TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 113
Austin, TX 78704

DOCKET NUMBER 1992-15
DAVID W. STORMER, D.V.M. - LICENSE NUMBER: 4195

NEGOTIATED SETTLEMENT

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

Dr. Stormer does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, 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:

Allowing unlicensed individuals to practice veterinary medicine and failure to exercise a professional standard of humane treatment by allowing a patient infected with parvovirus to suffer needlessly.

RECOMMENDED DISCIPLINARY ACTION:

1. Three year suspension with the entire period being probated.
2. Pay a Civil Penalty in the sum of $2,000.00.

CONDITIONS:

1. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
2. File quarterly reports certifying compliance with this Agreement.
3. Take and pass the State Board Jurisprudence Examination.

DAVID W. STORMER, D.V.M.

Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 3/10/92
DOCKETED COMPLAINT NO. 1992-15

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

DAVID W. STORMER, D.V.M.

TEXAS VETERINARY MEDICAL
LICENSE NO. 4195
1991 RENEWAL CERTIFICATE
NUMBER 1470

COMPLAINT AFFIDAVIT

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared MATTHEW WENDEL, who after being duly sworn, did depose and say:

On or about April 22, 1991, MATTHEW WENDEL, 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 DAVID W. STORMER, D.V.M., Pineland Animal Hospital, 26947 I-45 North, Spring, Texas, 77380-1910, Veterinary License Number 4195, 1991 Renewal Certificate Number 1470, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, MATTHEW WENDEL, do hereby present the following complaint against DAVID W. STORMER, D.V.M.

I.

During the period of August, 1989 to April 22, 1991, David W. Stormer, D.V.M., routinely allowed unlicensed persons, including Debbie Read, Donita Rhodes, Amy Salter, Kim Purcell, Kim Aiken and Gay Lynn Courtney to perform surgeries, including cat neuters and de-claws.

II.

On June 19, 1991, Vanessa Hudgins authorized Dr. Stormer to euthanize, Chip, her 4 month old Boston Terrier, because of Dr. Stormer’s unfavorable prognosis of Chip’s recovery from Parvovirus. Subsequently, Dr. Stormer left Chip in a cage to suffer for two days. On June 21, 1991, Dr. Daniel Kainer was informed by Laney Shannon, a technician, that Chip had not been euthanized. Dr. Kainer found Chip to be in pain from a subcutaneous hemorrhage and then euthanized him.
III.

By allowing unlicensed persons to perform surgeries, as described in paragraph I, Dr. Stormer violated Rule 573.10 and Section 14 (a) (5) of the Texas Veterinary Licensing Act, Article 8890, V.A.C.S., which state:

573.10 DIRECT SUPERVISION OF LAYMEN
   (a.) A licensed veterinarian shall not allow an unlicensed person to issue presigned certificates with the veterinarian's signature affixed thereto. The licensee shall not permit an unlicensed person to inoculate or treat animals unless the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery; diagnosis and prognosis of animal diseases; and prescribing of drugs, medicine, and appliance for domestic animals.

   (b.) "Direct Supervision" shall mean the supervision of those tasks or procedures that do not require the presence of a veterinarian in the room where performed, but require the presence of a licensee on the premises and availability for prompt consultation and treatment.

ARTICLE 8890, SECTION 14 (a)

"... the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee ... if it finds that a licensee:

(5) 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 law;

IV.

By allowing Chip Hudgins to needlessly suffer for two days after his owner authorized euthanasia, as described in paragraph II, Dr. Stormer violated Rule 573.22 and Section 14 (a) (5) of the Texas Veterinary Licensing Act, Article 8890, V.A.C.S., which state:
573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT
Veterinarians shall 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.

ARTICLE 8890, SECTION 14 (a)
". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . if it finds that a licensee:

(5) 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 law;

V.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Stormer’s Veterinary License under the Texas Veterinary Licensing Act, V.A.C.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14 (a)
". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . if it finds that a licensee:

(5) 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 law;

ARTICLE 8890, SECTION 14B
(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.
The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the 14th day of February, 1992.

Further, Affiant sayeth not.

[Signature]
Matthew Wendel
Affiant

SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL this the 14th day of February, 1992.

[Signature]
Judy C. Smith
Notary Public in and for Texas
My Commission Expires
SEPT. 13, 1993

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. David W. Stormer, D.V.M. under Docketed Number 1992-15, this the 14th day of February, 1992.

[Signature]
Larry M. Dubuisson, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners
The foregoing Agreed Settlement, entered into between Dr. Stormer, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No contest Plea, was accepted by the Board, and the Board, on the 11th day of June, 1992, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 11th, day of June, 1992.

Guy A. Sheppard, D.V.M., President

Clark S. Willingham, Vice-President

Larry M. Dubuisson, D.V.M., Secretary

Mrs. Olivia R. Eudaly, Member

James M. Gomez, D.V.M., Member

Alton E. Hopkins, Jr., D.V.M., Member

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

Joyce G. Schiff, Member

John A. Wood, D.V.M., Member

June 11, 1992

Date

Date

Date

Date

Date

Date

Date

Date