

DOCKET NO. 2016-021

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

AGREED ORDER

On this the 26 day of January 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of JOEL AKIN, D.V.M. ("Respondent"). Pursuant to Section 801.409, Texas Occupations Code, and Board Rule 575.35, the Board's Executive Disciplinary Committee entered an Order of Temporary Suspension (Without Notice of Hearing) against Respondent on November 16, 2015. Pursuant to Section 801.409, Texas Occupations Code, and Board Rule 575.35, an informal conference was held on November 30, 2015. Respondent attended the informal conference. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

FINDINGS OF FACT

1. Respondent is a Texas veterinarian and holds Texas Veterinary License No. 6921, issued by the Board on December 20, 1990, which was in full force and effect at all times material and relevant to this Order. All jurisdictional requirements have been satisfied.
2. On or about November 24, 2015, Respondent underwent an evaluation by John Lehman, Ph.D., who determined that Respondent could not safely practice veterinary medicine due to a substance use disorder and previously-diagnosed mental disorder that warranted further stabilizing treatment.
3. On or about July 27, 2012, Respondent was arrested for driving while intoxicated. Respondent was convicted on December 31, 2014, but did not report this conviction to the Board.
4. Respondent moved his place of residence, but failed to timely update his home address with the Board.

5. The Board's Rules of Professional Conduct, Title 22 Texas Administrative Code, Chapter 573, (Board's Rules or Board Rule) govern the actions of licensed veterinarians when practicing veterinary medicine.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Enforcement Committee concludes the following:

1. 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. Based on the above Findings of Fact, Respondent has violated Rule 573.70, REPORTING OF CRIMINAL ACTIVITY, by failing to timely report his December 31, 2014 conviction to the Board.
3. Based on the above Findings of Fact, Respondent has violated Rule 573.76, NOTIFICATION OF LICENSEE ADDRESSES, by failing to timely update his residence address with the Board.
4. Based the above Findings of Fact, Respondent has violated §801.402(3) and (6) of the Veterinary Licensing Act, Occupations Code, and is therefore subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs;

(6) engages in practices or conduct that violates the board's rules of professional conduct

5. Based on Conclusions of Law 1 through 4, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

MITIGATING FACTORS

In determining the appropriate sanctions in this matter, specifically the determination to not impose a fine, the Board considered the following mitigating factors:

1. Respondent's appearance at the informal conference;
2. That Respondent had begun seeking treatment prior to the informal conference and expressed his willingness to continue treatment;
3. Respondent's cooperation with Board staff; and
4. Respondent's financial situation.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's license be FORMALLY REPRIMANDED.

The Board further ORDERS that:

1. Respondent's Texas veterinary license is hereby SUSPENDED. Respondent's license SHALL remain suspended until (1) an evaluator approved by the Professional Recovery Network (PRN) determines that Respondent is able to safely practice veterinary medicine; (2) Respondent appears before the Enforcement Committee of the Board; and (3) the Enforcement Committee votes to reinstate Respondent's license. Upon reinstatement of Respondent's license, Respondent's license SHALL remain in a probated suspension status for five (5) years from the date of reinstatement.
2. For the duration of this Order, Respondent SHALL comply with all PRN recommendations. If PRN membership is deemed necessary by PRN, Respondent SHALL abide by and participate with all terms and conditions of PRN. The terms and conditions of PRN SHALL, at the discretion of PRN, include but are not limited to: monitoring, participation in an inpatient or outpatient treatment program; monitoring therapeutic levels of drugs, submission of a narrative as requested; submission of blood or urine specimens for random drug or alcohol testing; and other such conditions deemed appropriate by PRN. PRN SHALL furnish to the Board, upon request, documentation evidencing Respondent's compliance or non-compliance with the terms of PRN's program. Failure to comply with all provisions and recommendations of PRN SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.
3. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
4. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.

5. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges an understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees to satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives the right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges having the right to be represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

Signature page follows.

I, JOEL AKIN, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Joel Akin
JOEL AKIN, D.V.M.

11
Date

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, on this day, personally appeared JOEL AKIN, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that it was executed the same for the purposes stated therein.

Given under the hand and seal of office this 05 day of January, 2016.



So-Young An
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 26 day of January, 2016.

R. Lenarduzzi
Roland Lenarduzzi, DVM
Interim, Board President