STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	*	
ZACHARY A. MYLES, V.M.D.	*	Docket No. 10-69
Veterinary License No. 6383	*	

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MODIFIED CONSENT AGREEMENT AND ORDER

This Modified Consent Agreement and Order (Modified Agreement), dated this 8th 15th CHR day of May, 2012, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Zachary A. Myles, V.M.D. (Dr. Myles), License No. 6383. This Modified Agreement concerns conditions of probation following the resolution of charges filed by the Board in June 2010 alleging that Dr. Myles violated the Veterinary Practice Act and its related regulations with respect to the theft and misuse of a controlled dangerous substance while employed by Green Valley Animal Hospital (Hospital) under the employ of Laura Page Warden, D.V.M. Specifically, the charging document alleged a violation of Code of Maryland Regulations (COMAR) 15.14.01.04, by acting in an unprofessional manner. The parties agreed to resolve those charges and entered into a Consent Agreement and Order, dated August 19, 2010. Because Dr. Myles has complied with all conditions of probation in that Consent Agreement and Order, and an additional substance addiction evaluation at the request of the Board, the parties now agree to enter into this Modified Agreement.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 et seq., Annotated Code of Maryland and related regulations. As part of its authority, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee

. . . if the veterinarian . . . [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may also impose a civil penalty of not more than $5,000 in lieu of or in addition to suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT

Dr. Myles, by entering into and signing this document, while generally and specifically denying liability

in this case, agrees to this Modified Order, acknowledging that the Board has sufficient evidence to find, as fact, that:

1. At all times relevant to the charges, Dr. Myles was a veterinarian licensed to practice veterinary medicine in the State of Maryland, and practiced veterinary medicine.
2. On and between October 13, 2008 and February 24, 2010, Dr. Myles was employed as a veterinarian at the Green Valley Animal Hospital (Hospital), located at 2910 Price's Distillery Road, Ijamsville, Maryland. Laura Page Warden, D.V.M., was the Hospital's owner and medical director.
3. During the time that he was employed at the Hospital, Dr. Myles stole several bottles of Diazepam, or portions of the contents of those bottles, from the Hospital's pharmacy for self use.
4. On or about May 6, 2009, Dr. Warden instituted new procedures at the Hospital to limit the use of, and access to, the drug Diazepam. These procedures included: (i) this drug could no longer be used as a pre-anesthetic; (ii) although the drug could be used as an anesthetic, staff could not remove the bottle from the pharmacy area; instead, after removing the bottle from the locked cabinet holding it, staff could only withdraw the amount needed for the particular procedure, and then return the bottle to the locked cabinet; and (iii) access to this locked cabinet was limited to eight individuals working at the Hospital, including four veterinarians, two managers, and two assistant managers.
5. On or about February 20, 2010, contrary to the new procedures instituted by Dr. Warden, Dr. Myles removed a bottle of Diazepam from the Hospital's pharmacy, placed it in his pocket, and left the area. Using a syringe, Dr. Myles withdrew a portion of the Diazepam from the bottle for self use, and replaced the portion of the drug that he had removed with saline. Approximately 45 minutes after taking the bottle of Diazepam, Dr. Myles returned it to the pharmacy. Late that day after going home, Dr. Myles self-administered the Diazepam that he had removed from the bottle.
6. On or about February 23, 2010, Dr. Warden removed a bottle of Diazepam from the locked cabinet and withdrew a portion of this drug. She mixed the portion of the drug with Ketamine, intending to use the combination of drugs to anesthetize a patient undergoing surgery. When Dr. Warden noticed that the mixture did not change color, she suspected that the bottle of Diazepam she had removed from the locked cabinet had been diluted, and then contacted the police.
7. On or about February 24, 2010, Dr. Myles made a statement to Trooper First Class Marty Speak of the Maryland State Police that he had taken approximately 25 bottles of Diazepam from the Hospital's pharmacy for self use during his employment at the Hospital. Dr. Myles admitted to Trooper Speak that on February 20, 2010, he withdrew a portion of Diazepam from a bottle he took from the pharmacy and replaced the contents with saline, and after going home that day, injected this drug into his left arm.
8. On or about February 24, 2010, Dr. Myles' employment at the Hospital was terminated.

9. On June 8, 2010, the Board filed charges against Dr. Myles for two incidents of unprofessional conduct, violations of COMAR 15.14.01.04.

10. On August 19, 2010, the parties entered into a Consent Agreement and Order, resolving the charges and imposing certain conditions of probation, including a civil penalty of $1,000, suspension of Dr. Myles' veterinary license for three years, two years of which were stayed, a period of probation of five years from the date of the Consent Agreement and Order, attendance at routine meetings of Narcotics Anonymous or Alcoholics Anonymous, or equivalent drug counseling program, for a minimum of two years, and submission to monthly supervised drug testing for five years from the date of the Consent Agreement and Order.

11. As of August 19, 2011, the parties agree that Dr. Myles had complied with all conditions of probation contained in the Consent Agreement and Order, to that point.

12. The Board requested, and Dr. Myles agreed, to a fitness for duty evaluation with recommendations for conditions of probation by Ralph D. Raphael, Ph.D., who was selected by the Board.

