

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,

COMPLAINANT,

v.

CASE NO. 0322C

HANNAH COMBS, DVM,
VETERINARIAN LICENSE NO. 14-2020,

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Hannah Combs, 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 she 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. 14-2020, and at all times relevant, practiced veterinary medicine at the Help for Animals Spay/Neuter Clinic (“Help for Animals”) in Barboursville, West Virginia.

2. On March 17, 2022, the Board received a written complaint and supporting documentation from April Ross (“Ms. Ross”) regarding the veterinary care that her dog “Luna” received from Respondent at Help for Animals.

3. Ms. Ross’s complaint states that she scheduled an appointment with Help for Animals to have Luna spayed on November 29, 2021, but that she rescheduled the appointment the morning of November 29, 2021 because Luna went into heat over the Thanksgiving Holiday. Ms. Ross asserts that when she explained to Help for Animals why she was rescheduling Luna’s appointment, she was informed that dogs can be spayed while in heat. Nonetheless, Ms. Ross rescheduled Luna’s appointment for December 20, 2021. Ms. Ross maintains that the only instructions she received from Help for Animals were that Luna should not have anything to eat or drink after midnight prior to the surgery. Ms. Ross states she was not asked any questions about Luna’s medical history.

4. Ms. Ross asserts that she was also not asked any questions about Luna’s medical history the morning of Luna’s surgery. Ms. Ross states that Help for Animals only asked her whether she wanted a cone for Luna, if she wanted post-operative pain medication for Luna, and

if she wanted a tick worm test performed that would put Luna at a higher risk for bleeding if she tested positive for tick worms. Ms. Ross acknowledges that she consented to have the tick worm test performed on Luna, and states that Help for Animals did not express concern to her about Luna's age or weight. Ms. Ross states that she left Luna and was prepared to return to retrieve her around 2:00 p.m. that afternoon.

5. Ms. Ross maintains that at approximately 9:30-9:45 a.m., Help for Animals called her and informed her that Luna was on the surgical table, but the veterinarian thought she felt a puppy in Luna's uterus, and thus, questioned Ms. Ross whether Luna could be pregnant. Ms. Ross states that she informed Help for Animals that she "felt strongly" that Luna was not pregnant, as Luna had been in heat approximately one month prior and as Luna stayed in the house. Ms. Ross maintains that the only other question Help for Animals asked at that time was if Ms. Ross agreed to begin an IV, because Luna could lose a lot of blood if she was pregnant. Ms. Ross states that she consented to the IV and the conversation ended.

6. Ms. Ross asserts that she returned to Help for Animals at 2:00 p.m. that afternoon, as she was instructed to do, and was informed that Luna had to go back to surgery because she was bleeding and Help for Animals was attempting to stop the bleed. Help for Animals added that Luna was in recovery and that Ms. Ross should return no later than 5:00 p.m. to pick up Luna.

7. Ms. Ross states that when she arrived at Help for Animals at approximately 5:00 p.m., Respondent informed her that although Luna reacted positively to the first surgery, Luna looked pale when Help for Animals checked on her post surgery. Ms. Ross asserts that Respondent then informed her that Luna was examined and an area that was bleeding was discovered, so Luna received a second surgery to stop the bleeding. Ms. Ross maintains that Help for Animals explained to her that Luna underwent a third surgery after an additional area of bleeding was

discovered, and that it was during the third surgery that Luna's heart stopped three times, and that Luna passed away after the third time.

8. Ms. Ross asserts that Respondent informed Ms. Ross's husband via telephone that Luna had a tear by her kidney that caused the bleeding. Respondent informed Ms. Ross that Luna had too many litters of puppies, to which Ms. Ross responded that Luna had only one litter of nine puppies. According to Ms. Ross, Respondent stated that nine puppies was a large litter, and could have had some bearing on the surgery's complications.

