

COMPLAINT NO. 22-284

IN THE MATTER OF § TEXAS BOARD OF  
THE LICENSE OF § VETERINARY  
PHILLIP SCHWARZLOSE, 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 Phillip Schwarzlose, 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, Phillip Schwarzlose, D.V.M., of San Marcos, Texas, holds Texas veterinary license #8609.
2. Respondent is chronically or habitually intoxicated, chemically dependent, or addicted to drugs, including use of alcohol during business hours and self-medication with drugs reserved for patient use, and is not safe to practice veterinary medicine.
3. Respondent failed to properly document the medical necessity for use, the dispensing and reception of controlled substances with regard to patient use, and the amounts on hand.
4. Evaluation by an appropriate medical provider determined that Respondent is not safe to practice veterinary medicine.
5. Respondent’s continued unsupervised practice of veterinary medicine constitutes a imminent threat to the public welfare.

**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 (by violating Texas Health and Safety Code § 481.1285 - Diversion of Controlled Substance by Registrants, Dispensers, and Certain Other Persons) of the Board’s Rules of Professional Conduct.

3. Respondent has violated Board Rule 573.41, Use of Prescription Drugs, of the Board's Rules of Professional Conduct.
4. Respondent has violated Board Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand, of the Board's Rules of Professional Conduct
5. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct
6. Respondent has violated Section 801.402(3) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting a licensee from being chronically or habitually intoxicated, chemically dependent, or addicted to drugs.
7. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
8. 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, beginning on the effective date of this Order, with said suspension stayed after six months or after Respondent is cleared to practice by the PRN network, whichever occurs later. Respondent will be placed on probation for the remaining period of the suspension.
  - i. During the period of the enforced suspension, the following terms shall apply:
    1. Respondent shall not practice nor give the appearance of practicing veterinary medicine.
    2. Respondent shall not supervise nor give the appearance of supervising other licensees or unlicensed employees in the practice of veterinary medicine.
    3. 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, including the provision that Respondent shall not practice nor give the appearance of practicing veterinary medicine. This acknowledgement must be provided within 30 days of the effective

*animal patient and the person under supervision.*

- b. Following the first two years of probation, unless modified or terminated by a Superseding Order of the Board, Respondent shall be directly precepted as follows:

Respondent shall be directly supervised by a responsible veterinarian. "Direct supervision" shall have the same meaning as defined in Texas Occupations Code 801.002(3). This provision is defined as follows by the Act: "*Direct supervision*" means supervision of a person by a responsible veterinarian who is physically present on the premises.

- c. Approval Of Supervising Veterinarian

While under this supervision. Respondent shall obtain prior written approval by the Board's Executive Director for any supervising veterinarian. Respondent shall submit three (3) names of potential supervisors within 30 days of approval of this order.

- b. 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 575.36.

## 2. REPRIMAND

- a. Respondent is hereby formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

## 3. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of two thousand five hundred dollars (\$2,500.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 1801 Congress Avenue, Suite 8.800, Austin, Texas 78701. Partial payments will not be accepted.
- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas

4. CONTINUING EDUCATION

- a. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of controlled substances records keeping, and six (6) hours of continuing education in the area of mandatory opioid training, both within six months of the date the Board approves this Order. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within six months of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 1801 Congress Avenue, Suite 8.800, Austin, Texas 78701.

5. PEER ASSISTANCE PROGRAM PARTICIPATION

- a. Respondent shall enter into a contract with the Board's Peer Assistance Program (PAP) with a duration of five years. Respondent shall submit documentation of the contract to the Board within 10 days of the date the Respondent enters the Program. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 1801 Congress Avenue, Suite 8.800, Austin, Texas 78701.
- b. 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. Prohibited substances include:
  - i. Alcohol in any form;
  - ii. Dangerous drugs, as defined by Health and Safety Code, Chapter 483;
  - iii. Controlled substances, as defined by Health and Safety Code, Chapter 481;
  - iv. Any substance, including over-the-counter agents and food products, which may cause a positive result in a drug or alcohol screening; and
  - v. Any other substance designated as a prohibited substance by the PAP.
- c. 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:
  - i. Submitting a positive or positive-dilute specimen;

- ii. Submitting an adulterated specimen;
  - iii. Submitting a substituted specimen; or
  - iv. Refusing or failing to submit to a screening as directed by the PAP Coordinator.
- d. 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:
  - i. In-patient or out-patient rehabilitation, treatment, and counselling;
  - ii. Limitations in scope of veterinary practice, access to controlled substances, and number of working hours;
  - iii. Limitations in the type of facility in which Respondent may practice and the number of veterinarians associated with a facility or practice; and
  - iv. Pre-approval by the PAP and the Board of Respondent's employers or supervisors.
- e. Respondent shall timely pay all costs associated with participation in the PAP, including the costs of all testing, examinations, and treatment.
- f. 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.

6. 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.

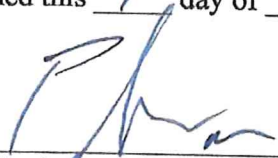
*Certification and signature page follows.*

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order and obtained said counsel. 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.

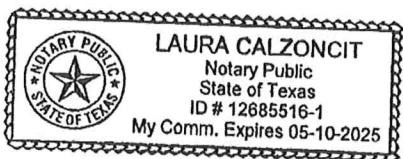
Signed this 9 day of December, 2022.



\_\_\_\_\_  
Phillip Schwarzlose, D.V.M.

Sworn and subscribed before me this 9 day of December, 2022.

SEAL:

  
\_\_\_\_\_  
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 17 day of January, 2023.

  
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Keith Pardue, J.D., Presiding Board Member