



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
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MINUTES
JULY 31, 2020 @ 9:00 AM
SKYPE/TELECONFERENCE

Member Present by Phone/Skype: Dr. John Wilson; Mrs. Monica R. Patton; Dr. Keith Berkeley;
Dr. Frank Cary; Mrs. Jo Long; Mrs. Amy Meadows;
Dr. Barbara Meade; Dr. D. James Moore
Dr. Mark Ayers (left the meeting at 11:16 am)
Non-Members Present by Skype: Keith Fisher, Attorney General's Office
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:08 am.
- II. Dr. Wilson went over the Mission Statement.
- III. There was no Public Comment.

Mrs. Patton motioned to go into Executive session to discuss disciplinary at 9:10 am; seconded by **Dr. Berkeley**. Motion carried.

Dr. Moore motioned to go out of Executive session at 10:06 am; seconded by **Dr. Ayers**. Motion carried.

IV. Disciplinary Committee Report

- a) Case No.1119E Dr. Paula Young (Original complaint received 11/18/2019 18 months – 5/18/21)
 - 6-month letter sent April 28, 2020.
 - Consent Agreement effective July 2, 2020.
 - Within 90 days of Consent Agreement and Order (October 2, 2020)
 - Reimbursement of administrative cost.
 - Complete 3 hours of recordkeeping Board-approved continuing education.
 - Within 90 days of completing the record keeping CE, submit to the Board for its review a total of 5 patient medical records.
- b) Case No.0220A Dr. Kevin Hennessy (Original complaint received 02/18/20 18 months – 8/18/21)
 - Consent Agreement effective July 10, 2020.
 - Placed on Probation for a period of 12 months (July 10, 2021)
 - Professional behavior and conduct shall be observed by his office manager on a daily basis.
 - Visited by a Board-approved supervising veterinarian at least once per month and for the supervising veterinarian to submit a report to the Board.
 - Within 14 days (July 24, 2020), and as a condition to his continuation in practice,
 - Submit to a physical and mental examination by a Board-approved health care provider(s), at his own expense, and be deemed fit to perform the necessary duties and responsibilities of a licensed veterinarian and to practice in compliance with the Board's governing statutes and rules.
 - Should he fail such examination, his license shall immediately be suspended until he is later examined and deemed fit to practice.
 - Received physical assessment July 24, 2020.

