

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE NO. 0820C

**JULIA CARSON THOMAS, DVM,
VETERINARIAN LICENSE NO. 01-2010,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Julia Carson Thomas, 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. 01-2010, 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 August 28, 2020, the Board received a written complaint and supporting documentation from Elizabeth Michael (“Ms. Michael”) regarding the veterinary care that her dog “Winston” received from Respondent.

3. Ms. Michael reports in her complaint that Winston was presented to Fairmont Veterinary Hospital on July 8, 2020, with a fever, lethargy, and lack of appetite. Ms. Michael alleges that, following blood work, Respondent informed her that Winston’s problems could be due to his teeth or it could be leukemia. Ms. Michael then told Respondent that, in two days, she was planning to take Winston on a trip to Isle of Palms, South Carolina. Ms. Michael alleges that Respondent “was questioned then about his condition and if he should go or not. [Respondent] clearly stated that he was fine to go and she would send him home on an antibiotic, anti-inflammatory and send a copy of his blood work in case it would be needed.” Ms. Michael further alleges that the blood work showed Winston’s HCT count to be low and his white blood cell count to be high.

4. During the trip to Isle of Palms, Winston fell ill and was admitted to an emergency veterinary facility in Greenville, South Carolina, on July 11, 2020. There, he was diagnosed with

cancer, and Ms. Michael was informed that he should not have been released to travel. After several days in Greenville, Ms. Michael and Winston returned to West Virginia on July 14, 2020. Once home, Winston again fell ill and ultimately passed away on July 19, 2020. Ms. Michael alleges that “the treatment given to Winston by Dr. Julia Carson Thomas on July 8 hastened his death and made what time he had left miserable and painful. . . . Had he been properly diagnosed, he might have been strong enough to battle his illness and maintain some quality of life.”

5. By letter to Respondent dated August 28, 2020, the Board transmitted a copy of Ms. Michael’s complaint and requested that Respondent file a written response thereto within 30 days.

6. The Board received Respondent’s written response on or about September 25, 2020. In her response, Respondent described the results of Winston’s blood work and states, “We discussed treating based on clinical signs and blood work, antibiotics and prednisone, watch for any improvement or change, if he were to deteriorate, he should be seen immediately.” Regarding the trip to Isle of Palms, Respondent states, “As I felt that Winston was stable at that time, and I knew there were several vets, including specialty and emergency, in that area, I said yes, it should be fine, and sent blood work and told them to seek help if anything changes.” Respondent further states, “From this case, I know that I need to work on my client communications and explanation of the possible disease processes so that informed decisions can be made on both parts.” Respondent expressed her sympathies to Ms. Michael regarding Winston’s passing when they spoke by phone on July 27, 2020.

7. The Board’s Complaint Committee reviewed Ms. Michael’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

in diagnosing and treating Winston and in communicating with Ms. Michael, in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5, 26-4-3.10, and 26-4-5.1.b.

8. 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 October 2, 2020, 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. 01-2010, 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. §§ 26-1-9 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, 26-4-3, and 26-4-5. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Julia Carson Thomas, 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, Julia Carson Thomas, 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 internal medicine relating to causes and treatment of anemia and three (3) hours of Board-approved

continuing education on the subject of client communication, and then submit to the Board a certificate of completion or other documentary proof of successful completion. These six credit hours of continuing education will not count toward the continuing education requirement for license renewal.

3. Within six (6) months from the date of 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.

4. Any failure to comply with all provisions in this *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.

5. 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.

6. 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 DVM
Dr. John R. Wilson, Board Chairman

Entered: 12-0-20
Date

REVIEWED AND AGREED TO BY:

Julia Carson Thomas
Julia Carson Thomas, DVM
Respondent

11/9/2020
Date

This day personally appeared before me, Julia Carson Thomas, 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 10 day of November, 2020.

My Commission expires: April 10-2023

Rachelle L. Jacques
Notary Public

