

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 Orders/Negotiated Settlements, of the Board's Rules of Professional Conduct.
3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting engaging in practices or conduct that violates the board's rules of professional conduct. Respondent has violated Section 801.402(3) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting chronic intoxication, drug use and drug dependence.
- 4.
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. ENFORCED SUSPENSION
 - a. Respondent's license shall be suspended until Respondent is cleared to practice by the PRN network. 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 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 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.

- iv. Respondent shall notify all Board licensees with whom Respondent practices of the Order. Respondent shall provide written acknowledgement to the Board that Respondent has provided this notice. This acknowledgment must be provided within 30 days of the effective date of the Order, 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.
- v. Respondent's clinic and facilities may be used by Respondent for administrative purposes only.
- vi. Respondent will enroll in the (Professional Recovery Network) PRN program, and remain in compliance with the program at all times during this suspension. Failure to comply with PRN for a drug violation will result in automatic revocation of license.

2. POST SUSPENSION ENFORCED PROBATION

- a. At the end of the suspension requiring the clearance by the PRN network, Respondent will be subject to a probationary period.
 - i. The end of suspension and the beginning of the probation period relies on clearance by the PRN program and notification of this clearance must be sent to the TBVME.
- b. The term of this probation will be 5 years following clearance by PRN and the end of suspension..
- c. Respondent will stay enrolled in the PRN program and remain in compliance with the program during this probation. Failure to comply with PRN for a drug violation will result in automatic revocation of license.
- d. Respondent will be subject to indirect supervision during this probation. Respondent will provide the Board with the names of three Veterinarians who will provide this supervision. These names must be provided prior to the start of probation. Indirect supervision is defined in the Texas Occupation Code Sec. 801.002.
- e. During the period of probation, the following terms shall apply:
 - 1. 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.

2. 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.
- f. 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.
 - g. Respondent will enroll in the (Professional Recovery Network) PRN program, and remain in compliance with the program at all times during this probation. Failure to comply with PRN for a drug violation will result in automatic revocation of license.

3. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of five thousand dollars (\$5,000.00) within 120 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, 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 Occupations Code, Section 801.458.

4. 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 plus the time in PAP while suspended and awaiting clearance. 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 1801 Congress, Suite 3-810, 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.
5. 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.
6. Texas Occupation Code Sec. 801.409. TEMPORARY LICENSE SUSPENSION
- a. By agreeing to this Order, Respondent agrees to allow the current suspension to continue past the 60 day regulatory deadline under 401.409(a). Respondent waives the right to their hearing under 801.409.
 - b. This suspension will continue until the Board Meeting where this agreed order comes into effect.
 - c. Once this Agreed Order comes into affect, this order will replace the current suspension.
 - d. Respondent is responsible for ensuring that respondent is in compliance with this order within the specified timeframes.

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.

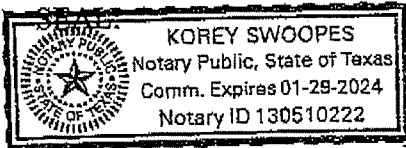
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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.

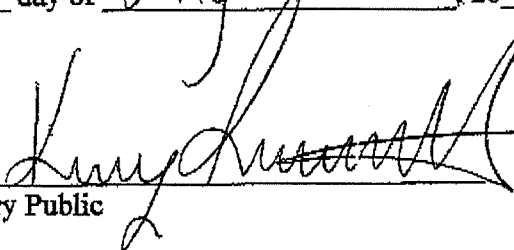
Signed this 29 day of July, 2022



Nicole Nemetz, D.V.M.

Sworn and subscribed before me this 29th day of July, 2022





Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 14th day of October, 2022



Keith Pardue, D.V.M., Presiding Board Member