9. Ms. Ross maintains that Help for Animals never informed her that Luna was at a higher risk for complications from surgery, including bleeding. Ms. Ross states that when she questioned Help for Animals why Luna's higher risk was not explained to her, Help for Animals responded that they performed such surgeries "all the time."

10. The Board received Respondent's written response to the complaint, along with supporting documentation, on April 12, 2022. Respondent expressed her heartbreak over what had occurred with Luna. Respondent maintains that although she was not in the room when Ms. Ross spoke with other Help for Animals employees, Respondent asserts that the employees are well-trained to ask about an animal's history before the animal received treatment. Respondent further states that she explained to Ms. Ross that several factors complicated Luna's surgery, including the fact that Luna had had a large litter of puppies previously, that Luna had been in heat recently, and that Luna was obese.

11. Respondent maintains that Ms. Ross mentioned that Luna had previously had a litter of puppies, one of which was sensitive to anesthesia, thus Respondent recommended that the veterinary assistant inform Ms. Ross that although anesthesia is always a risk, this puppy's

condition was not necessarily heredity. Respondent acknowledges that she does not know whether this message was communicated to Ms. Ross.

12. Respondent states that although the initial surgery went smoothly, Respondent noted that Luna's uterus appeared to indicate that she had had several litters of puppies or that she was possibly in heat, factors that could have complicated the surgery. Respondent maintains that when she checked on Luna post-surgery, Respondent was concerned by her examination that Luna was bleeding. Accordingly, Respondent inserted an IV catheter and performed a second surgery, during which Respondent noted that Luna's tissue was torn by her kidney. Respondent states that she checked for additional bleeds in Luna and, finding none at that time, closed Luna's abdomen again and noted that Luna appeared to be recovering well from the second surgery.

13. Respondent maintains that Luna was recovering well from her second surgery, but that approximately an hour later, Luna once again demonstrated signs of bleeding post-surgery. Accordingly, Respondent performed a third surgery on Luna, where she detected additional bleeding around her kidney. Respondent notes that it was during the third surgery that Luna's heart stopped beating, and despite their efforts to save Luna, which Respondent described in detail, Luna unfortunately passed away.

14. The Board's Complaint Committee reviewed Ms. Ross's complaint and Respondent's response thereto, and found probable cause to believe that Respondent failed to perform anesthesia monitoring, failed to follow resuscitation protocol, provided substandard postoperative monitoring, provided inadequate record keeping, and failed to communicate the risk associated with the surgery to Ms. Ross, in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5., 26-4-5.1.b., and 26-4-5.2.a.

15. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaints, responses, and accompanying documents, the Board, by majority vote at its meeting on July 15, 2022, 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. 14-2020, 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 her 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(g)(3) and W. Va. Code R. §§ 26-1-8.1.5, 26-4-5.1.b, and 26-4-5.2.a. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Hannah Combs, 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, Hannah Combs, by affixing her 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 her actions in this matter.
2. Respondent consents to a representative(s) of the Board conducting an unannounced visits to Help for Animals Spay/Neuter Clinic.
3. Respondent shall attend the Board's continuing education seminar on the topic of medical record keeping to be held on September 23, 2022. The continuing education hours earned during the seminar do not count toward the required eighteen (18) hours of continuing education.
4. 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 for cases in which surgery was performed completed and maintained by her.

5. Within six (6) months from the date of entry of this Order, Respondent shall complete three (3) hours of Board-approved continuing education on the subject of cardiopulmonary resuscitation (“CPR”).

6. 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.

7. 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.

8. 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.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: Keith B Berkeley DVM
~~Dr. John R. Wilson, Board Chairman~~ KBB

Entered: 7 Sept 2022
Date

REVIEWED AND AGREED TO BY:

Hannah Combs

Hannah Combs, DVM
Respondent

8/22/22
Date

This day personally appeared before me, Hannah Combs, 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 her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 22 day of Aug., 2022.

My Commission expires: July 8, 2024

Anna J. Stevens
Notary Public

