

DOCKET NO. 2020-084

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
NICOLE NEMETZ, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Nicole Nemetz, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Nicole Nemetz, D.V.M., of Iowa Colony, Texas, holds Texas veterinary license #11619.
2. On January 27, 2019, TBVME received an evaluation report from the Professional Recovery Network on the Respondent.
3. In the report, Respondent admitted to diverting ketamine for personal use.
4. Respondent also admitted to obtaining a DEA license for the sole purpose of ordering ketamine for personal use.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s Rules. Respondent received notice as required by law.
2. Respondent has violated Board Rule 573.4., Adherence to Law, of the Board’s Rules of Professional Conduct.
3. Respondent has violated Section 801.402(3) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting chronic intoxication, drug use and drug dependence.
4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting acts that violate the Board’s Rules of Professional Conduct.

5. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

6. Pursuant to Board Rule 575.25, Respondent's violations are Class A violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended for 5 years, effective June 12, 2020 with said suspension stayed and Respondent placed on probation for the entire period of the suspension.
- b. During the period of probation, the following terms shall apply:
 1. Respondent shall notify all present and prospective employers of this Order. Respondent shall cause employers to provide written acknowledgement to the Board that they have read and understood the Order. This acknowledgement must be provided within 30 days of the effective date of the Order for present employers, or within 15 days of undertaking new employment. This acknowledgment shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.
 2. Respondent shall work under the direct supervision of a veterinarian for the first year of the probated suspension and then under indirect supervision for the remainder of the term. The supervising veterinarian must be approved by the Board.
 3. Respondent shall enter into a contract with the Board's Peer Assistance Program (PAP) with a duration of five years. Respondent shall enter into this contract and submit documentation of the contract to the Board within 30 days of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.
 4. For the duration of the PAP contract, Respondent shall abstain from the consumption of or intentional exposure to prohibited substances, except as prescribed by a physician to Respondent for legitimate and documented therapeutic purposes. Any such prescribed substances

must be reported to the PAP.

5. For the duration of the PAP contract, Respondent shall timely and satisfactorily submit to periodic screenings for prohibited substances as directed by the PAP Coordinator. Screenings may be through saliva, urine, blood, sweat, or hair testing. Respondent may be required to re-submit to inconclusive screenings. The following actions by Respondent shall constitute a violation of this Order:
 - a. Submitting a positive or positive-dilute specimen;
 - b. Submitting an adulterated specimen;
 - c. Submitting a substituted specimen; or
 - d. Refusing or failing to submit to a screening as directed by the PAP Coordinator.
6. For the duration of the PAP contract, Respondent shall timely and satisfactorily comply with all recommendations of the PAP Coordinator, which may include, but are not limited to:
 - a. In-patient or out-patient rehabilitation, treatment, and counselling;
 - b. Limitations in scope of veterinary practice, access to controlled substances, and number of working hours;
 - c. Limitations in the type of facility in which Respondent may practice and the number of veterinarians associated with a facility or practice; and
 - d. Pre-approval by the PAP and the Board of Respondent's employers or supervisors.
7. Respondent shall timely pay all costs associated with participation in the PAP, including the costs of all testing, examinations, and treatment.
8. Respondent shall execute all releases for medical records necessary for the PAP and the Board to evaluate Respondent's compliance with the PAP Coordinator's recommendations and this Order.
9. Respondent shall submit quarterly reports to the Board certifying compliance with this Order. Reports shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

- c. If Respondent does not timely and satisfactorily comply with any of the terms of this Order, the Board may rescind Respondent's probation pursuant to Board Rule

2. ADHERENCE TO THE LAW AND BOARD RULES

- a. 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.
- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

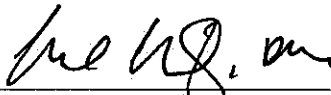
Certification and signature page follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 11 day of JULY, 2020.



Nicole Nemetz, D.V.M.

Sworn and subscribed before me this _____ day of _____, 2020.

SEAL:

Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this _____ day of _____, 20____.



Jessica Quillivan, D.V.M., Presiding Board Member