

DOCKET NO. 2010-77

IN THE MATTER OF § TEXAS BOARD OF  
THE LICENSE OF § VETERINARY  
MICHAEL J. DODD, D.V.M. § MEDICAL EXAMINERS

**REVISED AGREED ORDER**

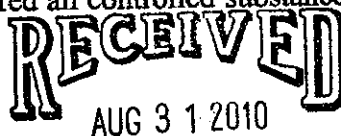
On this, the 10 day of Sept, 2010, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of MICHAEL J. DODD, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on August 2, 2010. The Respondent was represented by counsel, Robert Simpson. 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 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 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, Michael J. Dodd, D.V.M. holds Texas veterinary license 5719.
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. In a letter to the Board dated July 6, 2009, Dr. Dodd stated that on June 24, 2009, two Drug Enforcement Administration ("DEA") agents came to his office and requested his records pertaining to controlled substances. Dr. Dodd stated that he had admitted to the DEA agents that he did not have any records pertaining to the hydrocodone that he had purchased, and admitted that he had a hydrocodone addiction. Dr. Dodd stated that he had voluntarily surrendered his DEA and Texas Department of Public Safety ("DPS") controlled substances registrations to the DEA agents. Dr. Dodd stated that he also surrendered all controlled substances that were in his



possession to the DEA agents.

4. In a letter dated June 30, 2009 from DPS to Dr. Dodd, DPS acknowledged that Dr. Dodd voluntarily surrendered his DEA controlled substances registration. In the letter, DPS advised Dr. Dodd that his Texas DPS controlled substances registration was revoked as a result of the voluntary surrender of the DEA registration.

5. In a letter dated July 23, 2009, Dr. Herbert C. Munden stated that on June 26, 2009, Dr. Dodd was reported to the Texas Veterinary Peer Assistance Committee after his DEA controlled substances registration was suspended for inappropriate orders for hydrocodone. Dr. Dodd stated that on June 25, 2009, he started out-patient treatment, and that in November 2009, he signed a five-year contract with the Board's Peer Assistance Program.

### 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 5, 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 and 2, 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 Michael J. Dodd, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent's license be SUSPENDED for five (5) years, with said SUSPENSION STAYED and Respondent placed on PROBATION for the entire period of SUSPENSION.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that

Respondent complete his five year Peer Assistance Contract under the Board's Peer Assistance Program. In addition, 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.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS Respondent not apply for a Drug Enforcement Administration or Department of Public Safety controlled substance registration for Schedule drugs I, II, or III (however, he can apply for a III-N, IV and V) in his name for one year from the date of this order. Prior to his application for Schedule I, II, or III controlled substance registration, Respondent shall appear before the Board to determine the appropriateness of the request, as well as receive the approval of the Peer Assistance Program director to apply for such registration.

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.
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, may result in further disciplinary action.

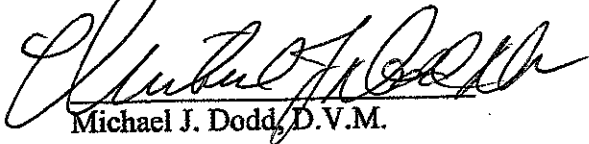
Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

**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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, MICHAEL J. DODD, 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.

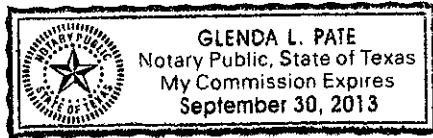
  
Michael J. Dodd, D.V.M.


8-26-10  
Date

STATE OF TEXAS §  
COUNTY OF Cass §

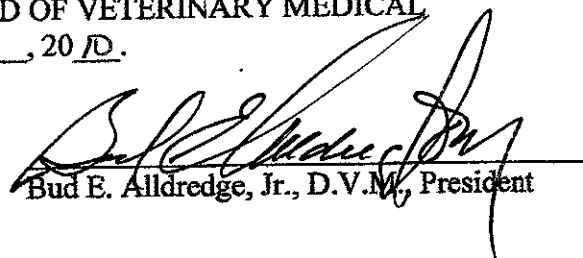
BEFORE ME, on this day, personally appeared Michael J. Dodd, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 26<sup>th</sup> day of August, 2010.



  
Notary Public

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

  
Bud E. Alldredge, Jr., D.V.M., President