

COMPLAINT NO. 20-366

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
JAMES SPEIR, 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 James Speir, 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, James Speir, D.V.M., of McAllen, Texas, holds Texas veterinary license #9232.
2. Respondent submitted an initial application for licensure to the Board on May 17, 2019.
3. During the application process, Respondent disclosed that he had been arrested for driving while intoxicated in May 2014, January 2015 and November 2017. Respondent is currently on probation until June 2021.
4. In order to license the Respondent, the Board placed him under licensing order LA2019-103, which requires that Respondent submit to an evaluation with the Board's Peer Assistance Program and enter into a contract following the Peer Assistance Program's recommendations for a period of at least two years. In addition, Respondent was required to abstain from the consumption of any alcohol for the duration of the Order,
5. Respondent missed four drug screenings.
6. On July 6th, 2020, the Peer Assistance Program requested the Respondent submit to a PETH screening.
7. Respondent tested positive for alcohol use and admitted to consuming alcohol.
8. Respondent's continued practice of veterinary medicine constitutes a continuing of 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 573.62, Violation of Board Order, 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 or habitual intoxicated.
4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
5. 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. REVOCATION

- a. Respondent's veterinary license #9232 is hereby revoked, effective August 3, 2020.
- b. Respondent shall appoint a custodian for Respondent's veterinary records and obtain Board approval of this custodian within 30 days of the effective date of revocation.
- c. Respondent shall notify all clients of this revocation and of the approved records custodian within 30 days of the effective date of revocation.
- d. Pursuant to Board Rule 575.22, Respondent may petition the Board for reinstatement of the license after five years from the effective date of revocation.

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 waive representation by 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 8th day of September, 2020.

James Speir DVM
James Speir, D.V.M.

Sworn and subscribed before me this _____ day of _____, 20____.

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, DVM

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