13. Dr. Raphael reviewed the Board's records concerning Docket No 10-69 and met with Dr. Myles on December 29, 2011.

14. Dr. Raphael submitted a report to the Board dated January 10, 2012, and offered five recommendations.

15. The Board adopts Dr. Raphael's recommendations and revises the August 19, 2010, Consent Agreement and Order with the Modified Order below.

CONCLUSIONS OF LAW

Based on these findings of fact, Dr. Myles acknowledges that the Board has sufficient evidence to conclude as a matter of law, that:

A. On and between October 13, 2009 and February 24, 2010, while employed at Green Valley Animal Hospital, Dr. Myles stole one or more bottles of Diazepam, or portions of the contents of that or those bottles, from the Hospital's pharmacy for self use, and, in doing so, acted in an unprofessional manner for a veterinarian in this State, a violation of COMAR 15.14.01.04.

B. On or about February 20, 2010, while employed at Green Valley Animal Hospital, Dr. Myles withdrew a portion of the Diazepam from a bottle that he had removed from the Hospital's pharmacy, and replaced the removed portion with saline and, in doing so, acted in an unprofessional manner, a violation of COMAR 15.14.01.04.

C. As of August 19, 2011, Dr. Myles had complied with all conditions of probation in the Consent Agreement and Order, to that point.

D. On December 29, 2011, Dr. Myles voluntarily submitted to a fitness for duty evaluation by Ralph D. Raphael, Ph.D., a psychologist selected by the Board.

E. Dr. Raphael submitted a written report dated January 10, 2012, to the Board, with five recommendations regarding Dr. Myles.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that, as of August 19, 2011, Dr. Myles has satisfactorily completed the conditions of probation in the Consent Agreement and Order dated August 19, 2010; on December 29, 2011, Dr. Myles voluntarily submitted to a fitness for duty evaluation at the Board's request; and on January 10, 2012, Dr. Ralph D. Raphael made five recommendations regarding Dr. Myles, it is this 8th 15th day of May, 2012, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that: CHR

(1) Dr. Myles' veterinary license is suspended for two years, however, both years are stayed, from the date of this Order;

(2) Dr. Myles shall serve a new period of probation of five years from the date of this Order; violation of probation during the period of probation (upon a charge of violation and ultimate conclusion by the Board of violation of the Veterinary Practice Act, related regulations of the Board, or the following conditions of probation) may result in the stay of suspension being lifted and Dr. Myles being required to serve the remaining two years of suspension;

(3) Dr. Myles shall continue in his current aftercare psychotherapy group (or, if that ends, another formal weekly therapy with a therapist who focuses on Dr. Myles' substance abuse), this therapy to continue for one year after Dr. Myles resumes the practice of veterinary medicine;

(4) Dr. Myles shall remain abstinent from all mood altering drugs and alcohol except those that are prescribed by his current treating physicians, with the requirement to inform his current treating physicians of all medications that are prescribed to him by every other physician, so that all his current treating physicians have knowledge of all prescriptions that are prescribed to Dr. Myles;

(5) Dr. Myles shall arrange for and submit to weekly random urine screenings for a period of five years after returning to the practice of veterinary medicine;

(6) Dr. Myles shall continue his involvement in 12-step programs throughout the period of probation;

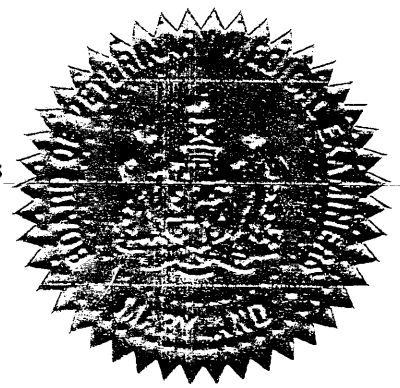
(7) Dr. Myles shall resume his individual psychotherapy on a weekly basis for at least one year after Dr. Myles resumes the practice of veterinary medicine, with a focus on his social anxiety and depression, and with a focus on substance abuse, if his current aftercare psychotherapy group ends, throughout

the period of probation; the length and frequency of this requirement may be reduced after the first year upon the written recommendation of his therapist and approval of the Board;

(8) Dr. Myles shall annually submit reports from his treating physicians, therapists, and programs, including urine screenings, to the Board for the purpose of monitoring compliance with conditions of probation; and

(9) Dr. Myles shall submit to additional fitness for duty evaluations, as needed, prior to his release from probation.

Chris H. Runde, D.V.M.
President
Maryland State Board of Veterinary Medical Examiners



CONSENT

I, Zachary A. Myles, V.M.D., acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement and Order. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement and Order, consisting of six pages.

I sign this Consent without reservation as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

May 8, 2012
Date

Zachary A. Myles, V.M.D.

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF ROCKVILLE/MONTGOMERY

I HEREBY CERTIFY that on this 8 day of MAY, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared Zachary A. Myles, V.M.D., and made oath in due form of law that the foregoing Consent Agreement and Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

ALICIA O'SERRATO
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 01, 2014

My Commission expires: 10/01/2014.