

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE NO. 0123B

**PATRICK MASTERS, DVM,
VETERINARIAN LICENSE NO. 2002-14,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine ("Board") and Patrick Masters, 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 these matters.

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.

WHEREFORE, 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. 2002-14, and at all times relevant, practiced veterinary medicine at the Hillside Veterinary Hospital (“Hillside”) in Charles Town, West Virginia.

2. On January 10, 2023, the Board received a written complaint and supporting documentation from Gail Saltsman Robbins (“Ms. Robbins”) regarding the veterinary care that her dog “Paisley” received from Respondent at Hillside.

3. Ms. Robbins’s complaint states that on Friday, July 1, 2022, she was traveling and was in the parking lot of a hotel when Paisley was attacked by another dog. Ms. Robbins and her friend brought Paisley to an emergency clinic where she was treated for significant injuries. Ms. Robbins called Hillside to inform them that she would be in with Paisley on Tuesday, July 5, 2022, as she would be back home from traveling and the facility would be open after the holiday.

4. Respondent treated Paisley by having a veterinary technician pour water over Paisley after removing her bandages. Respondent informed Ms. Robbins that Paisley’s skin would slough off. Ms. Robbins stated that Respondent did not re-bandage Paisley, but sent her home with Ms. Robbins and said that Ms. Robbins could continue to use the water treatment. Ms. Robbins maintained that she returned on Wednesday, Thursday, Friday and Monday to Hillside, and each time Paisley was released without bandages.

5. Ms. Robbins stated that approximately ten days after Paisley was attacked, she brought her to another veterinarian, with whom Ms. Robbins had a personal friendship. Paisley was then treated by Ms. Robbins's friend, approximately twice a week for the next four months, including laser treatment, medication, and wrapping in bandages. Ms. Robbins added that after five months, Paisley was cleared for playing, but not jumping.

6. Ms. Robbins expressed her frustration that Respondent failed to inform her that Paisley's care was beyond his level of comfort and failed to refer her to another veterinarian. Accordingly, Ms. Robbins filed the instant complaint.

7. By letter to Respondent dated January 10, 2023, the Board transmitted a copy of Ms. Robbins's complaint and requested that Respondent file a written response thereto within 30 days.

8. The Board received Respondent's written response on January 27, 2023, which included Paisley's medical records and other documentation. Respondent denied that he lacked the adequate experience to treat Paisley's wounds. Respondent explained that he has been practicing as a veterinarian for nearly thirty-five years, that he has treated a large number of animal bite wounds and other complex issues, and that he treats each case individually, depending on the clinical presentation. Respondent provided an explanation as to the factors he takes into consideration in a bite wound case, and included a detailed, time-lined description of the actions he takes in his treatment.

9. Respondent then explained the care and treatment he had provided Paisley. Respondent noted that Paisley's injuries included necrotic tissue, which was to be expected. Respondent asserted that, in his experience, wounds such as Paisley's heal best with gentle hydrotherapy while remaining open. Respondent stated that Paisley maintained care with

antibiotics and was to have hydrotherapy twice daily. Respondent maintained that Paisley's wounds continued to improve visually over the next several days, and that on July 11, 2022, Ms. Robbins requested Paisley's medical records and informed Respondent that she would be taking Paisley to another veterinarian for care. Respondent then provided brief descriptions of three other cases he had treated for bite wounds or similar skin conditions.

10. The Board's Complaint Committee reviewed Ms. Robbins's complaint, Respondent's response thereto, and the medical records and other documentation submitted therewith.

11. Upon recommendation of the Complaint Committee, the Board, by majority vote at its meeting on April 28, 2023, found probable cause to believe that Respondent failed to maintain adequate patient medical records, as the records did not contain vital signs for Paisley on her first day of treatment, the records noted that Paisley's physical examination was checked "normal," including the skin, where it was clear that Paisley had lacerations, the records noted that Paisley's muscular skeletal was checked "normal," when the previous veterinary providers noted a painful left leg, and the records lacked an adequate description of Paisley's wounds for progress assessment, 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. Accordingly, the Board 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. 2002-14, 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 26-4-5.2.a. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Patrick Masters, 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, Patrick Masters, 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: Keith B Berkeley D.V.M
Dr. Keith Berkeley, Board Chair

Entered: 1 Aug 2023
Date

REVIEWED AND AGREED TO BY:

Patrick Masters
Patrick Masters, DVM
Respondent

7/28/2023
Date

This day personally appeared before me, Patrick Masters, 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 28th day of July, 2023.

My Commission expires: Jan 15, 2028



Colleen M Busey
Notary Public