

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, TX 78704

DOCKET NUMBER 1992-07
GARY NEVIN COURSEY, D.V.M.
LICENSE NUMBER: 3911

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Coursey, 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. Coursey will be granted a continuance at his option.

Dr. Coursey 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, he 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:

Ordering and dispensing the controlled substance Diazepam without a valid DEA or DPS Narcotics Registration Certificate; ordering the controlled substances for "Office Use"; and failing to maintain controlled substances inventory records to account for Diazepam Tablets.

RECOMMENDED DISCIPLINARY ACTION:

- 1. Official Reprimand
- 2. Obtain twenty five (25) hours of Continuing Education by February 1, 1993.
- 3. Seek immediate counseling for procrastination and associated business problems, and submit documentation of PROB counseling in his quarterly reports to the Board. *Apply for*

CONDITIONS:

- 1. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
- 2. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff.
- 3. Submit records on all controlled substance purchases and copies of appropriate pages from the drug inventory log, *for one year, Apply for*

4. Submit quarterly reports for one (1) year certifying compliance with this Agreement.

Gary Nevin Coursey D.V.M.
GARY NEVIN COURSEY, D.V.M.

Buddy Matthijetz
Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: Jan. 18, 1992

Exhibit A

DOCKETED COMPLAINT NO. 1992 57

TEXAS STATE BOARD OF VETERINARY	()	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	()	LICENSE NO. 3911
vs.	()	1991 RENEWAL CERTIFICATE
GARY NEVIN COURSEY, D.V.M.	()	NUMBER 4299

COMPLAINT AFFIDAVIT FORM

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 August 23, 1991, Matthew Wendel, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one GARY N. COURSEY, D.V.M., Lakewood Forest Veterinary Hospital, 11802 Louetta Road, Houston, Harris County, Texas, Veterinary License Number 3911, 1991 Renewal Certificate Number 4299, 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 GARY N. COURSEY, D.V.M., who is hereinafter called Respondent.

I.

During the period of December 1, 1990 to August 23, 1991, Respondent ordered, received and dispensed the following controlled substances without a valid DEA or DPS Narcotics Registration Certificate:

DATE	ACTIVITY	SUPPLIER	DRUG	QTY	CLIENT
12/31/90	Ordered	Eckerd Drug	Diazepam Tabs	30	N/A
02/14/91	Ordered	Eckerd Drug	Diazepam Tabs	30	N/A
02/14/91	Dispensed	N/A	Diazepam Tabs	4	Samoska
04/01/91	Dispensed	N/A	Diazepam Tabs	8	Johnson
08/19/91	Dispensed	N/A	Diazepam Tabs	4	Faulkner

II.

On December 31, 1991, as listed in Paragraph I, Respondent issued a prescription form to Eckerd Drug #2210, Houston, Texas, for 30 Diazepam, 5 mg. tablets for "Office Use. On February 14, 1991, Respondent refilled the "office Use" prescription for 30 5mg. Diazepam.

III.

On or about August 23, 1991, Respondent was unable to account for 44 of the 60 Diazepam Tablets listed in Paragraph I as ordered from Eckerd Drugs on 12/31/90 and 02/14/91

IV.

By ordering and dispensing the controlled substance Diazepam without a valid DEA or DPS Narcotics Registration Certificate, Respondent has violated Rules of Professional Conduct 573.4 and 573.43; and the veterinary Licensing Act, Article 8890, Section 14(a)(5) which state in part:

573.04 ADHERENCE TO THE LAW

No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

573.43 MISUSE OF DEA NARCOTICS REGISTRATION

It is dishonest or illegal practice for a licensee to prescribe, dispense, deliver, or order delivered, any controlled substance which requires the use of the Federal Drug Enforcement Agency narcotics registration number of another veterinarian, unless the veterinarian to whom the DEA number has been assigned has knowledge of the use and has given written permission for such use and the licensee using the DEA number holds a current Texas DPS Narcotics Certificate. Said permission shall extend only to the dispensing and administering of controlled substances. In no instance may a DEA unregistered licensee procure or purchase controlled substances. (CFR 21, Part 1300, paragraph 1301.24)

ARTICLE 8890, SEC. 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 license . . . if it finds that . . . a licensee:

. . . .
(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;"

V.

By ordering the controlled substances for "Office Use", as outlined in Paragraph I, Respondent has violated CFR, Title 21, Part 1306.04; therefore, has violated Rule 573.4 of the Rules of Professional Conduct and the Veterinary Licensing Act, Article 8890, Sections 14(a)(3) and (5) which state in part:

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. . . .
(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;"

VI.

By failing to maintain controlled substances inventory records to account for 44 of the 5mg Diazepam Tablets, as outlined in Paragraph III, Respondent has violated Rule 573.50 of the Rules of Professional Conduct and the Veterinary Licensing Act, Article 8890, Sections 7(b) and 145(a)(5) which state in part:

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND

Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:

1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and
7. Balance on hand.

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VII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Coursey's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Sections 7(b) and 14 which state in part:

ARTICLE 8890, SEC. 7(b)

The Board shall require its licensees to maintain a record-keeping system for controlled substances as prescribed by the Texas Controlled Substances Act, (Article 4476-15, Vernon's Texas Civil Statutes). 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;

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ARTICLE 8890, SECTION 14B

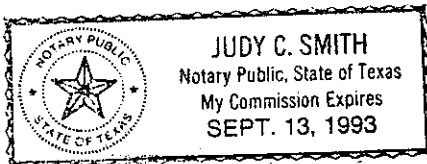
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 10th day of December, 1991.

Further, Affiant sayeth not.

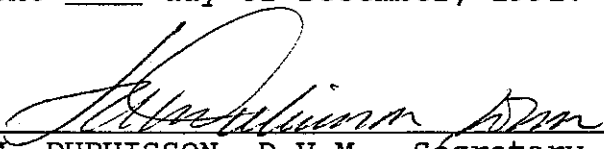
Matthew Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel, this the 10th day of December, 1991.



Judy C. Smith
JUDY C. SMITH, Notary 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. Gary Nevin Coursey, D.V.M. under Docketed Number 1991-07, this the ____ day of December, 1991.



LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners

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ARTICLE 8890, SECTION 14B

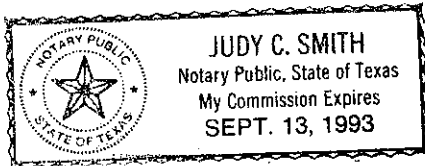
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The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 14th day of December, 1991.

Further, Affiant sayeth not.

Matthew Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel, this the 14th day of December, 1991.



Judy C. Smith
JUDY C. SMITH, Notary in and for Texas

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LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners