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

DOCKET NUMBER 1994-01, E. E. EPPERSON, D.V.M.  
LICENSE NUMBER 2186

NEGOTIATED SETTLEMENT

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

Dr. Epperson 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:**

Performing unauthorized services and failure to exercise care, skill and diligence in treating Sandra Walker's cat.

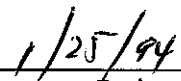
**RECOMMENDED DISCIPLINARY ACTION:**


1. Five years suspension to commence immediately upon completion of the current suspension imposed in Docketed Case 1992-12. The term of this suspension would be September 11, 1997 through September 11, 2002.

**CONDITIONS:**

1. Dr. Epperson agrees to abide by any current and/or future rules adopted by the Board regarding the activities of a licensee whose license is suspended.
2. Dr. Epperson agrees to abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.

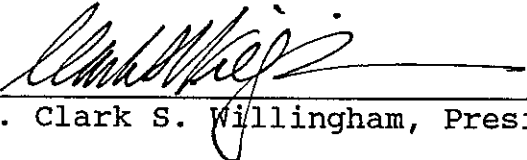
  
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E. E. EPPERSON, D.V.M.

  
\_\_\_\_\_  
Date

  
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Ron Allen, Executive Director

The foregoing Agreed Settlement, entered into between Dr. Epperson, Dr. Epperson's legal counsel, the Board Secretary, 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 the 2nd day of February, 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 2nd, day of February, 1994.

  
Mr. Clark S. Willingham, President


February 2, 1994  
Date

  
Al Hopkins, Jr., D.V.M., Vice- President

"  
Date

John A. Wood, D.V.M., Secretary

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Date

  
Larry M. Dubuisson, D.V.M., Member

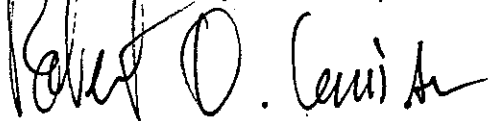
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Olivia R. Eudaly, Member

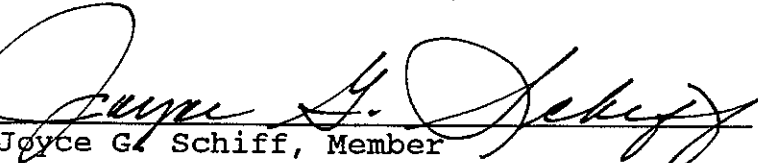
"  
Date

  
James N. Gomez, D.V.M., Member

"  
Date

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

"  
Date

  
Joyce G. Schiff, Member

"  
Date

  
Guy A. Sheppard, D.V.M., Member

"  
Date

DOCKETED COMPLAINT NO. 1994-0.

TEXAS STATE BOARD OF	S	TEXAS VETERINARY MEDICAL
	S	
VETERINARY MEDICAL EXAMINERS	S	LICENSE NO. 2186
	S	
vs.	S	1993 RENEWAL CERTIFICATE
	S	
E. E. EPPERSON, D.V.M.	S	NUMBER 4318

COMPLAINT AFFIDAVIT

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

On or about July 20, 1993, Mike Carroll, 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 E. E. Epperson, D.V.M., 2403 Ben White Blvd., Austin, Texas, 78704, Veterinary License Number 2186, 1993 Renewal Certificate Number 4318, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against E. E. Epperson, D.V.M.

I.

On or about June 29, 1993 Sandra Walker telephoned Dr. Epperson's clinic and asked if she could drop off her cat, "Zilker", at Dr. Epperson's facility, the Ben White Animal Clinic, whenever it was convenient for her.

II.

On or about June 29, 1993, at about 9:00 a.m., Sandra Walker dropped off "Zilker" at the Ben White Animal Clinic. She spoke with Peter, an employee, and told him she wanted "Zilker" to be bathed and to be given a Rabies vaccination. She also authorized

medication to sedate him. She did not authorize any additional treatment.

III.

