

TEXAS VETERINARY LICENSE #11619; DOCKET NO. CP22-278

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

**ORDER OF TEMPORARY SUSPENSION**

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

The EDC convened without notice to Respondent, pursuant to Section 801.409 of the Veterinary Licensing Act, Texas Occupations Code, and Board Rule 575.35.

Based on the evidence and information submitted, the Board, through this panel, 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 September 23, 2020, Dr. Nicole Nemetz, respondent, entered into an Agreed Order with the Board, Docket #2020-084
3. The Terms of the Order included:
  - 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.
  - Respondent shall enter into a contract with the Board’s Peer Assistance Program (PAP) with a duration of five years.

- 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. 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 maybe required to re-submit to inconclusive screenings. The following actions by Respondent shall constitute a violation of this Order:

1. Submitting a positive or positive-dilute specimen;
2. Submitting an adulterated specimen;
3. Submitting a substituted specimen; or
4. Refusing or failing to submit to a screening as directed by the PAP Coordinator.

For the duration of the PAP contract, Respondent shall timely and satisfactorily comply with all recommendations of the PAP Coordinator.

4. On May 02, 2022, Dr. Nicole Nemetz tested positive for Tramadol through a urine sample collected by the PAP.
5. On May 18, 2022, PAP requested Dr. Nicole Nemetz provide documentation to them where she had been prescribed and or administered Tramadol.
6. Dr Nicole Nemetz failed to provide documentation to the PAP.
7. On May 20, 2022, Dr. Nicole Nemetz was discharged from the PAP because of the positive urine sample for Tramadol and her failure to provide documentation that the Tramadol was prescribed and or administered to her.

8. On May 31, 2022, a check through the PMP revealed no Tramadol prescriptions were found recently prescribed to Dr. Nicole Nemetz.
9. 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.
2. Respondent has violated Board Rule 573.62, Violation of Board Orders, of the Board's Rules of Professional Conduct.
3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, engages in practices or conduct that violates the board's rules of professional conduct and has violated Section 801.402(3) prohibiting chronic intoxication, drug use and drug dependence.
4. Respondent is subject to the setting aside the stay order in the above and the imposition of the stayed discipline (suspension) of the probationer's license under Texas Occupations Code, Sections 801.409 and Board Rule 575.35 and Rule 575.36.

### **TERMS OF ORDER**

Now, therefore, the Board orders that Respondent comply with the following terms:

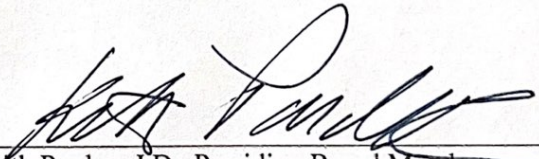
1. TEMPORARY SUSPENSION
  - a. Respondent's license shall be temporarily suspended, effective immediately upon signature by the EDC's presiding officer. The temporary suspension shall remain in effect until superseded by a subsequent Order or by operation of law. During the period of the suspension, the following terms shall apply:
    - i. Respondent shall not practice nor give the appearance of practicing veterinary medicine.
    - ii. Respondent shall not supervise nor give the appearance of supervising other licensees or unlicensed employees in the practice of veterinary medicine.
    - iii. Respondent's clinic and facilities may be used by Respondent for administrative purposes only. Administrative purposes include opening mail, referring patients, accepting payments on accounts, and general office tasks. Respondent shall exercise extreme caution and not be persuaded, coerced, or otherwise drawn by anyone to practicing or even giving the

appearance of practicing veterinary medicine.

## 2. NOTICE AND OPPORTUNITY FOR HEARING

- a. The Board shall promptly provide a copy of this Order to Respondent's address of record. The Board shall also provide a copy of this Order to Respondent electronically or by facsimile, as necessary.
- b. Pursuant to Section 801.409, Texas Occupations Code, and Board Rule 575.35, an informal conference will be scheduled not later than the 14<sup>th</sup> day after the effective date of this Order to determine if formal disciplinary proceedings should be initiated against Respondent. The informal conference will be conducted pursuant to Board Rules 575.35 and 575.29. The Board shall notify Respondent of the informal conference at least 72 hours prior to the informal conference.

THEREFORE, the Texas Board of Veterinary Medical Examiners, through the Executive Disciplinary Committee, does hereby adopt this Order. This Order is effective and final on this 13<sup>th</sup> day of June, 2022.

  
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Keith Pardue, J.D., Presiding Board Member