

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

THOMAS JAMES SHERIDAN
License No. VET. 1763

OIE #2008-38

Respondent.

CONSENT AGREEMENT

By agreement of the State of South Carolina, Board of Veterinary Medical Examiners (hereinafter "the Board") and the above-named Respondent, the following disposition of this matter is entered pursuant to Section 1-23-320(f) of the South Carolina Administrative Procedures Act (APA), S.C. Code Ann. § 1-23-10, *et seq.* (1976, as amended).

FINDINGS OF FACT

1. Respondent admits that Respondent is licensed to practice veterinary medicine in the State of South Carolina and was so licensed at all times relevant to the matters asserted in this case and that the South Carolina Board of Veterinary Medical Examiners has jurisdiction over this matter.
2. Respondent admits that he failed, *inter alia*, to properly complete the spay surgery of a cat named Chiquita, as alleged in the Formal Complaint, a copy of which is attached hereto and incorporated herein as **Exhibit I**.
3. Respondent further admits that as a result of the previous admissions herein, Respondent has violated S.C. Code Ann. §§ 40-69-110(A)(1) and (12)(Supp.2008), as alleged.
4. Respondent waives any further findings of fact in this matter.

CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under S.C. Code Ann. § 40-69-120 (Supp.2008).
2. Respondent has full knowledge that Respondent has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement Respondent voluntarily relinquishes any right to judicial review of Board action(s) which may be taken concerning any related matters.

Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that a representative of the General Counsel's Office may be present during presentation of this Consent Agreement to the Board. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

THEREFORE, IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent's license to practice veterinary medicine in this State shall be suspended for a period of one (1) year from the effective date of this Consent Order; however, Respondent's suspension shall be immediately stayed and Respondent's license shall be continued uninterrupted in a probationary status for at least one (1) years, provided that Respondent faithfully complies with the following terms and conditions, which shall continue in effect until further Order of the Board.
2. Respondent shall pay a fine of Five Hundred Dollars (\$500.00). The said fine shall be due at such time as this Agreement is submitted to the full Board for approval. Payment must be in the form of a cashier's check, money order, or other good funds. Failure to pay the said fine shall result in the immediate temporary suspension of the Respondent's license to practice veterinary medicine in this State until such amount is paid in full.
3. Respondent shall, at his own expense, successfully complete a pre-approved course in abdominal surgery, consisting of at least eight (8) hours, within twelve (12) months of the effective date of this Agreement. These hours used for the deficiency cannot be used for the current renewal period's continuing education requirements.
4. Respondent shall pay, within sixty (60) days of the execution of this Agreement by the Board Chairman, the costs of investigation. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of Respondent's license to practice veterinary medicine until such time as full compliance has been made by Respondent.
5. Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et seq.*, as amended, this Consent Agreement, with attachments, is a public document, and this action will be reported to the National Practitioner Data Bank in accordance with 42 U.S.C. § 11101, *et seq.*
6. Respondent agrees to comply with all state and federal statutes and regulations governing the practice of veterinary medicine.
7. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this Consent Agreement. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In

addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of this Consent Agreement.

8. Respondent enters into this Consent Agreement freely and voluntarily, and not under duress, restraint or compulsion.
9. It is understood and agreed that by executing this Agreement, Respondent specifically consents to waive the procedural requirements of S.C. Code Ann. § 40-69-190 and S.C. Code Ann. Regs. 120-11.2.
10. It is further understood and agreed that this Agreement does not satisfy, prejudice, or stay any disciplinary action currently pending before the Board or which may be filed in the future.
11. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be administratively suspended pending compliance. Non-compliance may result in further discipline. Any license law violations by Respondent constitute a failure to meet the conditions of this Consent Agreement.
12. This Consent Agreement shall take effect immediately upon acceptance by the Board.

AND IT IS SO AGREED.

