

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,**

v.

Case No. 0424C

**MARY OLSON, D.V.M.,
Veterinarian License Number: 9419
Respondent.**

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine ("Board") determined that there was probable cause to believe that Mary Olson ("Respondent") has exhibited unprofessional conduct in the practice of veterinary medicine, in violation of the provisions of W. Va. Code § 30-10-1 *et seq.* and the Rules of the Board at W. Va. Code R. § 26-1-1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

WHEREAS, Respondent acknowledges that the Board may file a formal Statement of Charges pursuant to W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.*; however, Respondent waives the filing of a formal Statement of Charges.

WHEREAS, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number 0424C, and the parties agree to entry of the following Findings of Fact, Conclusions of Law, and Order in disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That Mary Olson is a licensee of the Board with license number 9419 and is subject to the license requirements of said Board. Moreover, that all times relevant to this Complaint that the Respondent held an active license issued by this Board.
2. The Board is a regulatory board created for the purpose of regulating the practice of veterinary medicine. W. Va. Code § 30-10-1 *et seq.*
3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's veterinary medicine license because of authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19.
4. That on April 23, 2024, the Board received a complaint against the Respondent for the care of a dog named "Angelica" when taken to the Respondent for a spay.
5. That the Respondent at all times relative to this Complaint practiced veterinary medicine at the Glendale Animal Hospital ("Glendale") located in Glendale, West Virginia.
6. That the Respondent filed a timely response to this Complaint denying all allegations.
7. On April 22, 2024, Angelica was scheduled for a spay. Prior to the spay procedure, Respondent performed a pre-surgery examination and found no "abnormalities to contradict surgery."
8. Angelica's owner declined all pre-operative testing, including bloodwork.

9. Respondent noted in her response that near the end of the spay procedure that Angelica experienced a drop in blood pressure; however, the Respondent stated that this a common occurrence.

10. Respondent stated that Angelica “rebounded” from the low blood pressure and was moved to the surgery floor wherein Angelica continued to be monitored by Glendale’s staff.

11. Respondent noted in her response that Angelica was able to be moved to her cage with assistance; however, she was unable to be discharged due to her inability to walk on her own ability and the difficulty of awaking Angelica from the effects of general anesthesia.

12. Respondent stated that it was her judgment that Angelica did not need emergency care or was in danger of not recovering. As such, Angelica was not discharged that evening. Yet, there was no staff on duty at Glendale during the overnight hours to continue to monitor her recovery.

13. The following morning upon staff’s arrival at Glendale, it was discovered that Angleica had died during the evening hours.

14. That the medical records show that the vital parameters that were being monitored by Respondent showed a negative trend and Angelica was not recovering as expected after surgery with the medications that were being administered.

15. That Angelica was in need of medical care post-operatively and during hours when the hospital was closed.

16. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its Board meeting on July

20, 2024, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Mary Olson.

17. That the Respondent's actions constitute, practices or acts in violation of W. Va. Code § 30-10-19(g)(3), and W. Va. Code R. §§ 26-4-5.1.b, 26-4-5.8.c and d.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice veterinary medicine, pursuant to W. Va. Code § 30-10-19.
3. That the Board has defined unprofessional conduct by adopting the standards of practice at 26 C.S.R. § 4-1 *et seq.* and violations of these standards of practice may be grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-10-19(g)(3).
4. That Respondent violated the standard care by failing to act on a critical patient and failing to properly monitor the animal during post-operative care when Glendale was closed and addressing the post-operative complications which prevented the animal's release after surgery.
5. That Respondent's actions constitute, practices or acts in violation of W. Va. Code § 30-10-19(g)(3), and W. Va. Code R. §§ 26-4-5.1.b, 26-4-5.8.c and d.
6. That the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.

CONSENT OF LICENSEE

I, Mary Olson, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That 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 herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That 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. That I admit that my actions were unprofessional and in violation of the governing statute and rules of the Board.

The Respondent, Mary Olson, by affixing her signature hereon, agrees to the following:

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Within three (3) months from the date of the entry of this *Order*, Respondent shall complete three (3) hours of board-approved continuing education on the subject of post operative

care and/or surgical complications, and three (3) hours of board-approved continuing education on the subject of anesthesia monitoring. These continuing education hours do not count toward the required eighteen (18) hours of continuing education that is required of all board licensees.

3. Within three (3) months from the date of the entry date of this *Order*, Respondent shall reimburse the Board for the costs of these proceedings, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.

4. Any violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in additional disciplinary action, up to and including the suspension or revocation of the Respondent's license to practice veterinary medicine in the state of West Virginia.

5. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

6. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

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

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

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

By: Keith B Berkeley DVM
Dr. Keith Berkeley
Board Chair

Entered: 19 Aug 2024
DATE

Reviewed and agreed to by:

M Olson
Mary Olson, DVM, Respondent

7-31-24
DATE

This day personally appeared before me, Mary Olson, 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 31 day of July, 2024.

My Commission expires: June 28, 2028

Laura Cerra
Notary Public

