

DOCKET NO. 2015-036

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
THOMAS SHEEN, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

On this the 21 day of July, 2015 came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of THOMAS SHEEN, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on February 20, 2015. Respondent did attend the informal conference and was represented by counsel, Keith O'Connell. 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. Respondent, THOMAS SHEEN, D.V.M. of San Angelo, Texas, holds Texas veterinary license 4188.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).
3. On February 17, 2014, Kyla Hosmer presented her 14 year old feline, Missy, to Respondent. Respondent had been treating Missy for approximately two (2) to three (3) years prior to that appointment. Respondent again informed Ms. Hosmer that Missy was diabetic, but

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that he did not want to begin insulin treatment. Prior to the appointment, Missy had been given regular injections of Depo Medrol to treat her symptoms.

4. Respondent had been injecting Missy with Depo Medrol monthly since at least August 23, 2012 through December 2014 on the belief that Depo Medrol would help with the pancreatitis that Respondent believed Missy had even though he did not diagnose Missy with that ailment or see proof that Missy was afflicted with that ailment. Additionally, Respondent believed that Missy's diabetes would slip into remission even without the administration of insulin. Respondent did diagnose Missy as suffering from diabetes on July 19, 2012. Depo Medrol is known to raise the risk of diabetes or to increase the severity of diabetes in a cat.

5. Respondent did not put Missy on an insulin regimen. Respondent did not monitor Missy's glucose level through blood tests, but rather chose to test Missy's urine.

6. On February 20, 2014, Ms. Hosmer presented Missy to Brian Stevens, D.V.M. for a second opinion. Dr. Stevens confirmed Missy's diabetes diagnosis but stated that she required insulin and that her health was seriously failing. Ms. Hosmer decided to euthanize Missy on February 24, 2014.

7. Respondent's medical records for Missy lacked mention of a discussion of insulin use between Respondent and Ms. Hosmer until after the relevant complaint was filed.

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 the above Findings of Fact, Respondent violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

3. Based on the above Findings of Fact and Conclusions of Law, Respondent has violated Sections 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 the above Conclusions of Law, 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)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

5. Based on the above Conclusions of Law, 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 the Act and Board rules.

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 receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date the Board approves this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date the Board approves this Agreed Order, Respondent's license may be suspended until the penalty is paid.

In addition, the Board ORDERS that Respondent complete THREE (3) hours of continuing education in diabetic endocrinology and diabetic management, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date the Board adopts this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date of this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date of this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

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 Agreed 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 Order, the notice, and Findings of Fact and Conclusions of Law 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 had the right to be 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. 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, THOMAS SHEEN, 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.


THOMAS SHEEN, D.V.M.

3/30/15
DATE

STATE OF TEXAS §
COUNTY OF Tom Green §

BEFORE ME, on this day, personally appeared THOMAS SHEEN, 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 30 day of March, 2015



Hector Villegas
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 July, 2015

Bud E. Alldredge, Jr.
Bud E. Alldredge, Jr., D.V.M., President