4/21
~~3/24~~, 2009

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION
Board of Veterinary Medical Examiners

Jenna H. DVM
CHAIRMAN OF THE BOARD

WE CONSENT:

[Signature]
RESPONDENT

3/24, 2009

Melinda N. [Signature]
WITNESS OR ATTORNEY

3/24, 2009

[Signature]
ATTORNEY for the S.C. Dept. of
Labor, Licensing & Regulation

4/10, 2009

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

THOMAS JAMES SHERIDAN
License No. VET. 1763

FORMAL COMPLAINT

OIE # 2008-38 Respondent.

I.

Respondent is a veterinarian licensed by the State Board of Veterinary Medical Examiners (hereinafter "the Board") to practice veterinary medicine in South Carolina, and was so licensed at all times relevant to this action.

II.

The Board received a complaint from a member of the public against Respondent and conducted an investigation into this matter.

III.

Upon information and belief, Respondent has engaged in certain conduct that violates provisions of the South Carolina Veterinary Medicine Practice Act (S.C. Code Ann. § 40-69-5, *et seq.* (1976, as amended)) and the Rules and Regulations of the Board (S.C. Code Ann. Regs. 120-1.1, *et seq.*), including commission of the following acts:

- A. On or about July 1, 2008, R.B. (a pet-owner whose name is known to Respondent) presented R.B.'s domesticated cat Chiquita to Respondent's office to obtain a spay surgery. Respondent agreed to perform the surgery and operated on Chiquita. During the surgery, one of the ovaries ruptured. The ovary retracted out of view into the abdomen when a hemostat was applied. Respondent was able to remove what he thought was the remaining ovarian tissue by increasing traction on the remaining ligament. Inspection of the pedicles before final closure did not yield any additional complications. Subsequent to the surgery, the animal showed signs of being in heat including spraying. Chiquita was represented to the Respondent's office. Respondent examined Chiquita, who did not respond to dorsal stroking with lordosis, treading, flagging, or other behavioral signs typical with estrus. R.B. described Chiquita as rolling, vocalizing, and urinating. Chiquita's history reflects that unusual urination had occurred in the past. A urinalysis revealed excessive leukocytes on the chemistry and sediment. The urine emitted a strong odor. Respondent was concerned about possible ovarian remnants and offered to do additional exploratory surgery at no

charge, either at that time, or after evaluating response to therapy for anxiety and a possible infection. R.B. did not avail himself of the offer.

- B. On or about August 5, 2008, R.B. presented Chiquita to a different veterinary professional who discovered via a vaginal swab, that not all of the reproductive organs had been removed. An additional spay surgery was performed. Respondent's surgery failed to comply with the requisite standard of care as evidenced by his failure to completely remove all ovarian tissue (right ovary and fragment of right uterine horn).

IV.

As a result of the above, Respondent has violated the laws and regulations governing the practice of veterinary medicine in the following particulars:

- A. Respondent violated S.C. Code Ann. § 40-69-110(A)(1) in that Respondent violated the Veterinary Medicine Practice Act or a regulation promulgated by the Board.
- B. Respondent violated S.C. Code Ann. § 40-69-110(A)(12) in that Respondent engaged in conduct determined by the Board to be incompetent or negligent in the practice of veterinary medicine.

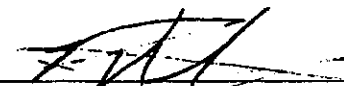
V.

PURSUANT to S.C. Code Ann. §§ 40-1-110 and -120 and 40-69-110 and -120, the Board may take disciplinary action against a veterinarian's license if it finds the veterinarian guilty of committing a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public.

WHEREFORE, the Board of Veterinary Medical Examiners shall consider these allegations and make such disposition as may be appropriate. You may respond and present evidence and argument on all issues involved. You may appear alone or with legal counsel.

**SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING AND REGULATION
BOARD OF VETERINARY MEDICAL EXAMINERS**

BY: _____


Patrick D. Hanks.
Post Office Box 11329
Columbia, South Carolina 29211-1329
ATTORNEY for the S.C. Department of Labor,
Licensing and Regulation

Columbia, SC
MARCH 10, 2009.