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 STEPHEN A. TUCKER, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on January 29, 2014, to consider alleged violations of the Veterinary Licensing Act and the Board’s rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive an informal proceeding under Section 801.408 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff 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 has received all notice that may be required by law and by the Board’s rules. All jurisdictional requirements have been satisfied.

3. On November 14, 2012, Respondent entered into Board Order 2013-26. The Board Order required Respondent to continue under his Peer Assistance Contract under the Board’s Peer Assistance Program for five years. The Board Order further required Respondent to follow all recommendations of the Peer Assistance Program Coordinator; participate in and complete a relapse assessment with a mental health provider selected and approved by the Peer Assistance Program; follow the recommendations of the assessment; submit to appropriate examinations, including screenings for alcohol and drugs, as requested; and abstain from the consumption of prohibited substances, including drugs and alcohol.
4. On December 4, 2013, the Peer Assistance Coordinator, Professional recovery Network ("PRN"), contacted the Board to report that Respondent’s assessment recommended Respondent participate in a 90 day inpatient treatment program. Respondent informed PRN that he could not participate in such a program due to financial constraints. PRN discharged Respondent from the Peer Assistance Program.

4. Respondent has failed to fully comply with Board Order 2013-26.

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 4, Respondent has violated Rule 573.62, VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS, of the Board’s Rules of Professional Conduct, which requires all persons that are the subject of a Board Order shall abide by the terms of the order.

3. Based on Finding of Facts 1 through 4, 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.

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 3, 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

6. Based on Conclusions of Law 2 through 5, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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

Based on the above Findings of Fact and Conclusions of Law, in lieu of any administrative penalties or reprimands associated with a finding of a violation of the Board’s rules and the Veterinary Licensing Act, Respondent agrees to voluntarily surrender his veterinary license and not seek reinstatement by the Board for five years from the date of 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 his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, 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 hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent’s choice at his 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, STEPHEN A. TUCKER, 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.

Stephen A. Tucker, D.V.M. 02/20/2014

STEPHEN A. TUCKER, D.V. M.  Date

STATE OF TEXAS
COUNTY OF Harris

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

Given under the hand and seal of office this 30th day of February, 2014.

Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3rd day of June, 2014.

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