

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF: Pamela Harrold D.V.M.

Case No. 0111A

CONSENT AGREEMENT AND ORDER

After due investigation of a verified written complaint, the West Virginia Board of Veterinary Medicine (hereinafter Board) has determined there was probable cause to determine that Pamela Harrold D.V.M., (hereinafter Respondent), has exhibited unprofessional conduct in violation of W. Va. Code §30-10-1 *et seq.* and the Rules of the Board, 26 C.S.R. §1 *et seq.* in this case. The Respondent was provided written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of Case #0111A, and the parties agree to the entry of the following Order in disposition of this case:

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. The Board is a state entity created by W. Va. Code §30-10-1, *et seq.*, and is empowered to regulate the practice of veterinary medicine, pursuant to W. Va. Code §30-10-1 *et seq.*
2. Respondent holds a veterinary license issued by the Board, enabling her to practice veterinary medicine in the State of West Virginia, and is subject to the licensing requirements of said Board. Respondent's West Virginia veterinary license number is #9412.
3. That in carrying out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's license to practice veterinary medicine in this state by authority granted in W. Va. Code §§ 30-1-7 and 30-10-19.
4. That Respondent, a licensed veterinarian is guilty of unprofessional conduct and professional negligence in this case.

5. That there were instances of animals being presented by clients for euthanasia, which the veterinarian failed to euthanize after receiving payment from the clients for such services.

6. That upon an unannounced facility inspection by the Board's facility inspector and the Board's Complaint Committee person on April 28, 2011, the following facility requirement violations were noted:

- a. The surgery room at Dr. Harrold's veterinary facility did not comply with the requirement that surgery rooms are to be used exclusively for surgical procedures.
- b. The DEA logs at Dr. Harrold's facility were not current.
- c. The floors and walls in the veterinary facility were not constructed of an impervious material as required for sanitation.
- d. Medical waste was not stored properly prior to disposal of such medical waste.
- e. There were numerous outdated drugs on the premises.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That the Board has the power to place on probation, suspend, limit, restrict or revoke any license issued by the Board, or impose civil penalties pursuant to W. Va. Code § 30-10-19 and 26 C.S.R. § 1-9 *et seq.*.
3. That the Board has defined unprofessional conduct by adopting the standards of practice of 26CSR4-1 *et seq.* and that violations of these standards of practice constitute grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-10-19.

CONSENT

Dr. Pamela Harrold, by affixing her signature herein, agrees to the following:

1. She is aware of her right to pursue this matter through the appropriate administrative and/or court channels, but intelligently, knowingly and voluntarily waives the right to do so.
2. She has had the opportunity and right to consult with counsel and is exercising this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
3. That no person or entity has made any promise or given any inducement whatsoever to encourage her to sign this settlement other than as set forth herein.
4. Dr. Harrold waives any defenses including, but not limited to laches, statute of limitations, and estoppel that she may have otherwise claimed as a condition of this agreement.
5. Respondent admits that her actions were unprofessional as well as a deviation from the professional standards of conduct.
6. The Respondent, Dr. Pamela Harrold, by affixing her signature herein, agrees to the following:

ORDER

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

1. Respondent's license is hereby REPRIMANDED.
2. Dr. Pamela Harrold shall at her expense have 180 days from the date of this signed agreement to bring her veterinary facility into compliance with the veterinary facility standards of the Board. This shall include a separate surgery room used exclusively for surgical procedures; a kennel area with impervious material on the floors and walls as well as any other areas requiring such surfaces as specified in the Board's Rules; a written plan for a monitoring system for drugs, to assure that outdated drugs are not

administered or dispensed; and that the facility acquire a fully operating freezer for storage of medical waste prior to proper disposal.

3. Dr. Harrold's veterinary facility shall be reinspected at the conclusion of the 180 day period to conform to this Consent Decree. This reinspection shall be charged by the Board to and paid by Dr. Harrold.

4. Dr. Harrold shall at her expense complete a continuing education course on medical ethics no later than December 31, 2011. Such continuing education must be classroom and at least 6 hours duration. Prior to enrolling in such continuing education course, she must apply to the Board for determination of the course meeting the Board's requirements. Such continuing education shall be in addition to the eighteen (18) hours of continuing education required for annual license renewal. Dr. Harrold shall submit to the Board sworn confirmation of her attendance and the completion of such required hours of continuing education following course completion.

5. Dr. Harrold shall pay \$1,000.00 (One Thousand Dollars) to the Board within 30 days of the signing of this Consent Agreement as administrative costs in this case.

6. At the conclusion of six months following the signing of this Consent Decree, the Board shall render a final decision on whether further action is required of Dr. Harrold in meeting the requirements of this Consent Agreement.

7. This Consent Agreement is non-negotiable. Should Respondent determine that she will not accept this settlement offer, the Board shall proceed to other legal remedies authorized by law.

8. Any violation of the conditions of this Consent Agreement shall constitute immediate cause for a hearing to determine if the license to practice veterinary medicine by Dr. Pamela Harrold in West Virginia shall be further disciplined, suspended or revoked.

9. The Board shall report the results of all disciplinary actions, including the instant matter to the AAVSB Veterinary Practitioners Disciplinary Database.

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

11. Dr. Pamela Harrold shall sign and return this document to the Board without modification, to be received in the office of the Board no later than July 29, 2011, or the Board will pursue further action as it deems appropriate.

12. 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.

Reviewed and agreed to by:

Dr. Pamela Harrold

Dr. Pamela Harrold; Respondent

July 21, 2011
Date

Connie Davis (employee)
Name of Witness for Respondent

Connie Davis
Signature of Witness

July 21, 2011
Date

West Virginia Board of Veterinary Medicine

By: Wanda Goodwin

Wanda Goodwin:

Executive Director

Entered: 7/26/11
Date