TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 113
Austin, TX 78704

DOCKET NUMBER 1992-06
JAMES PATRICK SYLER, D.V.M.
LICENSE NUMBER: 2641

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Syler the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Syler will be granted a continuance at his/her option.

Dr. Syler does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, 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/she 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.

SUMMARY OF CHARGES:

Failure to maintain drug inventory records; violation of a Board Order and chemical dependency.

RECOMMENDED DISCIPLINARY ACTION:

1. A three (3) year suspension with the entire period being probated.

2. Surrender DPS and DEA Narcotics Certificates, for reissuance at the Board’s discretion.

3. Remain in the TVMA Peer Assistance Program administered by Lacy and Associates Chemical Dependency Treatment Services. i.e. minimum of 3 plus weeks, verified by Dr. Lacy.

4. Attend regular, A.A. and Aftercare meetings and submit to no-notice drug screens conducted through the auspices of the TVMA Peer Assistance Program.
CONDITIONS:

1. Allow Dr. John C. Lacy, Executive Director, Lacy and Associates, to submit quarterly reports concerning compliance with this Agreement and progress in the recovery program, during the probationary period, with the first report due May 1, 1992.

2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

JAMES PATRICK SYLER, D.V.M.

Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: __________________
DOCKETED COMPLAINT NO. 1992-06

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

JAMES PATRICK SYLER, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 1946

1991 RENEWAL CERTIFICATE NUMBER 1471

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:

On or about September 23, 1991, 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 JAMES PATRICK SYLER, D.V.M., Syler Veterinary Clinic, Rt. 2, Box 2808, Athens, Henderson County, Texas, Veterinary License Number 1946, 1991 Renewal Certificate Number 1471, 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.

On or about May 11, 1986, the Board suspended Respondent’s license for two years, all probated, conditioned upon his surrender of his DEA and DPS Narcotics Registration Certificates for Schedule II through V, except for Pentothal (IIIN). The action was based, in part, upon Respondent’s self-abuse of controlled substances. On May 22, 1988, Respondent successfully completed his two-year probation.

II.

On or about July 22, 1988, Respondent applied for reissuance of his II and IIN Narcotics Registration Certificates. During the August 4-6, 1988 Board Meeting, the Board agreed to approve reinstatement of the II and IIN Narcotics Registration Certificates.

III.

On February 20, 1989, Respondent requested the Board to approve reinstatement of his DEA and DPS Narcotics Registration Certificates for all schedules. In June of 1989, Respondent’s request was approved, with the condition that he report all scheduled drug purchases to the Board on a quarterly basis.
On or about July 16, 1991, the Butler Company advised the Drug Enforcement Administration that Dr. Syler had ordered and received the following scheduled drugs:

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Respondent submitted quarterly reports on November 14, 1988; March 5, 1989; January 17, 1991; October 21, 1991. None of the reports indicated purchases of Hydropane Syrup (III) at anytime during the period or Pentobarbital Sodium (IIIN) after July 16, 1990.

Respondent failed to report to the Board his acquisition of the Scheduled drugs described in Paragraph IV when filing his January 17, 1991 and October 21, 1991 reports.

Respondent ordered the drugs listed in Paragraph IV for his own use and not for the care of animals.

Respondent failed to record the acquisition of the drugs listed in Paragraph IV in his Controlled Substances Inventory Journal.

By failing to report the purchase of controlled substances described in Paragraphs IV, V, and VI in accordance with the Board Orders, Respondent has violated the Veterinary Licensing Act, Article 8890 (formerly 7465a), Section 14(a)(3) which states in part:

"... the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license ... if it finds that ... a licensee:

(3) has engaged in dishonest or illegal practice in or connected with the practice of veterinary medicine;"
By ordering the drugs listed in Paragraph IV for his own use and not when necessary for the care of animals, Respondent has violated Rules 573.41 and 573.60 of the Rules of Professional Conduct, and the Veterinary Licensing Act, Article 8890, (formerly Article 7465a), Section 14(a)(2) and (12) which states in part:

573.41 USE OF PRESCRIPTION DRUGS
(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of this rule.

573.60 PRACTICE PROHIBITION
A Texas veterinary license does not extend to the care and treatment of humans. The foregoing does not apply to a licensee who renders first aid or emergency care, without expectation of compensation, in an emergency or disaster situation.

ARTICLE 8890, SECTION 14(a)
"... the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee... if it finds that a licensee:

(2) is chronically, or habitually intoxicated, has a chemical dependence or is addicted to drugs;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship.

XI.

By failing to maintain controlled substances inventory records for the drugs listed in Paragraph IV, Respondent has violated Rule 573.50 of the Rules of Professional Conduct which states:
573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND

Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:
1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and

XII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Syler's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14(a)
"...the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee...if it finds that a licensee:

(a) is chronically, or habitually intoxicated, has a chemical dependence or is addicted to drugs;

(b) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(c) 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 law;

(d) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship.

ARTICLE 8890, SECTION 14B
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 14th day of December, 1991.

Further, Affiant sayeth not.

\[Signature\]

ERNIE M. CARROLL, Affiant
SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 30th day of December, 1991.

JUDY C. SMITH
Notary Public, State of Texas
My Commission Expires SEPT. 13, 1993


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 Docketed Number 1992-06, this the 30th day of December, 1991.

LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners
The foregoing Agreed Settlement, entered into between Dr. Syler, the Board Secretary, and Board Executive Staff and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 29th day of January, 1992, ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings and Orders.

Executed this the 29th day of January, 1992.

Guy A. Shepard, D.V.M., President

Date 1/29/92

ABSENT

Mr. Clark S. Willingham, Vice-President

Date

Larry M. Dubuisson, D.V.M., Secretary

Date 1/25/92

Mrs. Olivia R. Eudaly, D.V.M., Member

Date

Alton F. Hopkins, Jr., D.V.M., Member

Date 1/29/92

ABSENT

Mr. Mike Levi, Member

Date

Robert D. Lewis, D.V.M., Member

Date 1/29/92

Mary E. Mainster, D.V.M.

Date 1/29/92

ABSENT

Fred K. Soifer, D.V.M., Member

Date
DOCKETED COMPLAINT NO. 1992-06

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

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By failing to report the purchase of controlled substances described in Paragraphs IV, V, and VI in accordance with the Board Orders, Respondent has violated the Veterinary Licensing Act, Article 8890 (formerly 7465a), Section 14(a)(3) which states in part:

**ARTICLE 8890, SEC. 14(a)**

"...the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license ... if it finds that ... a licensee:

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ARTICLE 8890, SECTION 14B
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 30th day of December, 1991.

Further, Affiant sayeth not.

ERNIE M. CARROLL, Affiant
SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 28th day of December, 1991.

JUDY C. SMITH
Notary Public, State of Texas
My Commission Expires
SEPT. 13, 1993

JUDY C. SMITH, Notary 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 Docketed Number 1992-06, this the 28th day of December, 1991.

LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners