

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

333 Guadalupe, Suite 2-330
Austin, Texas 78701-3998

DOCKET NUMBER 1997-03
KENNETH D. KIRLIN, DVM
LICENSE NUMBER 5322

AGREED ORDER

This agreed order has been entered between Dr. Kenneth D. Kirlin and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, 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 agreed order, the defendant, Dr. Kenneth D. Kirlin, will be granted a continuance at his option.

Dr. Kirlin does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that: (1) the Board may treat the allegations of fact and law as true, and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. 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:

Dr. Kenneth D. Kirlin violated the Rule of Professional Conduct: 573.22 - Professional Standard of Humane Treatment. Consideration was given Dr. Kirlin's good faith, cooperation with the investigation, and all other mitigated circumstances which were in his favor. Dr. Kirlin was not subject to any prior disciplinary action by the Board.

RECOMMENDED DISCIPLINARY ACTION:

License suspension for six (6) months, such suspension to be stayed and probated in its entirety.

CONDITIONS:

Agree to abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and the Laws of the State of Texas and the United States.

Kenneth D. Kirlin DVM
KENNETH D. KIRLIN, D.V.M.

12/23/96
Date

Ron Allen
RON ALLEN, Executive Director
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

12/12/96
Date

DOCKETED COMPLAINT NO. 1997-03

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 5322
vs. § 1996 RENEWAL CERTIFICATE
KENNETH D. KIRLIN, DVM § NUMBER 2393

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Peter C. Hartline, who after being duly sworn, did depose and say:

On or about April 18, 1996, Peter C. Hartline, 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 Kenneth D. Kirlin, D.V.M., 4701 McCullough, San Antonio, Texas, 78212, Veterinary License Number 5322, 1996 Renewal Certificate Number 2393, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Peter C. Hartline, do hereby present the following complaint against Kenneth D. Kirlin, D. V. M.

I.

On March 29, 1996, Ms. Deanna Farfan presented her five month old gray kitten "Kitty Dog", to Dr. Kenneth D. Kirlin, Eagle Veterinary Hospital, San Antonio, Texas for ovariohysterectomy.

II.

On March 29, 1996, Dr. Kirlin performed surgery on "Kitty Dog". During the course of the surgery, Dr. Kirlin removed what he thought was the kitten's uterus. The cat recovered normally from the anesthesia and appeared to be resting comfortably after the surgery. The cat remained overnight at the veterinary hospital.

III.

On Saturday morning, March 30, 1996, the cat was found to have vomited during the night. Dr. Kirlin advised Ms. Farfan to permit the cat to remain at the hospital until Monday, to which she agreed.

IV.

On Monday, April 1, 1996, Dr. Kirlin advised Ms. Drake (second owner), that the cat had not urinated. They discussed whether the hospital should keep "Kitty Dog" a few more days. Ms.

Kenneth D. Kirlin, DVM
Docketed Case No. 1996-03
2

Drake decided to take the cat to the Broadway Animal Hospital where it was seen by Dr. Thomas Vice. In a telephone conversation, Dr. Kirlin admitted to Dr. Vice that he had removed the ureters by mistake. Ms. Drake was informed that the cat's condition was fatal. She was further advised that she should take the cat to Dr. Kirlin and allow him to euthanize the cat, and then conduct an necropsy.

V.

Dr. Kirlin conducted the necropsy, which revealed that the cat was male and this was confirmed by the Texas Veterinary Medical Diagnostic Laboratory. Dr. Kirlin fully admits the error.

VI.

Based on the above in paragraphs II through V, Dr. Kirlin has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

VII.

Based on the above in paragraph VI, Dr. Kirlin has also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

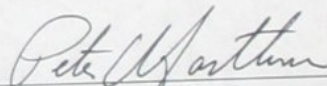
ARTICLE 8890, SECTION 14

(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:

(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 the law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 2nd day of December 1996.

Further, Affiant sayeth not.

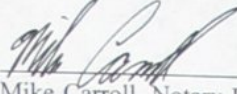

Peter C. Hartline, Affiant

SUBSCRIBED and SWORN TO before me by the said Peter C. Hartline this the 2nd day of DECEMBER, 1996.

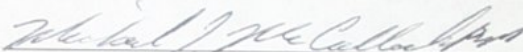
Kenneth D. Kirlin, DVM
Docketed Case No. 1996-03

3




Mike Carroll, Notary Public 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. Kenneth D. Kirlin, D.V.M., under Docketed Number 1997-03 this the 9th day of Dec 1996.


Michael J. McCulloch, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners

