

TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

TEXAS VETERINARY MEDICAL
LICENSE NUMBER 3427

VS

JOE MAC KING, D.V.M.

TEXAS VETERINARY MEDICAL
RENEWAL CERTIFICATE
NUMBER 929

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 14th day of December, A.D., 1976, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at Holliday Inn-Emerald Beach in Corpus Christi, Nueces County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the consideration of other business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said DR. JOE MAC KING, having waived service of citation and accepted service in said cause by sworn instrument dated the 3rd day of November, 1976, and the entire membership of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. JOHN E. WILKINS, JR., President	of Greenville, Texas
DR. DAN J. ANDERSON, Vice-President	of Fort Worth, Texas
DR. WALLACE H. CARDWELL, Secretary	of Elgin, Texas
DR. CHARLES W. EDWARDS, JR., Member	of Marfa, Texas
DR. JAMES GANDY, Member	of Brownwood, Texas
DR. FRANK E. MANN, JR., Member	of Wharton, Texas

whereupon the President of the Board, DR. JOHN E. WILKINS, JR., ordered the case to proceed at which time it was ascertained that DR. JOE MAC KING was present in person and represented by Counsel. Whereupon the Board then proceeded to hear the evidence presented by the State, and by the said DR. JOE MAC KING, in his behalf. After such hearing the Board went into executive session to consider the evidence and after consideration and deliberation of all the evidence that has been presented, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, on the 14th day of December, 1976, all of the above members of said Board being present and participating, makes the following findings, to-wit:

PRELIMINARY ORDER

The Motion for Directed Findings heretofore filed by respondent JOE MAC KING, D.V.M. is in all things overruled.

FINDINGS OF FACT

1. The Board finds that all statutory requisites to its jurisdiction have been met.
2. That the said DR. JOE MAC KING did perform surgery for an undescended testicle on a dog belonging to MR. WALTON DIETZ.
3. That the urethra at the neck of the urinary bladder was severed and tied off with stainless steel wire during said surgery.
4. That subsequent to said surgery the urinary bladder ruptured as a result of being tied off.
5. That the retained right testicle was still present and intact in the abdominal cavity after the said surgery.
6. That the cause of death of the dog was uremic poisoning and rupture of the bladder.
7. That the said DR. JOE MAC KING failed to trace and identify the structures in the dog's abdomen prior to ligating and excising same.

CONCLUSIONS OF LAW

1. That it is improper surgical technique to remove a mass or organ from the abdominal cavity without first identifying said mass or organ.

2. That said improper surgical technique is in violation of Rule 11, of the Rules of Professional Conduct duly promulgated by the Board in accordance with the law.

The Board finds that the facts brought out at such hearing justify and require the following orders.

ORDERS OF THE BOARD

It is ORDERED that the Texas Veterinary Medical License No. 3427 and 1976-77 Renewal Certificate No. 929 heretofore issued by the

Texas State Board of Veterinary Medical Examiners to DR. JOE MAC KING be and the same are hereby SUSPENDED for a period of one (1) year from date of receipt of this ORDER, PROVIDED, HOWEVER, that the execution of this ORDER OF SUSPENSION be and it is HEREBY STAYED, and the said DR. JOE MAC KING is placed on PROBATION for a period of one (1) year upon the following terms and conditions:

1. The said DR. JOE MAC KING will not engage in any dishonest or illegal practice in or connected with the practice of veterinary medicine within the State nor violate any of the provisions of Article 7465a of the Revised Civil Statutes of Texas, or any of the Statutes of Texas or any additions or amendments thereto pertaining to veterinary medicine.

2. The said DR. JOE MAC KING will observe and abide by each of the Rules of Professional Conduct promulgated by the Texas State Board of Veterinary Medical Examiners of the State of Texas for licensed veterinarians now in effect or placed in effect during the said period of suspension or any part of said period.

3. The said DR. JOE MAC KING shall file with the Executive Secretary of the Texas State Board of Veterinary Medical Examiners every four (4) months during the period of this suspension and probation, an affidavit stating that he has fully and faithfully complied with the terms and conditions of probation herein imposed. Said affidavit shall be transmitted to the Board Office by Certified U.S. Mail, Return Receipt Requested. The first affidavit shall be submitted so as to be received in the Board Office on or before four (4) months after date of receipt of this Order and an affidavit shall be filed each four (4) months thereafter during the period of said suspension and probation.

It is further ORDERED, ADJUDGED and DECREED that upon full compliance with the terms and conditions herein set forth, and upon expiration of the term of probation, the license of the said DR. JOE MAC KING and the annual renewal certificate then in effect shall be restored to its full privileges, free and clear of the terms and conditions of probation herein imposed; PROVIDED, HOWEVER, that in the event the said DR. JOE MAC KING violates or fails to comply with any

of the terms or conditions of this Order during said period of probation, the Board may after proper notice, set a date for hearing the alleged violation of terms of probation, and upon receipt by it of satisfactory evidence thereof, may forthwith terminate said probation, cancel and revoke said stay of execution and direct that the Order of Suspension herein made become effective immediately.

The effective date of this Order for all purposes is the date of receipt of the Order by the Defendant herein.

MADE the 14th day of December, 1976, and entered the 7th day of January, 1977.

JOHN E. WILKINS, JR., D.V.M.
President

CHARLES W. EDWARDS, JR., D.V.M.
Member

DAN J. ANDERSON, D.V.M.
Vice-President

JAMES GANDY, D.V.M.
Member

W. H. CARDWELL, D.V.M.
Secretary

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

THE STATE OF TEXAS I
COUNTY OF TRAVIS I

1976-5

BEFORE ME, a Notary Public in and for Travis County, Texas, on this day personally appeared ERNIE M. CARROLL, who after being by me duly sworn upon oath, deposes and says that:

The said ERNIE M. CARROLL, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of his employment make certain investigations into the professional conduct of one DR. JOE MAC KING, Texas Veterinary Medical License No. 3427, 1976-77 Renewal Certificate No. 929, a practitioner of veterinary medicine in the State of Texas, and in the course of said investigation it has come to the attention of the said ERNIE M. CARROLL that on or about the dates hereinafter specified that the said DR. JOE MAC KING did commit one or more of the following acts, and/or omissions, or a combination thereof or all of same said acts and/or omissions being in violation of Article 7465a of the Civil Statutes of Texas (V.A.T.S.) and within the contemplation of Section 14(e) of said statute, and Rules of Professional Conduct duly adopted according to law, to-wit:

That on or about June 26, 1975, MR. WALTON DIETZ presented his dog "Sam" to DR. JOE MAC KING at the Animal Defense League Clinic in San Antonio, Texas, whereupon DR. KING diagnosed an undescended testicle and informed MR. DIETZ that the problem could be corrected surgically. "Sam" was left with DR. KING. The surgery was improperly performed and as a result of said surgical treatment "Sam" died on or about June 30, 1975.

The above complaint is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners this the 1st day of November, A.D. 1976.

Ernie M. Carroll
ERNIE M. CARROLL

THE STATE OF TEXAS I
COUNTY OF TRAVIS I

SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE M. CARROLL, this the 1st day of November, A.D. 1976, to certify which witness my hand and seal of office.

Mary A. Pothman
Notary Public in and for
Travis County, Texas