

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH-35, Box 113
Austin, TX 78745

DOCKET NUMBER 1988-6
THOMAS SHELBY CANNON, D.V.M.
LICENSE NUMBER: 5039

NEGOTIATED SETTLEMENT

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

Dr. Cannon 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:


1. Failure to maintain adequate patient records.
2. Administering a Schedule II Drug for non-therapeutic reasons.

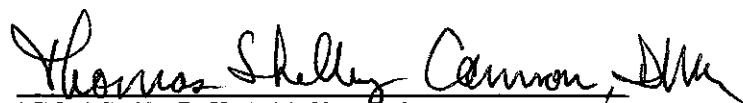
RECOMMENDED DISCIPLINARY ACTION:

1. One (1) Year Suspension, all probated.
2. Surrender Schedule II and IIN Drug Certificates (DEA & DPS) to be reinstated at the Board's discretion.
3. Pay a \$500.00 Civil Penalty.

CONDITIONS:

1. Complete fifteen (15) hours of Continuing Education during the probation period.
2. Submit quarterly reports verifying compliance with this Order.
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


THOMAS SHELBY CANNON, D.V.M.


Witness

DOCKETED COMPLAINT NO. 1988-6

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 5039
vs.		1987 RENEWAL CERTIFICATE
THOMAS SHELBY CANNON, D.V.M.		NUMBER 0523

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of February, 1988, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Westin Hotel, El Paso, El Paso 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 THOMAS S. CANNON, 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. W. L. "DUB" ANDERSON, President	of Addision, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
DR. FRED K. SOIFER, Secretary	of Houston, TX
DR. LARRY M. DUBUISSON, Member	of Weslaco, TX
MRS. OLIVIA R. EUDALY, Member	of Crowley, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. ROBERT D. LEWIS, Member	of Elgin, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. EDWARD S. MURRAY, Member	of Spur, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. W. L. "DUB" ANDERSON ordered the case to proceed at which time it was ascertained that THOMAS S. CANNON, D.V.M. was present in person; the Board then proceeded and on the same day, February 4, 1988, 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.

THOMAS S. CANNON, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 5039, 1987 Renewal Certificate Number 0523.

II.

Dr. Cannon received notice of this hearing on or about January 11, 1988.

III.

On or about October 6, 1987, Tom Cheshire, Investigator, State Board of Veterinary Medical Examiners, inspected the patient records corresponding to the Triplicate Prescription Summary Report produced by the Texas Department of Public Safety relative to the use of 100, 20mg. Ritalin, aka Methylphenidate Hydrochloride and found the Respondent has failed to maintain patient records reflecting the use of this drug.

IV.

THOMAS S. CANNON, D.V.M. administered the Ritalin listed in Finding III as a training aid for use in a barrel racing horse. Utilization of the Ritalin as described is not necessary or needed for the care of the animals.

CONCLUSIONS OF LAW

I.

Through failure to maintain adequate patient records to substantiate use of the Controlled Substances, Ritalin, listed in Finding III, THOMAS S. CANNON, D.V.M. has violated Rule 32 of the Rules of Professional which states:

Rule 32 -

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three years and are the responsibility and property of the employing veterinarian.

II.

By administering the Ritalin listed in Finding III as a training aid for a barrel racing horse and when not necessary or required for the care of animals, THOMAS S. CANNON, D.V.M. has violated Rule 33 of the Rules of Professional Conduct which states:

Rule 33 -

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances

that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances, shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Cannon'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(c) and (e), Veterinary Licensing Act -

" . . . 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. Cannon did not contest the allegations, but, instead, entered into a Negotiated Settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and Texas Veterinary License No. 5039 heretofore issued to THOMAS SHELBY CANNON, D.V.M. is HEREBY SUSPENDED for a period of one year with the entire period being PROBATED. Dr. Cannon is to surrender his Schedule II and IIN DEA and DPS Drug Certificates to be reinstated at the Board's discretion and pay a civil penalty in the amount of \$500.00. Further, Dr. Cannon is to obtain 15 hours of continuing education during the probationary period and submit quarterly reports verifying compliance with this Order. Additionally, Dr. Cannon 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 4th day February, 1988, in El Paso, El Paso 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 4th day of February, 1988.

W. L. Anderson, D.V.M.
W. L. "Dub Anderson, D.V.M., President

February 4, 1988
Date

Jim F. Humphrey
Jim F. Humphrey, Vice-President

Date

Fred K. Soifer
Fred K. Soifer, D.V.M., Secretary

Date

Larry M. Dubuisson, D.V.M.
Larry M. Dubuisson, D.V.M., Member

Date

Olivia R. Eudaly
Olivia R. Eudaly, Member

Date

Mike Levi
Mike Levi, Member

Date

Robert D. Lewis, D.V.M.
Robert D. Lewis, D.V.M., Member

Date

Mary E. Mainster, D.V.M.
Mary E. Mainster, D.V.M., Member

Date

Edward S. Murray, D.V.M.
Edward S. Murray, D.V.M., Member

Date

DOCKETED COMPLAINT NO. 1988-6

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 5039
vs.		1987 RENEWAL CERTIFICATE
THOMAS SHELBY CANNON, D.V.M.		NUMBER 0523

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. THOMAS SHELBY CANNON, Cannon Veterinary Clinic, Hallsville, Harrison County, Texas, Texas Veterinary License Number 5039, 1987 Renewal Certificate Number 0523, 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 THOMAS S. CANNON, D.V.M., who is hereinafter called Respondent.

I.

