

DOCKETED COMPLAINT NO. 1988-1

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 2186
vs.		1987 RENEWAL CERTIFICATE
E. E. EPPERSON, D.V.M		NUMBER 3092

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 1st day of October, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at 1946 South IH 35, fourth floor Conference Room, Austin, Travis County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said E. E. EPPERSON, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. ED B. AVERY, President	of Pearsall, TX
DR. EDWARD S. MURRAY, Vice-President	of Spur, TX
DR. W. L. "DUB" ANDERSON, Secretary	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. FRANK E. MANN, JR., Member	of Wharton, TX
DR. FRED K. SOIFER, Member	of Houston, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. ED. B. AVERY ordered the case to proceed at which time it was ascertained that E. E. EPPERSON, D.V.M. was present in person. The Board then proceeded and on the same day, October 1, 1987, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

E. E. EPPERSON, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 2186, 1987 Renewal Certificate Number 3092

## II.

Dr. Epperson received notice of this hearing on or about September 22, 1987.

## III.

On Sunday, June 7, 1986 AMY FISHER presented her Rhodesian Ridgeback dog named "Hisani" to E. E. EPPERSON, D.V.M. at the Ben White Animal Hospital for treatment of a lacerated paw, at which time Dr. Epperson closed the laceration. On or about June 21, 1986, Ms. Fisher telephoned Dr. Epperson to discuss the dog's continual problem with the painful paw. In mid-July, 1986 Ms. Fisher placed a call to Dr. Epperson for further discussion of the dog's paw, informing Dr. Epperson that the dog was still experiencing pain with the previously lacerated area and requested an x-ray "to see exactly what was going on" and that "Dr. Epperson said x-rays would not show anything." On August 4, 1986, Ms. Fisher returned the dog to Dr. Epperson's clinic, again explaining the dog had not experienced any relief and was not using her foot and Dr. Epperson visually examined the paw and determined a large amount of scar tissue was present. On November 28, 1986 Ms. Fisher took "Hisani" to another licensed practitioner and was referred to David A. Nelson, D.V.M. On December 8, 1986, Ms. Fisher took the dog to Dr. Nelson at which time x-rays revealed glass fragments in the dog's paw.

## CONCLUSIONS OF LAW

### I.

By failing to perform adequate diagnostic procedures for the condition described in Paragraph III, E. E. EPPERSON, D.V.M. has violated Rule 11 of the Rules of Professional Conduct duly promulgated by the Board which states:

#### Rule No. 11:

Veterinarians shall exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same of similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities"

### II.

By failing to perform adequate diagnostic procedures for the conditions described in Paragraph III, and therefore allowing the dog to suffer unnecessarily for a period of approximately six months, E. E. EPPERSON, D.V.M. has violated Rule 18 of the Rules of Professional Conduct duly promulgated by the Board which states:

Rule No. 18:

"A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care."

III.

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

Article 7465a, Section 14(e), V.A.T.C.S.:

" . . . 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;"

ORDERS

Dr. Epperson did not contest the allegations and, instead, agreed to accept a Negotiated Settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and ORDERED that the Texas Veterinary License No. 2186 heretofore issued to E. E. EPPERSON, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of one (1) year all being probated, effective immediately. Further, Dr. Epperson is to send a written apology (attached) to the client, Ms. Amy Fisher and perform fifty (50) hours of community service during his probationary period. Dr. Epperson is to abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 1st day October, 1987, in Austin, Travis County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 1st day of October, 1987.

Ed B Avery, DVM  
ED B. AVERY, D.V.M., President

10/1/87  
Date

Edward S. Murray, D.V.M.  
EDWARD S. MURRAY, D.V.M., Vice-President

10/1/87  
Date

W. L. Anderson, D.V.M.  
W. L. "DUB" ANDERSON, D.V.M., Secretary

10/1/87  
Date

Jim F. Humphrey  
JIM F. HUMPHREY, Member

10/1/87  
Date

Mike Levi  
MIKE LEVI, Member

10/1/87  
Date

Mary E. Mainster, DVM  
MARY E. MAINSTER, D.V.M., Member

10/1/87  
Date

Frank E. Mann, Jr., D.V.M.  
FRANK E. MANN, JR., D.V.M., Member

10/1/87  
Date

Fred K. Soifer  
FRED K. SOIFER, D.V.M., Member

10/1/87  
Date

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

DOCKET NUMBER 1988-1 - E. E. EPPERSON, D.V.M.  
LICENSE NUMBER: 2186

NEGOTIATED SETTLEMENT

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

Dr. Epperson 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 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:

Failed to exercise care, skill and diligence in treating a patient and failed to treat an animal entrusted to him with the professional standards of humane treatment and care.

