DOCKET NUMBER 1986-2
DAVID S. SHOOK, D.V.M.
LICENSE NUMBER 3321

NEGOTIATED PLEA

This negotiated plea has been entered by agreement between Dr. David S. Shook, his attorney Mr. Jeff D. Otto, 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 plea the defendant, Dr. Shook, will be granted a continuance at his option.

Dr. Shook 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.

PLEA: No Contest

FINDING: Guilty

RECOMMENDED PENALTY:

1. Dr. Shook’s license is to be suspended and placed on probation for a period of one (1) year from the date of this hearing, August 15, 1986.

2. Participate in a continuing education course or courses as approved by the Secretary. The course or courses shall be in small animal medicine or surgery and total not less than for (40) hours.

3. Perform forty (40) hours of community service on a no fee basis. The details to be worked out with the Board staff and Secretary.

CONDITIONS:

1. Course work will be approved by the Board Secretary

2. Course work and community service will be completed prior to August 14, 1987.

3. Abide by the laws and rules of the State of Texas

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DAVID S. SHOOK, D.V.M.

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

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Witness
COMPLAINT NO. 1986-2

THE STATE OF TEXAS
VS.
DAVID S. SHOOK, D.V.M.

BEFORE THE TEXAS STATE
BOARD OF VETERINARY
MEDICAL EXAMINERS

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 15th day of August, 1986, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Mariott Hotel in Austin, Travis 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 DAVID S. SHOOK, 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. EDWARD S. MURRAY, President of Spur, TX
DR. ED B. AVERY, Vice-President of Pearsall, TX
DR. K. D. DORRIS, Secretary of Stephenville, TX
DR. W. L. "DUB" ANDERSON, Member of Addison, TX
MR. JIM HUMPHREY, Member of Henrietta, TX
MR. MIKE LEVI, Member of Spicewood, TX
DR. MARY F. MAINSTER, Member of San Antonio, TX
DR. FRANK E. MANN, JR., Member of Wharton, TX

FINDINGS OF FACT

I.

DAVID S. SHOOK, D.V.M., is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License 3321 with offices at Hyde Park Animal Clinic, 404 East 51st Street, Austin, Travis County, Texas.

II.

DAVID S. SHOOK, D.V.M. received notice of this hearing on or about August 4, 1986.
III.
On or about December 2, 1985, DAVID S. SHOOK, D.V.M. accepted for treatment for removal of a hematoma a Weimaraner, called "Blue", owned by Vicki Collins of Austin.

IV.
Upon retrieval that evening around 7:00 p.m. by Vicki Collins, "Blue showed signs of abdominal extension, appeared to be in pain, and had trouble breathing.

V.
DAVID S. SHOOK D.V.M. was asked by Vicki Collins to examine the dog.

VI.
DAVID S. SHOOK, D.V.M. did no more than exert pressure from underneath the dog's stomach and abdomen to relieve gas, followed after a while by an injection.

VII.
DAVID S. SHOOK, D.V.M. having kept the dog, called Vicki Collins at around 10:00 p.m., to pick up the dog.

VIII.
Upon arrival at the clinic Vicki Collins accompanied by Melissa Stroud, observed the dog to be extremely swollen.

IX.
Vicki Collins and Melissa Stroud were told that DR. SHOOK had run a tube down Blue's throat, which had caused him to belch up air.

X.
DAVID S. SHOOK, D.V.M. ignored the owner's statement that the dog was still abnormally swollen right then.
XI.
DAVID S. SHOOK, D.V.M. was asked if he could take x-rays, which he
declined to do, instructing the owner to take the dog home.

XII.
Upon leaving Hyde Park Animal Clinic, Vicki Collins and Melissa Stroud
took the dog to the Emergency Animal Clinic at approximately 10:34 p.m. where
Dr. James R. Holcomb examined the dog and advised x-rays, finding the dog
already in shock.

XIII.
Upon x-raying, Dr. Holcomb found that the dog's stomach was twisted,
making an operation his only chance to survive, but that having been sedated
already twice that day his chances of surviving another sedation were slim.

XIV.
In view of the animal's condition the owner decided to have the dog
euthanized rather than prolong his suffering.

CONCLUSIONS OF LAW

I.
In view of acute gastric dilatation-volvulus being most prevalent in
deepesthested dogs, such as Weimaraners, and this being a generally known
tendency, and it being common practice to x-ray if this condition is not
visible to the eye, DAVID S. SHOOK, in failing to correctly diagnose and in
withholding proper treatment did not exercise the proper standard of care,
such as would have been observed by the average practitioner under the same
or similar circumstances, in violation of Article 7465a, Section 14(e)
pertaining to standards of professional conduct.

II.
In so failing to correctly diagnose the common condition, DAVID S.
SHOOK, D.V.M. violated Rule 11 of the Rules of Professional Conduct per-
taining to degree of care, skill, and diligence in treating patients.
By delaying treatment of the dog obviously in substantial pain and distress and in releasing it in a grave condition, DAVIS S. SHOOK, D.V.M., violated Rule 18 of the Rules of Professional Conduct duly promulgated by the Texas Board of Veterinary Medical Examiners which was in full force and effect at the time in question which pertains to treatment of all animal with professional standards of human treatment and care.

ORDER

DR. SHOOK entered a plea of No Contest to the charges. The Board voted unanimously to accept the No Contest Plea (attached) and ORDERED that Texas Veterinary License No. 3321, heretofore issued to DAVID S. SHOOK, D.V.M., by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of one (1) year commencing August 15, 1986, the entire period of which is PROBATED. DR. SHOOK is to participate in a minimum of forty (40) hours of continuing education which pertain to small animal medicine and surgery. Course content will be approved by the Secretary. DR. SHOOK is to perform a minimum of forty (40) hours of community service on a no fee basis, the details of which are to be worked out with Board staff and Secretary. Both the continuing education and community service requirements are to be completed prior to August 14, 1987. Further, DR. SHOOK will abide by the laws and rules of the State of Texas.
The above Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the UNANIMOUS 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 15th day August, 1986, in Austin, Travis 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 16th day of August, 1986.

EDWARD S. MURRAY, B.V.M., President

ED B. AVERY, D.V.M., Vice-President

(Recused)
K. D. DORRIS, D.V.M., Secretary

W. L. "DUB" ANDERSON, D.V.M., Member

JIM T. HUMPHREY, Member

MIKE LEVI

MARY E. MAINSTER, D.V.M., Member

FRANK E. MANN, JR., D.V.M., Member

(Absent)
FRED K. SOIFER, D.V.M., Member

Date

Date

Date

Date

Date

Date

Date