

**BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
OF SOUTH CAROLINA**

In the Matter of:

**THOMAS J. SHERIDAN, D.V.M.**

License No. 1763,

(2001-004)

Respondent.

**FINAL ORDER**

This matter came before the State Board of Veterinary Examiners (the Board) for hearing on May 31, 2001, as a result of the Notice of Hearing and Complaint served upon the Respondent and filed with the Board. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §40-69-150 (Supp. 2000), and S.C. Code of Regulations 120-11.2 of the Rules and Regulations of the Board, and the provisions of the Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, et seq. (1976, as amended). The State was represented by Richard W. Simmons, II. The Respondent was represented by Joseph K. Qualey, Esquire; W. Peter Beck, Esquire; and Jerry N. Theos, Esquire.

The Respondent was charged with violation of S.C. Code Ann. §40-69-140(1), (7), (11) and (12) (Supp. 1999), and Regulation 120-5.2, 6.1 and 10.3 (Supp. 1999) of the Rules and Regulations of the Board. Prior to the Board receiving evidence from the State or the Respondent, the State, without opposition from the Respondent, moved for dismissal of the charge identified in the complaint as "Wildlife Patients". The motion was granted and the charge dismissed.

**FINDINGS OF FACT**

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is a veterinarian duly licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in South Carolina. The Respondent currently practices veterinary medicine at the Folly Road Animal Hospital in Charleston, South Carolina.

2. On or about August 10, 2000, after the Respondent was arrested by the Charleston County Sheriff's Department and charged with professional misconduct for the abuse of several animals under his care, the Respondent's license to practice veterinary in South Carolina was temporarily suspended. After the Respondent provided the Board with a detailed statement answering the allegations against him, by Interim Order of Reinstatement dated August 29, 2000, the Respondent's license was conditionally reinstated. The criminal charges against the Respondent were dismissed prior to prosecution.

### Patient A

3. On or about August 2, 2000, client G.G. brought his dog (patient A) into the Respondent's clinic for treatment of an injured rear paw. Patient A was leashed and brought into the Respondent's examination room where members of the Respondent's staff attempted to restrain patient A so that the Respondent could conduct an examination. However, patient A struggled free and began snapping at the Respondent's staff. In an effort to regain control over and restrain patient A, the Respondent used excessive force when he grabbed the animal and threw the animal onto its side several times after which he kneeled on the animal and pulled its head backwards and squeezed its neck and snout until the animal was out of breath and calm. The Respondent admitted in his testimony that he cursed at the animal as he bandaged its paw.

### Patient E

4. On or about August 4, 2000, client P.R. brought her cat, patient E, into the Respondent's clinic for a tooth extraction and a tear duct flush. The Respondent, or a member of his staff, anesthetized patient E while another animal was simultaneously prepared for an ear-crop. After patient E lost consciousness, the Respondent extracted one tooth and started extracting a second tooth when the animal began to regain consciousness. The Respondent masked patient E and began administering more anesthesia. The Respondent then turned his attention to the ear-crop. Patient E was not connected to an EKG monitor nor was the animal being constantly monitored by the Respondent or a member of the Respondent's staff. At some point the Respondent allowed a member of his staff to check on patient E and to intubate the animal. It was discovered during a subsequent check that patient E was not breathing and the Respondent was unsuccessful in reviving the animal. The facts as testified to by the witnesses and the Respondent indicates that the Respondent failed to adequately monitor patient E during the surgical procedure and afterwards, and did not properly supervise his employee during the intubation procedure.

### Patient B, Patient C, and Patient D

5. The State alleges in the complaint that the Respondent used excessive force in restraining patient B for examination and treatment. The complaint alleges the Respondent failed to maintain adequate records for patient C and that the Respondent used excessive force in restraining the animal for examination and treatment. As it relates to patient D, the complaint alleges the Respondent used excessive force in restraining the animal for examination and treatment. However, with respect to each of these allegations, the State failed to provide sufficient evidence to substantiate the charges against the Respondent.

## **CONCLUSIONS OF LAW**

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §40-1-110 (1976, as amended) and S.C. Code Ann. §40-69-

140 (Supp. 1999), has the authority to order the revocation or suspension of a license to practice as a veterinarian, publicly or privately reprimand the holder of a license, or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board or imposing restraint upon the practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, the Board may require the licensee to pay a civil penalty of up to five hundred dollars to the Board and the costs of the disciplinary action.

2. The Respondent has violated S.C. Code Ann. §§40-69-140(1) and (11) (Supp. 1999) in that the Respondent, as evidenced by the conduct described above, engaged in unprofessional and unethical conduct in the practice of veterinary medicine through his use of excessive force in restraining a patient for examination and treatment.

3. The Respondent has violated S.C. Code Ann. §§40-69-140(1) and (11) (Supp. 1999) in that the Respondent, as evidenced by the conduct described above, engaged in unprofessional and unethical conduct in the practice of veterinary medicine when he failed to maintain adequate monitoring of a patient and to properly supervise one of his employees.

4. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified veterinarians against the countervailing concern that society be protected from professional ineptitude and misconduct.

5. The sanction imposed is designed not to punish the veterinarian, but to protect the life, health, and welfare of the people at large.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:**

1. The Respondent shall, within ninety (90) days of the date of this final order, pay a fine of Five Hundred and No/100 (\$500.00) Dollars, and administrative costs of Four Thousand Five Hundred Fifty-Six and 60/100 (\$4,556.60) Dollars. This fine and administrative costs shall not be deemed paid until received by the Board.

2. Prior to September 1, 2001, the Respondent shall undergo a psychological assessment in a Board approved setting, and shall comply with all recommended follow-up treatment.

3. Prior to January 2, 2002, the Respondent shall enroll in a Board approved anger management course.

4. The Respondent shall complete fifteen (15) hours of continuing education in anesthesia in a course approved by the Board. Proof of the Respondent's compliance with this provision shall be filed with the Board on or before June 1, 2002. This course shall be in addition to the continuing education requirements of Regulation 120-4.2 of the Rules and Regulations of the Board.

5. The Respondent shall complete fifteen (15) hours of continuing education in Practice Management in a course approved by the Board. Proof of the Respondent's compliance with this provision shall be filed with the Board on or before June 1, 2002. This course shall be in addition to the continuing education requirements of Regulation 120-4.2 of the Rules and Regulations of the Board.

6. The Respondent shall cooperate with the Board, its attorney, investigators, and other representatives in the investigation of the Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The cost for the psychological assessment, follow-up treatment, anger management course and continuing education requirements will be borne by the Respondent. Failure by the Respondent to comply with any of the provisions of this final order within the time periods set forth herein shall warrant the immediate temporary suspension of his license to practice veterinary medicine in this State pending hearing into the matter and until further order of the Board.

8. The Interim Order of Reinstatement is hereby **vacated**, and the Respondent's license to practice veterinary medicine in the State of South Carolina is unconditionally reinstated.

9. This final order shall take effect immediately upon service of the order upon the Respondent or his attorney.

**AND IT IS SO ORDERED.**

**SOUTH CAROLINA BOARD OF VETERINARY  
MEDICAL EXAMINERS**

BY: Dennis A. Feinberg, D.V.M.  
Dennis Feinberg, D.V.M.  
Chairman of the Board

June 19, 2001.