

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,

v.

Case No. 0115A

KEVIN ROBERTS,
Veterinarian License Number: 8727
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 Kevin Roberts (Respondent) has exhibited unprofessional and unethical 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, W. Va. Code R. § 26-1-1 *et seq.* The Respondent was provided with written notice of the allegations against him pursuant to the rules of the Board and the laws of this State.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That Kevin Roberts is a licensee of the Board with license number 8727 and is subject to the license requirements of said Board. Moreover, Dr. Roberts is the owner of Hillside Veterinary Hospital (Hillside).

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 or about January 2, 2015, the Board received a written complaint from an individual complaining of the treatment that her animal had received while in the care of the Respondent.

5. The written complaint alleged that an approximate twelve year old female boxer, Shadow, had been taken to the Respondent's veterinary practice on July 8, 2014, for "syncope episodes." At the time, Shadow was unable to walk without falling; although the Complainant contributed it to her hip weakness getting worse.

6. Respondent conducted a physical examination, noting that Shadow had a large abdomen which reflected her healthy appetite. He also commented on her fast heart rate, but heard no murmur. Respondent discussed prescribing Lasix; however, he believed there would be a control issue with the bladder. Instead, the Respondent prescribed Enalapril to "open everything up" and to

get her blood moving. Moreover, he instructed the Complainant to follow-up in a couple of days with a telephone call to monitor the matter.

7. The next day, the Complainant received a telephone call from a staff member at Hillside who told her that another one of the veterinarians at the Hillside wanted to further exam Shadow. However, the appointment had to be delayed until the next day when the Complainant was able to obtain assistance with handling Shadow.

8. After examination, by another veterinarian at Hillside it was determined that Shadow needed to be seen by a veterinarian specializing in cardiology.

9. Upon referral, it was determined that Shadow was passing blood clots which were causing pulmonary hypertension and she was euthanized.

10. Respondent did file a timely response to these allegations, and states that he did perform a physical examination of the female boxer identified as Shadow. He states that he discussed with the Complainant that Shadow may possibly be exhibiting signs of a heart condition, but wanted to try the medication Enalapril first to see if that would assist relieving the fluid build-up.

11. Respondent states that he did not exam Shadow again even though she was brought in again to Hillside. Moreover, the Respondent stated that he wanted to wait and see if the prescribed medication worked and if there was no improvement, then a referral to a specialist would have been called for at that time.

12. That the acts described above demonstrate that the Respondent failed to provide the proper care and treatment of the female boxer identified as Shadow by failing to perform an adequate

and complete physical examination and failing to perform any diagnostic assessments in violation of W. Va. Code R. § 26-1-9.1.e and §§ 26-4-4.2 and 4-3.10.

13. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its Board meeting on June 1, 2015, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Kevin Roberts.

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 W. Va. Code R. § 26-4-1 *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 the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.
5. That the Respondent suffers from a cognitive impairment which has interfered with his ability to practice veterinary medicine, and as a result of said impairment Respondent has voluntarily relinquished his license to practice veterinary medicine in the State of West Virginia.

6. That the Respondent's actions herein constitute violations of the Board's governing statute and regulations.

CONSENT OF LICENSEE

I, Kevin Roberts, 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 care of the female boxer identified as Shadow fell below the standard of care and were a violation of the Board's governing rules.

ORDER

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

1. Respondent, Kevin Roberts, has surrendered his license to practice veterinary medicine in the state of West Virginia in lieu of a hearing, and as such, Respondent shall never seek reinstatement of his license to practice veterinary medicine in the state of West Virginia. The Board does HEREBY accept the Respondent's surrender of his license to practice veterinary medicine in the state of West Virginia in lieu of a hearing.

2. The Respondent's action of surrendering his license to practice veterinary medicine and the Board's acceptance of this surrender are considered to be an admission of the statutory and rule violations as outlined within this *Consent Agreement and Order*, and shall be reportable to the AAVSB Veterinary Practitioners Disciplinary Database.

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

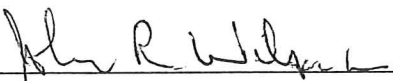
4. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

5. This *Consent Decree and Order* shall be interpreted in accordance with the laws of the State of West Virginia, and venue of any lawsuit filed by any party arising in whole or in part out of this *Consent Decree and Order* shall be in the Circuit Court of Kanawha County, West Virginia, and further that in the event any part of this *Consent Decree and Order* is invalidated by order of a court of competent jurisdiction or by legislative action, the remainder of this *Consent Decree and Order* shall remain in binding effect.

6. The Respondent, Kevin Roberts, has returned his license to the Board office prior to the entry of this *Consent Agreement and Order*.

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

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

By: 
Dr. John Wilson
Board Chairman

Entered: 12-2-2015
Date

Reviewed and agreed to by:


Dr. Kevin Roberts, Respondent

11/16/2015
Date