

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

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Stephen Sells, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Stephen Sells, D.V.M., of Bandera, Texas, holds Texas veterinary license 4771.
2. Between January 6, 2015 and January 6, 2017, Respondent prescribed ketamine HCL to Ryan Murphey on 32 separate occasions. Mr. Murphy does not hold a veterinary license. Respondent acknowledged that each prescription was provided to Mr. Murphey for use in his private contract game capture business. Mr. Murphey’s business offers chemical immobilization (via dart) of exotic wildlife, primarily deer. Respondent has no direct relationship with the animals or their owners.
3. On January 1, 2017, Mr. Murphey was stopped by a Texas Parks and Wildlife Game Warden and found to be in possession of unlabeled bottles containing ketamine. On January 2, 2017, Respondent faxed a letter to the TPWD Game Warden stating that Mr. Murphey was his client and was conducting game capture on various ranches in the hill country. Respondent acknowledged prescribing numerous drugs to Respondent throughout the years, including: a compound containing butorphanal tartrate, azaperone tartrate, and medetomidine; sucostrin; xylazine; and a compound containing medetomidine and ketamine.
4. On February 23, 2017, Board investigators conducted an on-site inspection of Respondent at his primary practice address. During the inspection, Respondent was unable to produce a controlled substance log, as he was unfamiliar with the software he used to input controlled substance information. At the time of the inspection, the facility had 90mls of ketaset, 1,000mls of euthansia, 64mls of medetomidine/ketamine compound, and 49mls of telazol on hand.
5. On February 24, 2017, Respondent provided Board investigators with a print-out from an electronic controlled substance log. The log provided did not have an accurate balance on hand for

three of the controlled substances. The controlled substance log showed a discrepancy of 8mls for ketaset, a discrepancy of 965.4mls for euthanasia, and a discrepancy of 106mls for medetomidine/ketamine compound.

6. The inspection revealed that Respondent stored controlled substances in an unsecured wooden cabinet. Following the inspection, Respondent secured his controlled substances in a securely locked, substantially constructed cabinet or security cabinet.

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 573.40, Labeling of Medications Dispensed, of the Board's Rules of Professional Conduct.

3. Respondent has violated Board Rule 573.41, Use of Prescription Drugs, of the Board's Rules of Professional Conduct.

4. Respondent has violated Board Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand, of the Board's Rules of Professional Conduct.

5. Respondent has violated Board Rule 573.61, Minimum Security for Controlled Substances, of the Board's Rules of Professional Conduct.

6. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, which prohibits engaging in practices or conduct that violates the Board's rules of professional conduct.

7. Respondent has violated Section 801.402(13) of the Veterinary Licensing Act, Texas Occupations Code, which prohibits the ordering of a prescription drug or controlled substance for the treatment of an animal without first establishing a veterinarian-client-patient relationship.

8. Respondent has violated Section 801.402(20) of the Veterinary Licensing Act, Texas Occupations Code, which prohibits the assistance of practicing veterinary medicine without a license.

9. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

10. 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. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended for two (2) years, effective two weeks from the date this order is adopted, with said suspension stayed and Respondent placed on probation for the entire period of the suspension.
 - i. During the period of probation, 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.
- b. 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.

2. REPRIMAND

- a. Respondent is hereby formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

3. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of three thousand dollars (\$3,000.00) within 30 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. 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.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

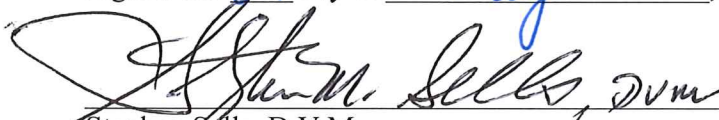
Certification and signature page follows.

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.

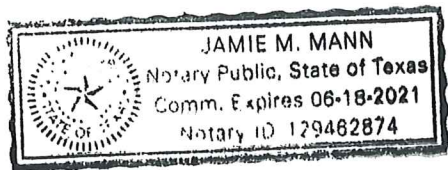
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 21 day of May, 20 18.


Stephen Sells, D.V.M.

Sworn and subscribed before me this 21st day of May, 20 18.

SEAL:




Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 31st day of July, 20 18.


Jessica Quillivan, D.V.M., Presiding Board Member