

DOCKET NO. 2005-07

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

AGREED ORDER

On this the 17th day of February, 2005, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Larry D. Culp, D.V. M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on November 9, 2004. The Respondent attended with counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement 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. On January 8, 2004, the Board received a complaint from Patricia Ascaridis (Schumann), Amarillo, Texas. The complaint alleges that Larry Culp, D.V.M., Animal Medical Center, Amarillo, Texas, prescribed medications to a human and committed violations of Board rules relating to controlled substances. Ms. Ascaridis is Dr. Culp's former employee.
2. On or about January 20, 2000, Dr. Culp prescribed hydrocodone cough syrup for Ms. Ascaridis' dog "Misty". Dr. Culp acknowledged that the hydrocodone was for the intended use of Ms. Ascaridis. The patient record for the dog were falsified to hide the purpose of the prescriptions.
3. During a compliance inspection in May 2001, the Board's investigator found problems associated with the storage of controlled substances and the controlled substances log. Dr. Culp's hospital administrator promised in writing that the problems, including security problems, would be corrected. Dr. Culp reported to the police but not to the federal Drug Enforcement Agency, thefts of controlled substances from his clinic in 2003 and July 2004. These thefts were attributable to the fact that Dr. Culp did not follow the assurances of security improvements his

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hospital administrator gave in 2001. In addition, the controlled substances logs do not allow the drug balance on hand to be indicated. Dr. Culp has installed a new system to correct the past deficiencies.

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 Finding of Fact 2, Dr. Culp has violated Rule 573.60, PROHIBITION AGAINST TREATMENT OF HUMANS, of the Board's Rules of Professional Conduct, which prohibits treatment of humans, including prescribing medications for humans.
3. Based on Finding of Fact 2, Dr. Culp has violated Rule 573.52, PATIENT RECORD KEEPING, of the Board's Rules of Professional Conduct, which requires that records accurately reflect the treatments prescribed for patients.
4. Based on Finding of Fact 3, Dr. Culp has violated Rule 573.61, MINIMUM SECURITY FOR CONTROLLED SUBSTANCES, of the Board's Rules of Professional Conduct, which requires that licensees establish adequate security to prevent unauthorized access to controlled substances.
5. Based on Finding of Fact 3, Dr. Culp has violated Rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board's Rules of Professional Conduct, which requires that records for all scheduled drugs contain the balance on hand of each drug.
6. Based on Conclusions of Law 1 through 5, Dr. Culp 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.
7. Based on Conclusions of Law 1 through 6, 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:

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- 1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose a civil penalty.

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 Larry D. Culp be OFFICIALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within forty-five (45) days of the date of this Order, a CIVIL PENALTY of ONE THOUSAND DOLLARS (\$1000.00). If Respondent fails to pay the civil penalty within 45 days of the date of this Order, Respondent's license shall be suspended until the civil penalty is paid.

The Board further ORDERS that Respondent take and pass the Board's JURISPRUDENCE EXAMINATION within 45 days of the Order. If Respondent fails to take and pass the jurisprudence examination within 45 days of the date of this Order, Respondent's license shall be suspended until Respondent does take and pass the examination. Respondent may not re-take the examination any more frequently than 10 working days from the date of his last sitting for the examination. Should Respondent engage in the practice of veterinary medicine when under suspension, he will be subject to immediate disciplinary action.

The Board further ORDERS that Respondent submit to the Board, at the end of 180 days from the date of this Order, all controlled substances logs and records for the preceding 180-day period. At the end of 360 days from the date of this Order, Respondent shall submit all controlled substances logs and records for the preceding 180-day period.

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 provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

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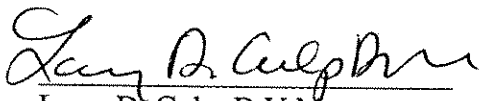
Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate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

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he is represented by legal counsel in this matter.

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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, **LARRY D. CULP, D.V.M.**, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.


Larry D. Culp, D.V.M.

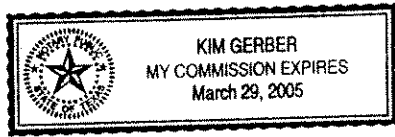
12-2-04
Date

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STATE OF TEXAS §
COUNTY OF Potter §

BEFORE ME, on this day, personally appeared LARRY D. CULP, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 2 day of Dec, 2004.



Kim Gerber
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17th day of February, 2005.

Gary C. Brantley
Gary C. Brantley, D.V.M., President