

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

V.

CASE NO. 0421A

**PAIGE S. STOEHR, DVM,
VETERINARIAN LICENSE No. 2002-24,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Paige S. Stoehr, 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. 2002-24, 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 and supporting documentation from Teresa Conners (“Ms. Conners”) regarding the veterinary care that her dog “Lola” received from Respondent.

3. Ms. Conners reports in her complaint that on February 12, 2021, Lola passed away after a several month battle with kidney failure. Ms. Conners alleges that Wheeling Veterinary Associates failed to address Lola’s kidney disease with her and her family, and that Lola suffered unnecessarily as a result of such failure.

4. Ms. Conners alleges that she brought Lola to Wheeling Veterinary Associates in approximately November 2020 because she and her family noticed that Lola was experiencing excessive drinking and urination. Ms. Conners alleges that Wheeling Veterinary Associates ran labs on Lola, but also asserted that perhaps Lola had a urinary tract infection and gave her an antibiotic. Ms. Conners alleges that although the antibiotic appeared to help Lola initially, once she finished the medication, the excessive drinking and urination returned. According to Ms. Conners, Wheeling Veterinary Associates advised that sometimes, two rounds of antibiotics are required, and thus, Lola was given another round of antibiotics. Like the first round of antibiotics,

the medication appeared to help Lola initially, but once she finished the second round of antibiotics, the excessive drinking and urination once again returned.

5. Ms. Connors states that she and her family made an appointment for Lola with a different veterinarian, with the Jefferson County Humane Society Clinic in Wintersville, Ohio, in December 2020. Ms. Connors alleges that they did so because Wheeling Veterinary Associates informed them they wanted to perform x-rays on Lola for \$300.00, and if the x-rays did not demonstrate kidney stones or a tumor, then Wheeling Veterinary Associates would perform a sterile urine test for \$200.00. Ms. Connors further alleges that they returned to Wheeling Veterinary Associates with Lola at the end of December 2020 because Lola was experiencing significant vomiting and diarrhea, but that they were advised that Lola needed the x-rays and other tests and that Wheeling Veterinary Associates would not address the vomiting and diarrhea.

6. Ms. Connors asserts that the appointment with the different veterinarian was scheduled for January 12, 2021, but due to the veterinarian becoming ill, the appointment was rescheduled to February 2, 2021. In the meantime, on January 15, 2021, Ms. Connors returned to Wheeling Veterinary Associates with Lola and a sample of her stool after noticing blood in her stool. Ms. Connors states that she was informed that Wheeling Veterinary Associates sent the stool sample to the lab and that there were no parasites found in the sample and they did not know the cause of the blood.

7. Ms. Connors alleges that on February 2, 2021, they took Lola, who had started vomiting again two days prior, along with her labs from Wheeling Veterinary Associates to the different veterinarian. Ms. Connors maintains that Lola was given a new medication, but that she continued to experience vomiting and diarrhea almost daily. Ms. Connors alleges that when she called the different veterinarian to report that Lola's condition had not improved, the veterinarian

asked questions about Lola's kidney failure diet and confirmed that the labs Wheeling Veterinary Associates performed on November 18, 2020 indicated that Lola was in kidney failure at that time. Ms. Conners alleges that when they brought Lola in to the different veterinarian to perform additional labs, they learned that Lola's condition had rapidly deteriorated from November 2020, and that Lola was in both kidney and liver failure, and that Wheeling Veterinary Associates never discussed Lola's kidney disease with Ms. Conner or her family.

8. On or about May 4, 2021, Respondent provided a response to the complaint. In her response, Respondent stated that, on multiple occasions, Wheeling Veterinary Associates recommended to Ms. Conners that Lola's kidney values, urinalysis, and blood pressure be checked, but that Ms. Conners declined. Respondent added that Ms. Conners failed to refill Lola's cardiac medications that she recommended. Respondent stated "[i]n reviewing Lola's records from her previous vet, I noticed that her kidney values had been elevated since at least 2019."

9. The Board's Complaint Committee reviewed Ms. Conners's complaint, Respondent's response thereto, and the medical records and other documents submitted therewith and found probable cause to believe that Respondent failed to meet the applicable standard of care by failing to communicate the risk factors for kidney disease with Ms. Conners and by failing to document kidney disease in the patient's medical records 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.c.2, and 26-4-5.2.a.

10. 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. 2002-24 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 and W. Va. Code R. §§ 26-1-8 and 26-4-5. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Paige S. Stoehr, 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, Paige S. Stoehr, 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. 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 kidney disease or renal disease.
3. 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 medical record keeping.
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 completed and maintained by her.

5. Within six (6) 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.

6. 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.

7. 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.

8. 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
Dr. John R. Wilson, Board Chairman

Entered: 9-28-2021
Date

REVIEWED AND AGREED TO BY:

Paige S. Stoehr
Paige S. Stoehr, DVM
Respondent

9/20/2021
Date

This day personally appeared before me, Paige S. Stoehr, 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 20 day of Sept, 2021.

My Commission expires: Aug 24, 2022

Melissa A. Thayer
Notary Public