On or about June 29, 1993, at about 9:00 a.m., Dr. Epperson administered anesthesia to "Zilker". He then examined "Zilker" and vaccinated him with Rabies vaccine and with feline leukemia vaccine. Dr. Epperson cleaned "Zilker's" teeth and then bathed him.

IV.

At about 6:00 p.m. on June 29, 1993, Sandra Walker arrived at Dr. Epperson's clinic to pick up "Zilker". Dr. Epperson presented "Zilker" in a very sedated condition.

V.

Dr. Epperson did not advise Ms. Walker when she should expect "Zilker" to return to his normal condition nor how to care for the cat recovering from anesthesia. Dr. Epperson did not offer to keep "Zilker" until "Zilker" had recovered from anesthesia nor did Dr. Epperson present the option of taking "Zilker" to an emergency clinic until "Zilker" had recovered from anesthesia.

VI.

By releasing Sandra Walker's cat, "Zilker", to her in a heavily sedated condition without providing any instructions as to care and/or offering to keep "Zilker" until the cat had recovered from anesthesia and/or suggesting taking "Zilker" to an emergency clinic until "Zilker" had recovered from anesthesia, as described in paragraphs IV and V, Dr. Epperson has violated Rule of Professional Conduct 573.22. The average member of the veter-

inary profession in good standing practicing in Austin or similar communities would give a client advice for caring for an animal as it came out of anesthesia and/or suggest allowing the animal to remain under supervision of a veterinarian until the animal had recovered from anesthesia.

VII.

By releasing Sandra Walker's cat, "Zilker", to her in a heavily sedated condition without any instructions for its care, and/or offering to keep "Zilker" until the cat had recovered from anesthesia and/or suggesting taking "Zilker" to an emergency clinic until "Zilker" had recovered from anesthesia, as described in paragraphs IV and V, after being disciplined by the Board for the similar practices on October 3, 1991 and again on October 22, 1992, Dr. Epperson has demonstrated a pattern of acts consistent with malpractice and/or negligence, in violation of the Veterinary Licensing Act, Article 8890, V.A.C.S., Section 14(a) (15) and 14 (a) (5) in that Dr. Epperson's actions concerning "Zilker" constitute gross malpractice and Dr. Epperson's practice of releasing heavily sedated animals, is malpractice, as it falls below the standard of the average veterinarian, is negligence per se, and is incompetent.

VIII.

By cleaning "Zilker's" teeth and immunizing him for feline leukemia, both of which were unauthorized by Sandra Walker, as described in paragraph II, Dr. Epperson violated the Veterinary Licensing Act, Article 8890, V.A.C.S., Section 14(a) (11).

IX.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Epperson's 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 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;

(11) has performed or prescribed unnecessary or unauthorized treatment;

(15) has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine;

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.

E. E. Epperson, D.V.M.

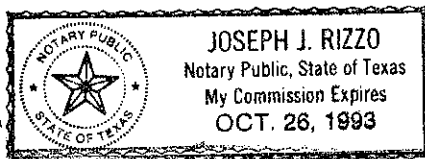
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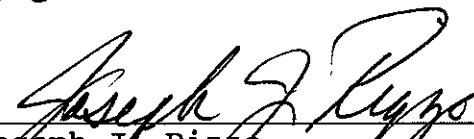
The foregoing complaint is submitted to the Secretary of Texas State Board of Veterinary Medical Examiners on this the 8<sup>TH</sup> day of OCTOBER, 1993.

Further, Affiant sayeth not.

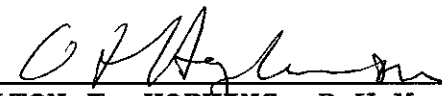
  
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MIKE CARROLL, Affiant

SUBSCRIBED AND SWORN TO before me by the said Mike Carroll, this the 8<sup>TH</sup> day of October, 1993.



  
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Joseph J. Rizzo  
Notary Public in and for the  
State of 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. E. E. Epperson, D.V.M. under Docketed Number 1994-01, this the 8<sup>TH</sup> day of October, 1993.

  
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ALTON F. HOPKINS, D.V.M., Secretary  
Texas State Board of Veterinary  
Medical Examiners