

WEST VIRGINIA BOARD OF VETERINARY MEDICINE
5509 Big Tyler Road, Suite 3
Cross Lanes, West Virginia 25313
Telephone: (304) 776-8032 Fax: (304) 776-8256

MINUTES
OCTOBER 29, 2021 @ 9:00 AM
GOOGLE MEET

Members Present: Dr. John Wilson; Dr. Keith Berkeley; Mrs. Monica R. Patton (in person);
Dr. Mark Ayers; Dr. Frank Cary; Dr. Jesse Fallen; Mrs. Jo Long; Mrs. Amy
Meadows
Members not Present: Dr. Shawn Sette
Non-Members Present: Joanne Vella, Attorney General's Office; Dr. Sarah Babcock, AVLS;
Amanda Mason, RVT; Dr. Barbara Meade, Investigator; Brandi Legg,
Secretary
Minutes taken by: Trish Holstein

I. The meeting was called to order at 9:01 am.

II. Dr. Wilson went over the Mission Statement.

III. Public Comment

- The Board spoke to Dr. Sarah Babcock in regards to providing an in-person patient records presentation for the Board's licensed veterinarians.
- The Board spoke with Amanda Mason, RVT, regarding a certified rehabilitation practitioner program that she would like to do as an RVT.

Mrs. Patton motioned to go into executive session to discuss disciplinary at 9:22 am; seconded by **Ayers**. Motion carried.
Mrs. Long motioned to go out of executive session; seconded by **Dr. Berkeley**. Motion carried.

IV. Disciplinary Committee Report

a) Case No.0220A Dr. Kevin Hennessy

- 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.
 - Consideration of physical assessment performed on July 21, 2020.
 - Consideration of mental evaluation performed September 17, 2020.
- Within 90 days (October 10, 2020), completed three 3 hours of Board-approved CE on medical recordkeeping on October 22, 2020.
 - 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. Received medical records July 20, 2021.

- Within 6 months (January 10, 2021)
 - Completed three 3 hours of Board-approved CE on Ethics October 26, 2020.
 - Received reimbursement of administrative cost on October 8, 2020.
 - Veterinary supervision and observation of the office manager began March 20, 2021 and end March 19, 2022.
 - The Board reviewed the supervision and observation reports.
- b) Case No.0220B Dr. Kevin Hennessy
- 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.
 - Consideration of physical assessment performed on July 21, 2020.
 - Consideration of mental evaluation performed September 17, 2020.
 - Within 90 days (October 10, 2020), completed three 3 hours of Board-approved CE on medical recordkeeping on October 22, 2020.
 - 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. Received medical records July 20, 2021.
 - Within 6 months (January 10, 2021)
 - Completed three 3 hours of Board-approved CE on Ethics October 26, 2020.
 - Received reimbursement of administrative cost on October 8, 2020.
 - Veterinary supervision and observation of the office manager began March 20, 2021 and end March 19, 2022.
 - The Board reviewed the supervision and observation reports.
- c) Case No.0620A Dr. John Spiker
- Consent Agreement effective December 14, 2020.
 - Submit 3 patient medical records from each of the next 3 spay/neuter clinics.
 - **Dr. Berkeley** motioned that since all requirement for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long** Motion carried.
- d) Case No.1020B (Original complaint received 10/14/20 18 months – 4/14/22)
- 6-month letter submitted April 14, 2021.
 - Requested phone records from Complainant
 - **Dr. Berkeley** motioned to not find probable cause; seconded by **Mrs. Long**. The small animal complaint committee recused themselves and left the meeting from the vote. Motion carried.
- e) Case No.0121A (Original complaint received 1/20/21 18 months – 7/20/22)
- **Dr. Berkeley** motioned to respond to the attorney's letter; seconded by **Mrs. Long**. Motion carried.
- f) Case No.0321A Dr. Timothy Knotts
- Consent Agreement effective September 15, 2021
 - Within 6 months of Consent Agreement and Order (March 15, 2022)
 - Paid Reimbursement of administrative cost October 25, 2021.
 - Complete 3 hours of Board-approved continuing education on the subject of clinical decision making or pharmacology.
 - Complete 3 hours of Board-approved continuing education on the subject of medical record keeping.

- Within 90 days of completed three 3 hours of Board-approved CE on the subject of medical recordkeeping
- Submit a total of five 5 patient medical records.
- g) Case No.0421A Dr. Paige Stoehr
 - Consent Agreement effective September 28, 2021
 - Within 6 months of Consent Agreement and Order (March 28, 2022)
 - Reimbursement of administrative cost.
 - Complete 3 hours of Board-approved continuing education on the subject of kidney disease or renal disease.
 - Complete 3 hours of Board-approved continuing education on the subject of medical record keeping.
 - Within 90 days of completed three 3 hours of Board-approved CE on the subject of medical recordkeeping
 - Submit a total of five 5 patient medical records.
- h) Case No.0421B (Original complaint received 4/13/21 18 months – 10/13/22)
 - 6-month letter dated October 6, 2021
 - Pending Consent Agreement
- i) Case No.0521B (Original complaint received 5/07/21 18 months – 11/07/22)
 - Pending Consent Agreement
- j) Case No.0521D (Original complaint received 5/20/21 18 months – 11/20/22)
 - Pending Consent Agreement
- k) Case No.0621B (Original complaint received 6/16/21 18 months – 12/16/22)
 - Found no probable at the July 30, 2021 Board meeting.
- l) Case No.0621C (Original complaint received 6/16/21 18 months – 12/16/22)
 - **Dr. Berkely** motioned that after further discussion to withdraw the probable cause motion from the prior meeting and to find no probable; seconded by **Mrs. Patton**. Motion carried.
- m) Case No. BVMCE0621A Dr. Alexandro Dias
 - Consent Agreement and Order signed July 30, 2021.
 - Within 90 days of Consent Agreement and Order (October 30, 2021)
 - Fine of \$100.00 received July 26, 2021.
 - Reimbursed administrative cost paid August 23, 2021.
 - Within 6 months of Consent Agreement and Order (January 30, 2022)
 - Completed 3.5 deficient CE during the calendar year 2021. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - Submit to a CE audit for calendar year 2022.
- n) Case No. BVMCE0621B Dr. Caitlin Cosentino
 - Consent Agreement and Order signed July 17, 2021.
 - Within 90 days of Consent Agreement and Order (October 17, 2021)
 - Fine of \$100.00 received July 13, 2021.
 - Reimbursed administrative cost paid August 31, 2021.
 - Within 6 months of Consent Agreement and Order (January 17, 2022)
 - Complete the number and/or type of CE hours that are deficient. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - Submit to a CE audit for calendar year 2022.
- o) Case No. BVMCE0621C Karli Snyder, RVT
 - Consent Agreement and Order signed August 31, 2021.
 - Within 90 days of Consent Agreement and Order (November 31, 2021)
 - Fine of \$100.00 received August 30, 2021.
 - Received reimbursement of administrative cost on October 19, 2021.
 - Within 6 months of Consent Agreement and Order (February 28, 2022)
 - Completed the number and/or type of CE hours that are deficient on September 21, 2021. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - Submit to a CE audit for calendar year 2022.

- p) Case No. BVMCE0621D Dr. William Selby
 - Consent Agreement and Order signed August 30, 2021.
 - Within 90 days of Consent Agreement and Order (November 30, 2021)
 - Fine of \$100.00 received August 18, 2021.
 - Reimbursement of administrative cost.
 - Within 6 months of Consent Agreement and Order (February 28, 2022)
 - Complete the number and/or type of CE hours that are deficient. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - Submit to a CE audit for calendar year 2022.
- q) Case No. BVMCE0621E Dr. Megan Wagner
 - Consent Agreement and Order signed August 5, 2021.
 - Within 90 days of Consent Agreement and Order (November 5, 2021)
 - Pay fine of \$100.00 received August 4, 2021.
 - Reimbursed administrative cost August 26, 2021.
 - Within 6 months of Consent Agreement and Order (February 5, 2022)
 - Complete the number and/or type of CE hours that are deficient. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - Submit to a CE audit for calendar year 2022.
- r) Case No.0821A (Original complaint received 8/02/21 18 months – 2/02/22)
 - **Mrs. Long** motioned to further investigate and have an informal meeting with the Respondent. Dr. Wilson, Dr. Berkeley, and Dr. Meade, Inspector, will setup a meeting to go to the veterinary facility; seconded by **Dr. Cary**. Motion carried.
- s) Case No.0821B (Original complaint received 8/16/21 18 months – 2/16/22)
 - **Mrs. Long** motioned to further investigate and have an informal meeting with the Respondent. Dr. Wilson, Dr. Berkeley and Dr. Meade, Inspector, will setup a meeting to go to the veterinary facility; seconded by **Dr. Cary**. Motion carried.
- t) Case No.0921A (Original complaint received 9/24/21 18 months – 3/24/22)
 - **Mrs. Long** motioned to not find probable cause; seconded by **Mrs. Patton**. The small animal complaint committee recused themselves and left the meeting from the vote. Since **Dr. Ayers** is a shareholder where the Respondent works, he abstained from the vote. Motion carried.
- u) **Dr. Berkeley** motioned to approve the questionable veterinary application; seconded by **Mrs. Long**. Motion carried.

V. Approval of Minutes

- a) **Dr. Berkeley** motioned to approve the July 30, 2021 minutes; seconded by **Dr. Cary**. Motion carried.
- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
- b) **Mrs. Patton** motioned to approve the P-Card Charges July 17, 2021 – October 16, 2021; seconded by **Dr. Ayers**. Motion carried.
- c) The Complaint Committee members met on October 7, 2021.
- d) Trish advised that Thentia's database is expected to go live in mid-January.
- e) There was no quarterly mobile clinic report for the Board to review.
- f) Trish and Dr. Wilson discussed topics from the AAVSB Annual Meeting September 30-October 2, 2021, conference.
 - Veterinary Care Elite
 - Consent Agendas
 - Invite legislatures and Governor to Board meeting
 - FDA requirements for food to be separate from drugs
 - Pharmacy requirements for prescription drugs to be kept away from clients
 - Advise vets to give clients instructions on fentanyl patches and other drugs disposal
 - Give clients a fact sheet for prescriptions
 - Executive Director appointed as President of the Board of Directors.
 - VCPR for Telemedicine.

- g) The Board discussed AAVSB's Watchdog information.
- h) The Board discussed the ASK Suicide Prevention training. Trish advised that a link to this training can be found on the Board's website and Facebook.
- i) Executive Director Report
 - Trish advised that the Board office now uses a phone log which has already been a great resource.
 - The Board reviewed the 2nd & 3rd Quarter facility inspection list.
 - The Board reviewed the applications approved by Executive Director and statistics from July 1 – October 20, 2021.

VI. The Board answered the Question submitted to the Board

Question: What are RVT's legally allowed to do that work for WVU Animal Science Farm?

Answer: The WV Board of Veterinary Medicine met on October 29, 2021, to discuss your question. Pursuant to §30-10-17.d., WVU employees are exempt from the Board's regulatory authority.

VII. New Business

- a) **Dr. Cary** motioned to hire Dr. Babcock as record keeping instructor and to offer the WV Veterinary Medical Association to be partners with the Board and to have the training at the Stonewall Resort; seconded by **Dr. Ayers**. Motion carried.
- b) The Board discussed requirements for a surgery room and the prep room being separate from the surgery room. Pursuant to §26.4.6.1.i.1. a room designated solely for surgery, separated by doors, and distinct from all other rooms.
- c) Trish discussed the WV Pharmacist Recovery Network Program. Trish advised that Tim Brown will speak to the Board at the next Board meeting.
- d) The Board discussed the letter from the Ohio Pharmacy Board regarding expired euthanasia solution.
- e) The Board discussed RVT's being certified in canine rehabilitation. Trish will work with Amanda Mason, RVT, and Joanne Vella to research what other veterinary boards allow canine rehabilitation done by a RVT and how their laws read.
- f) **Dr. Ayers** motioned that a veterinarian must provide a client's request for a prescription using the method requested by the client; seconded by **Dr. Berkeley**. Motion carried.
- g) The Board discussed the new members consideration of attending the AAVSB Basics & Beyond April 1- 2, 2022 Kansas City, MO
- h) The Board discussed the Board's Strategy and Goals for 2021.
- i) The Board discussed resumes for the replacement of expired Board members. Since the Board is still receiving resumes, the Board to make a decision at the next Board meeting.
- j) Trish will schedule a Rule Making Committee meeting for January 5, 2021.
- k) The Board discussed FDA's definition of veterinary-client-patient relationship.
- l) Trish, Brandi, Dr. Wilson, and Mrs. Meadows will be attending the Chapter 30 Licensing Boards seminar.
- m) **Mrs. Patton** motioned to approve the 2020 and 2021 biennium report; seconded by **Mrs. Long**. Motion carried.

VIII. The Next Board Meeting is Thursday, January 6, 2022, at the Greenbrier Resort.

IX. The Meeting was Adjourned at 1:09pm.



Monica R. Patton, RVT
Secretary-Treasurer