- Within 90 days (October 10, 2020), complete three 3 hours of Board-approved CE on medical recordkeeping.
 - Within 6 months of completing the CE, submit a total of five 5 patient medical records completed and maintained by him in the course of his practice.
 - Within 6 months (January 10, 2021)
 - Complete three 3 hours of Board-approved CE on Ethics.
 - Reimbursement of administrative cost.
 - **Dr. Berkeley** motioned to approve Charleston Forensic Psychiatry for psychiatric examination scheduled for August 14, 2020; seconded by **Dr. Moore**. Motion carried.
 - Dr. Hennessy did not submit information on his psychiatrist that he requested to complete the psychiatric examination.
- c) Case No.0220B Dr. Kevin Hennessy (Original complaint received 02/25/20 18 months – 8/25/21)
 - Consent Agreement effective July 10, 2020.
 - Placed on Probation for a period of 12 months (July 10, 2021)
 - Professional behavior and conduct shall be observed by his office manager on a daily basis.
 - Visited by a Board-approved supervising veterinarian at least once per month and for the supervising veterinarian to submit a report to the Board
 - Within 14 days (July 24, 2020), and as a condition to his continuation in practice,
 - Submit to a physical and mental examination by a Board-approved health care provider(s), at his own expense, and be deemed fit to perform the necessary duties and responsibilities of a licensed veterinarian and to practice in compliance with the Board's governing statutes and rules.
 - Received physical assessment July 24, 2020.
 - Should he fail such examination, his license shall immediately be suspended until he is later examined and deemed fit to practice.
 - Within 90 days (October 10, 2020), complete three 3 hours of Board-approved CE on medical recordkeeping.
 - Within six 6 months of completing the CE, submit a total of five 5 patient medical records completed and maintained by him in the course of his practice.
 - Within 6 months (January 10, 2021)
 - Complete three 3 hours of Board-approved CE on Ethics.
 - Reimbursement of administrative cost.
 - **Dr. Berkeley** motioned to approve Charleston Forensic Psychiatry for psychiatric examination scheduled for August 14, 2020; seconded by **Dr. Moore**. Motion carried.
 - Dr. Hennessy did not submit information on his psychiatrist that he requested to complete the psychiatric examination.
- d) Case No.0320A Dr. James Radcliffe (Original complaint received 03/16/20 18 months – 9/16/21)
 - Consent Agreement effective June 13, 2020.
 - Within 90 days of Consent Agreement and Order (September 13, 2020).
 - Reimbursement of administrative cost.
 - Complete 3 hours of recordkeeping Board-approved continuing education.
 - Within 90 days of completing the record keeping CE, submit to the Board for its review a total of 5 patient medical records.
- e) Case No.0420A (Original complaint received 04/03/20 18 months – 10/03/21)
 - **Dr. Berkeley** motioned to find no probable cause; seconded by **Mrs. Patton**. The small animal complaint committee recused themselves from the vote. Motion carried.
- f) Case No.0520A (Original complaint received 05/22/20 18 months – 11/22/21)
 - **Mrs. Long** motioned to find no probable cause; seconded by **Dr. Berkeley**. The small animal complaint committee recused themselves from the vote. Motion carried.
- g) Case No.0520B (Original complaint received 05/22/20 18 months – 11/22/21)
 - **Dr. Cary** motioned to not find probable cause as to the allegations to the complaint but upon investigation and reviewing of the medical records the Board has found probable cause for insufficient medical records; seconded by **Mrs. Patton**. The small animal complaint committee recused themselves from the vote. Motion carried.
- h) Case No.0620A (Original complaint received 06/24/20 18 months – 12/24/21)
 - **Mrs. Patton** motioned to further investigate; seconded by **Dr. Berkeley**. Motion carried.
- i) The Complaint Committee is still investigating the case regarding a WV Board of Pharmacy Breach of Professional Standards.

- j) **Dr. Berkeley** motioned that after further investigation, to withdraw the Board complaint regarding the PA investigation; seconded by **Mrs. Patton**. Motion carried.

V. Approval of Minutes

- a) **Dr. Berkeley** motioned to approve the April 27, 2020 minutes: seconded by **Dr. Ayers**. Motion carried.

VI. Reports

- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
b) **Mrs. Long** motioned to approve the P-Card charges December 17, 2019 – May 16, 2020; seconded by **Mrs. Meadows**. Motion carried.
c) The Board reviewed the 4th quarter 2019 and 1st quarter 2020 to date facility inspection reports.
d) The Complaint Committee met on July 23, 2020.
e) The Board reviewed the comments from the attendees at the CAET CE held on June 26, 2020 at Stonewall Resort.
f) The CAET 3-day training will be held August 21 - 23, 2020 in Morgantown.
g) Trish discussed the status of the new database with InLumon and the website that was created by the Treasurer's Office.
h) AAVSB information items were discussed. AAVSB will be holding this year's conference via online. Committee members are free, 1 attendee is free, additional attendee is \$150.00 or \$250.00 for the whole Board. The Board members will let Trish know if they would like to attend.

VII. Questions for the Board

Question: Can an RVT, working for a rescue organization, perform blood draws for feline combo test with indirect veterinarian supervision?

Answer: **Dr. Cary** motioned that an RVT can perform blood draws for feline combo test under indirect veterinarian supervision; seconded by **Dr. Meade**. Motion carried.

Question: Can a veterinary specialist licensed in MD, OH, and PA, but not licensed in WV, participating in breed health clinics (cardiology, ophthalmology, neurology) that are run by WV breed clubs participate as a consultant to the WV practitioner where there is also WV licensed veterinarians participating in the clinic?

Answer: **Dr. Berkeley** motioned that the Board honors the advanced education and dedication to veterinary medicine; however, without a legislation change, WV veterinary license is required; seconded by **Dr. Cary**. Motion carried.

