Texas State Board of Veterinary Medical Examiners
1946 South IH 35, Suite 306
Austin, TX 78704

Docket Number 1994-05
Kelly P. Maass, D.V.M.
License Number 6471

Negotiated Settlement

This negotiated settlement has been entered by agreement between Dr. Maass, the Texas State Board of Veterinary Medical Examiners staff, and in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement, the defendant, Dr. Maass will be granted a continuance at her option.

Dr. Maass does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, she is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

Summary of Charges:

Failure to maintain controlled substances records; failure to maintain patient records for controlled substances dispensed, delivered, or ordered delivered; failure to properly label container for controlled substance. Further, through the foregoing acts, Dr. Maass failed to adhere to the law as it pertains to the practice of veterinary medicine.

Recommended Disciplinary Action:

1. Five years suspension with the entire period probated.
2. Pay an administrative penalty in the sum of $1,000.00.

Conditions:

1. Take and pass the State Board Jurisprudence Examination as scheduled by Board staff.
2. File quarterly during the probationary period certifying compliance with this Order.
3. Surrender DEA and DPS Controlled Substances Registration Certificates.
4. Will not seek reinstatement of DEA & DPS Certificates without first appearing before the Board and obtaining their approval that they will not object to the reissuance of the Certificates. The Certificates were surrendered in conjunction with this case.
5. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

[Signature]

KELLY P. MAASS, D.V.M.

[Signature]

Rón Allen, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 3-3-94
The foregoing Agreed Settlement, entered into between Dr. Kelly Maass, L. C. Meyer, Attorney for Dr. Maass, the Board Secretary, and the Enforcement Committee, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 9th day of June, 1994, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 9th, day of June, 1994.

[Signatures of Board Members]

June 9, 1994  
Date

[Signatures of Board Members]
DOCKETED COMPLAINT NO. 1994-05

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

() TEXAS VETERINARY MEDICAL LICENSE NO. 6471
vs.

() 1993 RENEWAL CERTIFICATE
Kelly P. Maass, D.V.M.

() NUMBER 4884

COMPLAINT AFFIDAVIT

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Matthew Wendel, who after being duly sworn, did depose and say:

On or about September 14, 1993, Matthew Wendel, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Kelly P. Maass, D.V.M., P.O. Box 144, Montalba, Texas, 75853, Veterinary License Number 6471, 1993 Renewal Certificate Number 4884, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against Kelly P. Maass, D.V.M.

I.

On or about September 2, 1993, Dr. Kelly P. Maass dispensed to Faron Bostic 60 2mg Winstrol-V tablets in a container that was improperly labeled. She did not complete any patient records for dispensing the Schedule III Controlled Substance and did not enter the dispensing of the controlled substances in a drug inventory journal.
II.

Faron Bostic received the Winstrol-V from Dr. Maass for his own personal use. Mary Bostic, his wife, found 38 Winstrol-V 2mg tablets in his shaving kit on September 13, 1993 and observed him take two additional Winstrol-V tablets on that day. 

III.

By failing to maintain patient records for the controlled substances dispensed, as described in paragraph I, Dr. Maass violated Rule 573.52 of the Rules of Professional Conduct and Section 14(a) (5) of the Veterinary Licensing Act, V.A.C.S. Article 8890.

IV.

By failing to maintain records for the acquisition and disposal of the controlled substances and by dispensing the controlled substances in an improperly labeled container, as described in paragraph I, Dr. Maass violated Rule 573.04, by violating Section 481.123(3) of Chapter 481, Texas Health and Safety Code, Rule 573.50 and Rule 573.40 of the Rules of Professional Conduct and Section 14(a) (3) and (5), and Section 7(d) of the Veterinary Licensing Act, V.A.C.S. Article 8890.

V.

By dispensing 2mg Winstrol-V tablets, a controlled substance, to Faron Bostic for his own personal use, Dr. Maass violated Rule 573.41(b), Rule 573.04, by violating Section 481.123(3) of Chapter 481, Texas Health and Safety Code, and Rule 573.60 of the Rules of Professional Conduct and Section 14(a) (5) of the Veterinary Licensing Act, V.A.C.S. Article 8890.
VI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Maass' Veterinary License under the Texas Veterinary Licensing Act, V.A.C.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 7(d)

"The Board shall require its licensees to maintain a record-keeping system for controlled substances, as prescribed by Chapter 481, Health and Safety Code. The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, cancelling, suspending or probating the license of any practitioner of veterinary medicine."

ARTICLE 8890, SECTION 14(a)

"... the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee ... if it finds that a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;"
ARTICLE 8890, SECTION 14B (a)

"The Board may impose an administrative penalty against a person who violates a provision of this Act or a rule or order adopted under this Act."

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 29th day of November, 1993

Further, Affiant sayeth not.

Matthew Wendel
Matthew Wendel, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel this the 29th day of November, 1993.

Joseph J. Rizzo
Joseph J. Rizzo, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Kelly P. Maass, D.V.M. under Docketed Number 1994-05, this the 1st day of December, 1993.

John A. Wood, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners