

DOCKET NO. 2007-30

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

**AGREED ORDER**

On this the 14th day of June, 2007 came on to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of CHARLES KERIN, D.V.M. (“Respondent”). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on March 29, 2007. The Respondent appeared without 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 July 31, 2006, Karen Kegans, Richardson, Texas, presented her dog “Parker” to Charles A. Kerin, D.V.M., Wylie, Texas, for entropion surgery on the dog’s right eye. Although Dr. Kerin had previously determined that the dog needed bilateral entropion surgery, Ms. Kegans only authorized surgery for the right eye lower eyelid. However, Dr. Kerin mistakenly performed the bilateral procedure. Ms. Kegans paid for the bilateral procedure, and Dr. Kerin’s associate removed the sutures from both eyes several days later.

2. Prior to surgery, Dr. Kerin had instructed Ms. Kegans to administer triple ophthalmic ointment with cortisone in the eyes prior to surgery. Because Ms. Kegans believed that only the right eye problem would be treated by Dr. Kerin, she administered the ointment only to the right eye. Dr. Kerin noted, in a subsequent conversation with Ms. Kegans, that if the lack of ointment treatment had caused any problem with the left eye, he would evaluate the situation when she brought “Parker” back for a follow-up in two to three weeks. He offered to refund the extra cost of the bilateral surgery and repair any eyelid misalignment to the left eyelid if necessary at no cost to Ms. Kegans. However, Ms. Kegans elected not to return “Parker” to Dr. Kerin.

3. Although not authorized, the patient needed bilateral surgery and Dr. Kerin’s actions actually

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benefitted the patient. Dr. Kerin offered to correct any problems that may have occurred.

### **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 1 and 2, Dr. Kerin has violated Section 801.402 (12) of the Veterinary Licensing Act, which prohibits unnecessary or unauthorized treatment of a patient by a veterinarian.
3. Based on Conclusion of Law 2, 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:
  - (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 an administrative 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 Charles Kerin, D.V.M., be INFORMALLY REPRIMANDED.

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.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed

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Order, the notice, and 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 formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he was not 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, **CHARLES KERIN, 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.

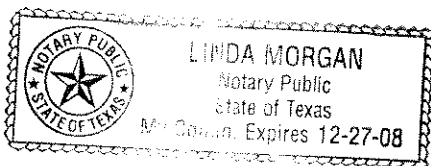
  
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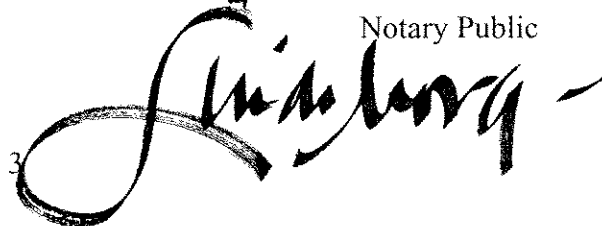
4-4-07  
Date

STATE OF TEXAS §  
COUNTY OF Collin §

BEFORE ME, on this day, personally appeared CHARLES KERIN, 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 4 day of April, 2007.



Notary Public  


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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL  
EXAMINERS on this the 14th day of June, 2007.

  
Robert Lastovica, D.V.M., President