

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE
IN THE MATTER OF: Dr. Kelly Pinkston

CONSENT AGREEMENT

Comes now Dr. Kelly Pinkston, (hereinafter "Dr. Pinkston "), and the West Virginia Board of Veterinary Medicine (hereinafter "Board"), by Wanda Goodwin for the purpose of agreeing to disciplinary action which shall be taken against Dr. Pinkston, by the Board, pursuant to West Virginia Code §30-10-4.

As reflected in this document, the parties have reached an agreement concerning the proper disposition of this matter, and the Board approving such agreement, does hereby find and order as follows:

FINDINGS OF FACT

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 §30-10-11.
2. Dr. Pinkston holds a veterinary license issued by the Board, enabling her to practice veterinary medicine in the State of West Virginia. Her West Virginia veterinary license number is # 9528.

STATEMENT OF CHARGES

That Dr. Kelly Pinkston, a veterinarian;

1) Failed to take radiographs of a minimum quality to reach an appropriate diagnosis of the animal's condition and medical needs.

2) That two (2) views of the abdomen, as needed for an adequate diagnosis were not performed.

3) That the radiographs were not properly marked, as required in Title 26, Series 4.3.4 of the veterinary rules and regulations.

and 4) That there were inconsistencies in dates on the patient medical records between the veterinarian's written medical record and the veterinarian's computer medical records.

CONCLUSIONS OF LAW

1. The Board has the power to place on probation, suspend a license, limit or restrict a license, revoke any license issued by the Board, or set fines pursuant to W. Va. Code §30-1-8 and §30-10-4.
2. The West Virginia veterinary practice act states in §30-10-11 "By a concurrence of four members, the Board may suspend for a certain time or revoke the license or otherwise discipline, for..

3. The Board finds, as specified in the Statement of Charges that there is probable cause to believe that Dr. Pinkston has violated the standards of the practice of veterinary medicine in West Virginia, and has committed acts of unprofessional conduct.

CONSENT

Dr. Pinkston, by affixing her signature hereon, 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 consents to the entry of the following Order, affecting her license to practice veterinary medicine in the State of West Virginia. She further recognizes and acknowledges that this document is a reprimand and an official discipline, due to her unprofessional conduct.
- 3) She recognizes that this document is a public record.
- 4) Should proper cause arise or laws require, federal and state authorities shall be notified of this settlement via Consent Agreement.

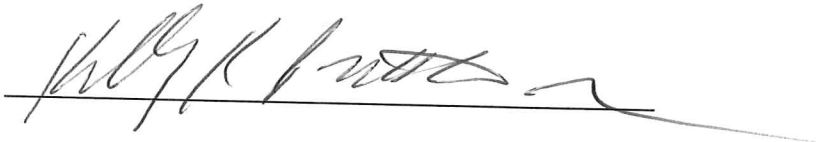
ORDER

Dr. Kelly Pinkston, by affixing her signature hereon, agrees to the following:

1. Dr. Kelly Pinkston shall submit a set of radiographs once a month for the next six (6) months, showing at least two (2) different views (lateral and V-D) of the abdomen or thorax of a different patient on each submission. Such radiographs shall be of a patient weighing a minimum of thirty five pounds (#35), and shall also be accompanied by the written medical history as listed in the veterinarians medical records.
2. Dr. Pinkston shall submit a copy of the veterinary facilities last radiographic inspection report by the West Virginia Department of Health and Human Resources.
3. Dr. Pinkston shall complete a minimum of six (6) classroom hours of classroom continuing education by December 31, 2003 in radiology, which such hours must be above the eight hours of mandatory continuing education for license renewal. These radiology continuing education hours must be approved by the West Virginia Board of Veterinary Medicine prior to attendance, as meeting this requirement.

4. Dr. Pinkston shall submit a written response to the Board specifying her reason(s) for not performing an ultrasound on the patient when it was presented to her a second time.
5. Any violations of the conditions of this Consent Agreement shall be immediate cause for a hearing to determine if the license to practice veterinary medicine by Dr. Kelly Pinkston in West Virginia should be further suspended, disciplined or revoked.
6. Dr. Pinkston shall sign and return this document to the Board, no later than May 15, 2003, or the Board will pursue what further action is appropriate.

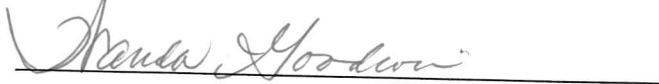
ENTERED this 7 day of May, 2003.



Dr Kelly Pinkston



Witness



Wanda Goodwin

WEST VIRGINIA BOARD OF VETERINARY MEDICINE