

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

V.

CASE NO. 0421B

**TODD E. SHOCKEY, DVM,
VETERINARIAN LICENSE No. 2000-14,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Todd E. Shockey, DVM (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that he has violated certain provisions of W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in this matter.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT

1. Respondent is a licensee of the Board, holding License No. 2000-14, and at all times relevant, held an active license with the Board and practiced veterinary medicine in the State of West Virginia.

2. On or about April 13, 2021, the Board received a written complaint from Matthew and Joanne Beal (“the Beals”) regarding the veterinary care that their dog “Bella” received from Respondent.

3. The Beals report in their complaint that on Friday, April 2, 2021, they brought Bella to Parkersburg Veterinary Hospital, Inc. to have her spayed. The Beals maintain that the surgery went well, and that they picked up Bella at 4 p.m. The Beals allege that the evening following the surgery and throughout the next day, Bella was “dopey,” and that one of them was with her constantly to make sure she was safe and to ensure that she did not lick her incision site.

4. On Sunday, April 4, 2021, the Beals noticed that Bella’s incision was open, so they took her to an emergency vet. The emergency vet sedated Bella and repaired her incision with sutures, as it had been previously held with glue.

5. On Monday, April 5, 2021, Mr. Beal went to Parkersburg Veterinary Hospital, Inc. to discuss Bella’s condition, but was informed he should return the next day, as there was no one able to speak with him at that time. Accordingly, on Tuesday, April 6, 2021, Mr. Beal returned to Parkersburg Veterinary Hospital, Inc. and spoke with Respondent, the veterinarian that performed

Bella's surgery. The Beals allege that Respondent stated that it must have been their fault that Bella's incision opened, and when questioned about why he used glue to hold the incision, Respondent allegedly asserted that he did not have time to close the incision with sutures. The Beals further allege that Mr. Beal informed Respondent that over the years they had their dogs spayed at Parkersburg Veterinary Hospital, Inc., none of the dogs ever had glue used to close their incisions, to which Respondent allegedly replied with profanity.

6. On or about April 16, 2021, Respondent submitted a response to the Beals' complaint, along with a written statement from the receptionist on duty on April 6, 2021 and Bella's medical records. Respondent maintained that Bella's surgery was uncomplicated and that skin glue was used for the surgery's closure. Respondent noted that the incision was approximately two inches in length, and that Bella was discharged with instructions for home care.

7. Respondent stated that Mr. Beal returned to Parkersburg Veterinary Hospital, Inc. on April 6, 2021 and was very hostile toward the reception staff. Respondent asserted that he spoke with Mr. Beal and explained that using glue to close routine surgeries was common and accepted practice. Respondent alleged that Mr. Beal became combative and in response, Respondent "asked him to leave using language that he might understand."

8. The Board's Complaint Committee reviewed the Beals' complaint, Respondent's response thereto, and the medical records and other documents submitted therewith and found probable cause to believe that Respondent failed to maintain complete patient medical records, as the records did not contain vital statistics, anesthesia monitoring, and the physical exam performed simply stated "done" without any details, in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5 and 26-4-5.2.a.

9. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaint, response, and accompanying documents, the Board, by majority vote at its meeting on July 30, 2021, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 2000-14 and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice veterinary medicine under the authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-2-1 to 26-2-6.

4. Respondent does not contest that the Board has probable cause to charge him with one or more violations of the Board's governing statutes and rules based upon its investigation and findings in this matter.

5. The conduct described in the above Findings of Fact would, if proven, constitute violations of W. Va. Code § 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-4-5. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Todd E. Shockey, by signing this Consent Agreement and Order, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Todd E. Shockey, by affixing his signature hereto, agrees to the following Order:

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for his actions in this matter.
2. Within three (3) months from the date of entry of this Order, Respondent shall complete three (3) hours of Board-approved continuing education on the subject of medical record keeping. These continuing education hours do not count toward the required eighteen (18) hours of continuing education.

3. Within three (3) months after taking the above-mentioned medical record keeping continuing education, Respondent shall submit to the Board for its review five (5) patient medical records completed and maintained by him.

4. Within three (3) months from the date of the entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.

5. Any failure to comply with all provisions in the Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice veterinary medicine in the State of West Virginia.

6. This document is a public record as defined in W. Va. Code § 29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database and for posting on the Board's website.

7. This Consent Agreement and Order constitutes the entire agreement between the parties.

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In recognition of this Consent Agreement and Order, we hereby affix our signatures.

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: John R. Wilson DVM
Dr. John R. Wilson, Board Chairman

Entered: 11-1-2021
Date

REVIEWED AND AGREED TO BY:

Todd E. Shockey
Todd E. Shockey, DVM
Respondent

10/27/21
Date

This day personally appeared before me, Todd E. Shockey, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of his knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 27 day of October, 2021.

My Commission expires: 01/23/2025

Trina Lobbins
Notary Public



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