VIII. New Business

- a) The Board discussed Mike Leland, Inspector, resignation effective September 30, 2020.
Dr. Cary motioned that until the Board has decided how to handle the facility inspections to temporary approve Dawn Karnes to take over Mike's stationary facility inspections with a salary increase from \$8,000 to \$20,000 effective October 10, 2020; seconded by **Dr. Ayers**. Motion carried.
Mrs. Long motioned to approve a 5% salary increase, \$20.00 to \$21.00 per hour, for Doreen Colbert effective August 15, 2020; seconded by **Dr. Meade**. Motion carried.
Mrs. Long motioned to approve a 5% salary increase, \$74,530.00 to \$78,230.00 per year for Trish Holstein effective August 15, 2020; seconded by **Dr. Meade**. Motion carried.
b) **Dr. Cary** motioned to allow Trish to work a flex schedule as long as the office is covered; seconded by **Mrs. Patton**. Motion carried. **Dr. Ayers** was not present for the vote. The Board request for Trish to create an employee handbook to cover flex schedule, evaluations, and policies for the Board to approve at the next Board meeting.
c) The Board discussed the letter sent to the Dr. Townsend and Berkeley County Animal Control regarding improper euthanasia by unauthorized person.
d) **Dr. Cary** motioned that due to in-person CE cancellations, to request the Governor's office to suspend the statute to allow extending the time limit of 2020 CE's for 1 year; seconded by **Mrs. Long**. Motion carried. **Dr. Ayers** was not present for the vote.
e) Because of COVID-19, the facility inspections are a quarter behind schedule. The Board request that the remaining quarters for 2019 inspections proceed to see if they can be completed by the end of the year. If needed, the Board will discuss extending the inspection time at the next Board meeting.
f) The InLumon contract was discussed. The Office has not had a database since April 15, 2020 and all the new applicants, certificates, facility renewals, etc. were done manually by the office staff. InLumon is showing improvement; however, the Board will revisit the status of InLumon's contract at the next Board meeting.
g) **Dr. Moore** motioned motion to approve Segra phone service; seconded **Mrs. Long**. Motion carried. **Dr. Ayers** was not present for the vote.
h) The Board discussed their response to Legislature Interim Study Letter regarding multi-agencies.

- i) 2019 CE Audit Results
 - 61 Veterinarian Audited
 - 18 RVT Audited
 - (1 non-compliance)
 - **Mrs. Patton** motioned to offer a Consent Agreement for the non-compliance CE audit; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- j) AAVSB offers Board members a free NAVLE Self-Assessment.
- k) AAVSB offers legal counsel program funding for next year's conference.
- l) The Board discussed facilities that renew late causing them to be left off the inspection list.
- m) Since the Board already provides accredited school links, the Board will not post links on our website requested by Accredited Schools.
- n) The Board discussed their strategy and goals for 2020.
 - Review fees and budget to be able to lower fees and operate more efficiently.
 - Inform the public and licensees of the Board's budget and expenses.
 - Monitor the inspection process with the goal to improve efficiency and cost.
 - Inform legislators to the fact that Board operates efficiently.
 - Revise the Disciplinary/Complaint policy.
 - Replace expired Board members.
 - Provide information articles to educate the public.
 - Educate licensees on compounding new regulations.
 - Ensure licensees compliance with control substance monitoring.
 - Add create employee handbook.
 - Add work with veterinarians for record keeping compliance.
 - Add provide training for veterinarians' client-patient relationships
 - Add hire investigator for complaints.
- o) The Board members will be contacting veterinarians that would be interested in replacing expired Board members. The Board will discuss the applicants at the next Board meeting.
- p) **Dr. Meade** motioned to add a position of President Elect; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
Dr. Moore motioned to elect Dr. Wilson, Chairman; Dr. Berkley, Chairman Elect; Mrs. Patton as Secretary-Treasurer; and the other committees to stay the same; seconded by **Dr. Cary**. Motioned carried. **Dr. Berkeley** abstained from vote. **Dr. Ayers** was not present for vote.
- q) Dr. Berkeley and Dr. Meade volunteered to be on the patient record committee for ambulatory facilities.

IX. The next Board meeting is scheduled for Friday, October 2, 2020 at Stonewall Resort. We will do another Skype meeting should it be cancelled.

X. The meeting was adjourned at 12:50 pm.

Approved by:



Monica R. Patton, RVT
Secretary-Treasurer