RECOMMENDED DISCIPLINARY ACTION:

1. Reprimand and one (1) year suspension, all probated, effective immediately.

CONDITIONS:

1. Send a written apology to the client, Amy Fisher.
2. Perform fifty (50) hours of community service. The details to be arranged through the Executive Director.
3. Abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

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

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

  
Witness

# Ben White Animal Hospital, Inc.

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Ed Epperson, DVM  
Harry Miller, DVM  
James Marshall, DVM

2403 W. Ben White  
Austin, Texas 78704  
512-444-7518

Dear Amy,

I have tried and failed to remember what was said in your return visit to our hospital. I have no reason to believe that you would lie; therefore, I presume that you asked me to radiograph your pet's leg and I refused. For that I owe you an apology. I'm sorry for any inconvenience caused you and pain caused your pet. Thanks for being a commitment to quality health care. I honor that!

Warm regards,

Ed Epperson

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vs.		1987 RENEWAL - CERTIFICATE
E. E. EPPERSON, D.V.M		NUMBER 3092

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 into the professional conduct of one DR. E. E. EPPERSON, Ben White Animal Hospital, Inc., 2403 West Ben White Blvd., Austin, Travis County, Texas, Texas Veterinary License Number 2186, 1987 Renewal Certificate Number 3092, 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 E. E. EPPERSON, D.V.M., who is hereinafter called Respondent.

I.

On Sunday, June 7, 1986 AMY FISHER presented her Rhodesian Ridgeback dog named "Hisani" to E. E. EPPERSON, D.V.M. at the Ben White Animal Hospital for treatment of a lacerated paw, at which time Dr. Epperson closed the laceration. On or about June 21, 1986, Ms. Fisher telephoned Dr. Epperson to discuss the dog's continual problem with the painful paw. In mid-July, 1986 Ms. Fisher placed a call to Dr. Epperson for further discussion of the dog's paw, informing Dr. Epperson that the dog was still experiencing pain with the previously lacerated area and requested an x-ray "to see exactly what was going on" and that "Dr. Epperson said x-rays would not show anything." On August 4, 1986, Ms. Fisher returned the dog to Dr. Epperson's clinic, again explaining the dog had not experienced any relief and was not using her foot and Dr. Epperson

visually examined the paw and determined a large amount of scar tissue was present. On November 28, 1986 Ms. Fisher took "Hisani" to another licensed practitioner and was referred to David A. Nelson, D.V.M. On December 8, 1986, Ms. Fisher took the dog to Dr. Nelson at which time x-rays revealed glass fragments in the dog's paw.

## II.

By failing to perform adequate diagnostic procedures for the condition described in Paragraph I of this complaint, E. E. EPPERSON, D.V.M. has violated Rule 11 of the Rules of Professional Conduct duly promulgated by the Board which states:

### Rule No. 11:

Veterinarians shall exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same of similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities"

## III.

By failing to perform adequate diagnostic procedures for the conditions described in Paragraph I of this complaint, and therefore allowing the dog to suffer unnecessarily for a period of approximately six months, E. E. EPPERSON, D.V.M. has violated Rule 18 of the Rules of Professional Conduct duly promulgated by the Board which states:

### Rule No. 18:

"A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care."

## IV.

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

### Article 7465a, Section 14(e), V.A.T.C.S.:

" . . . 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 10<sup>th</sup> day of September, 1987.

Further, Affiant sayeth not.



\_\_\_\_\_  
THOMAS CHESHIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE, this the 10<sup>th</sup> day of September, 1987.



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JUDY C. SMITH,  
Notary Public in and for Texas

My Commission Expires: September 13, 1989.

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 Docket Number 1988-1, this the 14th day of September, 1987.

W. L. "Dub" Anderson, D.V.M.  
W. L. "Dub" Anderson, D.V.M., Secretary  
Texas State Board of Veterinary Medical  
Examiners