so that it will be unlawful for Dr. Syler to possess, prescriber or dispense Schedule II or IIN controlled substances.

2. James Patrick Syler, D.V.M. will surrender his Department of Public Safety controlled substance permit to have it reissued to him without the authority to possess, prescribe, or dispense Schedule II or IIN controlled substances.

3. James Patrick Syler, D.V.M. authorizes a mutually agreeable health professional, an M.D. or equivalent, to furnish an initial written report and semi-annual reports to the Board of Veterinary Medical Examiners which will contain a statement concerning the condition of Dr. Syler relevant to dependency upon pharmaceuticals or alcohol
and also to contain a report whether or not drugs or alcohol were found to be present in Dr. Syler's system at the time of the examination.

4. Dr. Syler will not hold the above mentioned mutual agreeable physician liable in a court of law in any manner for the contents of said report.

5. Dr. Syler will obey all federal laws, state laws and Rules of Professional Conduct for the veterinary profession in Texas relevant to the practice of veterinary medicine, controlled substances, dangerous drugs, together with any law controlling alcohol or the consumption thereof or driving while intoxicated.

6. Dr. Syler will provide the Board quarterly with an affidavit stating that he has not violated any federal or state law or any of the Rules of Professional Conduct or any law concerning alcohol to the Board by affidavit each and every quarter beginning ____________.

This Order shall last until a further Order of the Board or for a period of five (5) years from the date of this Order, whichever occurs sooner.

And it is so Ordered.

SIGNED AND DATED THIS 10 DAY OF MAY, 1985.

ATTEST:

ROGER D. SHIPMAN, Executive Secretary

APPROVED AS TO FORM AND AGREED TO:

JAMES PATRICK SYLER, D.V.M.