

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

AGREED ORDER

On this, the 27th day of March, 2012, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of STEPHEN KERPSACK, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on January 24, 2012 to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. Respondent owns Central Texas Veterinary Surgery, P.A. ("Hospital") along with his wife, Stephanie Beardsley, D.V.M.
3. On August 23, 2011, investigators from the Board conducted a compliance inspection at the Hospital. When the inspectors requested to see the Hospital's drug log, it was not available on the premises, but was instead at the home of one of the Hospital's veterinary technicians.
4. The technician retrieved the drug log from his home and presented it to the Board investigators. The last entry on the drug log was from February 28, 2011. According to the Board investigators' report, the technician informed them that the balances of controlled substances on hand had not been updated since February 8, 2010; Respondent asserts that this statement was untrue.

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**TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS**

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's rules.
2. Based on Findings of Fact 1 through 4, Respondent has violated Rules of Professional Conduct 573.50, Controlled Substances Record Keeping for Drugs on Hand, which requires that veterinarians maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act in their possession, including the date of acquisition, the quantity purchased, the date administered or dispensed, the quantity administered or dispensed, the name of the client and patient receiving the drug, and the balance of on hand for each controlled substance.
3. Based on Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

- (6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on Conclusion of Law 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (a) ... (4) reprimand a license holder; or
- (5) impose an administrative penalty.

5. Based on Conclusions of Law 1 through 4, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of Board rules, and in the manner set out in Section 801.401 DISCIPLINARY POWER OF BOARD.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent is FORMALLY REPRIMANDED.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of one thousand dollars (\$1000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license shall be suspended until the penalty is paid.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

I, STEPHEN KERPSACK, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

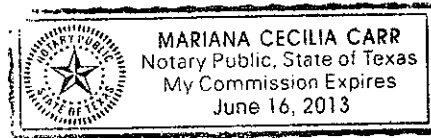
Stephen Kerpsack 3-8-12
Stephen Kerpsack, D.V.M. Date

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, on this day, personally appeared Stephen Kerpsack, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 8 day of MARCH, 2012.

Mariana Carr
Notary Public



SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY
MEDICAL EXAMINERS on this the 27 day of March, 2012

Bud E. Allredge, Jr.
Bud E. Allredge, Jr., D.V.M.
President of the Board