On or about October 6, 1987, Tom Cheshire, Investigator, State Board of Veterinary Medical Examiners, inspected the patient records corresponding to the Triplicate Prescription Summary Report produced by the Texas Department of Public Safety relative to the use of 100, 20mg. Ritalin, aka Methylphenidate Hydrochloride and found the Respondent has failed to maintain patient records reflecting the use of this drug.

II.

THOMAS S. CANNON, D.V.M. administered the Ritalin listed in Paragraph I of this complaint as a training aid for use in a barrel racing horse. Utilization of the Ritalin as described is not necessary or needed for the care of the animals.

III.

Through failure to maintain adequate patient records to substantiate use of the Controlled Substances, Ritalin, listed in Paragraph I of this Complaint, THOMAS S. CANNON, D.V.M. has violated Rule 32 of the Rules of Professional which states:

Rule 32 -

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three years and are the responsibility and property of the employing veterinarian.

IV.

By administering the Ritalin listed in Paragraph I of this complaint as a training aid for a barrel racing horse and when not necessary or required for the care of animals, THOMAS S. CANNON, D.V.M. has violated Rule 33 of the Rules of Professional Conduct which states:

Rule 33 -

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances, shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

V.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Cannon'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(c) and (e), Veterinary Licensing Act -
" . . . 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."

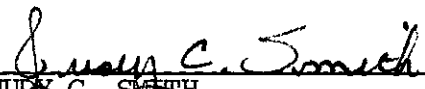
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 21st day of December, 1987.

Further, Affiant sayeth not.



THOMAS CHESHIRE, Affiant


SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE, this the 21st day of December, 1987.



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. THOMAS SHELBY CANNON, D.V.M. under Docketed Number 1988-6, this the 28th day of December, 1987.



FRED K. SOIFER, D.V.M., Secretary
Texas State Board of Veterinary Medical
Examiners

DOCKETED COMPLAINT NO. 1988-6

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 5039
vs.		1987 RENEWAL CERTIFICATE
THOMAS SHELBY CANNON, D.V.M.		NUMBER 0523

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of February, 1988, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Westin Hotel, El Paso, El Paso 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 THOMAS S. CANNON, 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. W. L. "DUB" ANDERSON, President	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
DR. FRED K. SOIFER, Secretary	of Houston, TX
DR. LARRY M. DUBUISSON, Member	of Weslaco, TX
MRS. OLIVIA R. EUDALY, Member	of Crowley, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. ROBERT D. LEWIS, Member	of Elgin, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. EDWARD S. MURRAY, Member	of Spur, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. W. L. "DUB" ANDERSON ordered the case to proceed at which time it was ascertained that THOMAS S. CANNON, D.V.M. was present in person; the Board then proceeded and on the same day, February 4, 1988, 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.

THOMAS S. CANNON, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 5039, 1987 Renewal Certificate Number 0523.

II.

Dr. Cannon received notice of this hearing on or about January 11, 1988.

III.

On or about October 6, 1987, Tom Cheshire, Investigator, State Board of Veterinary Medical Examiners, inspected the patient records corresponding to the Triplicate Prescription Summary Report produced by the Texas Department of Public Safety relative to the use of 100, 20mg. Ritalin, aka Methylphenidate Hydrochloride and found the Respondent has failed to maintain patient records reflecting the use of this drug.

IV.

THOMAS S. CANNON, D.V.M. administered the Ritalin listed in Finding III as a training aid for use in a barrel racing horse. Utilization of the Ritalin as described is not necessary or needed for the care of the animals.

CONCLUSIONS OF LAW

I.

Through failure to maintain adequate patient records to substantiate use of the Controlled Substances, Ritalin, listed in Finding III, THOMAS S. CANNON, D.V.M. has violated Rule 32 of the Rules of Professional which states:

Rule 32 -

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three years and are the responsibility and property of the employing veterinarian.

II.

By administering the Ritalin listed in Finding III as a training aid for a barrel racing horse and when not necessary or required for the care of animals, THOMAS S. CANNON, D.V.M. has violated Rule 33 of the Rules of Professional Conduct which states:

Rule 33 -

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances

that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances, shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Cannon'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(c) and (e), Veterinary Licensing Act -

" . . . 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. Cannon did not contest the allegations, but, instead, accepted a Negotiated Settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and Texas Veterinary License No. 5039 heretofore issued to THOMAS SHELBY CANNON, D.V.M. is HEREBY SUSPENDED for a period of one year with the entire period being PROBATED. Dr. Cannon is to surrender his Schedule II and IIN DEA and DPS Drug Certificates to be reinstated at the Board's discretion and pay a civil penalty in the amount of \$500.00. Further, Dr. Cannon is to obtain 15 hours of continuing education during the probationary period and submit quarterly reports verifying compliance with this Order. Additionally, Dr. Cannon is to abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH-35, Box 113
Austin, TX 78745

DOCKET NUMBER 1988-6
THOMAS SHELBY CANNON, D.V.M.
LICENSE NUMBER: 5039

NEGOTIATED SETTLEMENT

Accepted
Thomas Shelby Cannon
Witness

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

Dr. Cannon 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:

1. Failure to maintain adequate patient records.
2. Administering a Schedule II Drug for non-therapeutic reasons.

RECOMMENDED DISCIPLINARY ACTION:

1. One (1) Year Suspension, all probated.
2. Surrender Schedule II and IIN Drug Certificates (DEA & DPS) to be reinstated at the Board's discretion.
3. Pay a \$500.00 Civil Penalty.

CONDITIONS:

1. Complete fifteen (15) hours of Continuing Education during the probation period.
2. Submit quarterly reports verifying compliance with this Order.
3. Abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

Thomas Shelby Cannon, DVM

THOMAS SHELBY CANNON, D.V.M.

Donald B. Wilson 2/4/88

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

Mabel A. Adams

Witness