TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Box 113
Austin, TX 78704
(512) 447-1183

DOCKET NUMBER 1988-23
STEPHEN M. SELLS, D.V.M.
LICENSE NUMBER: 4771

NEOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Sells and the Texas State Board of Veterinary Medical Examiners staff 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. Sells, will be granted a continuance at his/her option.

Dr. Sells does not contest the allegations set forth in the Complaint 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, he/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 adequate records on Schedule II drugs and prescribing controlled substances when not necessary or needed for the care of animals.

RECOMMENDED DISCIPLINARY ACTION:
1. One (1) year suspension, all probated, effective immediately.
2. Surrender Schedule II and IIN DEA and DPS Certificates, to be reinstated at the discretion of the Board.
3. Pay a Civil Penalty in the sum of $1,000.00.

CONDITIONS:
1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due September 1, 1988.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Take and pass the Jurisprudence Exam as scheduled by Board Staff.
4. Obtain fifteen (15) hours of continuing education during probationary period.

Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Witness
The foregoing Agreed Settlement, entered into between Dr. Stephen M. Sells, the Board Secretary, Dr. Fred Soifer and Board Executive Staff 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 June 3, 1988 ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings, Conclusions and Orders.

W. L. "Dub" Anderson, D.V.M., President

Jim F. Humphrey, Vice-President

Fred Soifer, D.V.M., Secretary

Larry M. Dobuisson, D.V.M., Member

(Date)

June 3, 1988

Date

J.J. LeFevre, Member

(Date)

Olivia R. Buday, Member

(Date)

(Date)

(Date)

Date

Mike Levi, Member

(Date)

Robert D. Lewis, D.V.M., Member

(Date)

(Date)

Date

Mary E. Mainster, D.V.M., Member

(Date)

Edward S. Murray, D.V.M., Member

(Date)
DOCKETED COMPLAINT NO. 1988-23
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VS.

STEPHEN M. SELLS, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 4771
1988 RENEWAL CERTIFICATE NUMBER 1333

COMPLAINT AFFIDAVIT FORM

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

"I, THOMAS CHESHIRE being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations on or about July 8, 1987, into the professional conduct of one STEPHEN M. SELLS, D.V.M., Bandera Veterinary Clinic, Box 1629 Bandera, Bandera County, Texas, Texas Veterinary License Number 4771, 1988 Renewal Certificate Number 1333, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE, do hereby present the following complaint against STEPHEN M. SELLS, D.V.M., who is hereinafter called Respondent.

I.

The Respondent has failed to maintain, adequate patient records for prescriptions written for RITALIN tablets, aka Methylphenidate Hydrochloride, a Schedule II drug, as listed below:

<table>
<thead>
<tr>
<th>QTY</th>
<th>STRENGTH</th>
<th>DATE ORDERED</th>
<th>NAME</th>
<th>PRESCRIPTION NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 tabs</td>
<td>20 mg.</td>
<td>4/25/85</td>
<td>Karen Tinbrook</td>
<td>820491709709</td>
</tr>
<tr>
<td>25 tabs</td>
<td>20 mg.</td>
<td>6/7/85</td>
<td>Karen Tinbrook</td>
<td>820491709712</td>
</tr>
<tr>
<td>12 tabs</td>
<td>20 mg.</td>
<td>6/10/85</td>
<td>Bob Young</td>
<td>820491709713</td>
</tr>
<tr>
<td>12 tabs</td>
<td>10 mg.</td>
<td>8/3/87</td>
<td>Billy Risher</td>
<td>820491709715</td>
</tr>
<tr>
<td>25 tabs</td>
<td>10 mg.</td>
<td>8/4/87</td>
<td>Jim Hodges</td>
<td>820491709716</td>
</tr>
</tbody>
</table>

99 Tablets

II.

The Respondent has failed to maintain, adequate patient records for prescriptions written for NUMORPHAN Suppositories, aka Oxymorphone, a Schedule II drug, as listed below:

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>DATE ORDERED</th>
<th>NAME</th>
<th>PRESCRIPTION NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Suppositories</td>
<td>5/16/85</td>
<td>Karen Tinbrook</td>
<td>820491709710</td>
</tr>
<tr>
<td>6 Suppositories</td>
<td>5/31/85</td>
<td>Karen Tinbrook</td>
<td>820491709711</td>
</tr>
</tbody>
</table>
III.
Respondent prescribed the RITALIN listed in Paragraph I, for equine training purposes and not when necessary or required for the care of animals.

IV.
Respondent prescribed the Numorphin Suppositories listed in Paragraph II for equine training purposes and not when necessary or required for the care of animals.

V.
Prescribing Schedule II drugs as outlined in this complaint without maintaining adequate patient records constitutes a violation of Rule 32 of the Rules of Professional Conduct which states:

Rule 32
Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three (3) years and are the responsibility and property of the employing veterinarian.

VI.
Prescribing Ritalin and Numorphan for training purposes as outlined in this complaint constitutes prescribing drugs for medically unsound reasons and, therefore, constitutes a violation of Rule 33 of the Rules of Professional Conduct relating to the practice of veterinary medicine in the State of Texas that states:

Rule 33
It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession or veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use of possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.
VII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Sells' veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 14(e) which state:

Article 7465a, Section 14(e), Veterinary Licensing Act
"... the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, ... if it finds that an applicant or licensee:
(e) 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 the law."

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 2nd day of May, 1988.

Further, Affiant sayeth not.

THOMAS CHESIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESIRE, this the 2nd day of May, 1988.

JUDY C. SMITH
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. Stephen M. Sells, D.V.M. under Docketed Number 1988-23, this the 9th day of May, 1988.

PRED K. SOIFER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners