

**BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE**

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

**v.**

**Case No. 0316B**

**DENNIS DIBBERN, D.V.M.,  
Respondent.**

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**CONSENT AGREEMENT AND ORDER**

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

Now, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number 0316B and the parties agree to entry of the following Order in disposition of this matter.

**FINDINGS OF FACT**

The Board adopts the following findings in this matter:

1. That Dennis Dibbern (Respondent) is a licensee of the Board and is subject to the license requirements of said 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 or about March 30, 2016, the Board received a written complaint from an individual complaining of the treatment that her cat received while under the Respondent's care and the Respondent's refusal to neither euthanize her cat or release her cat to her upon request.

5. The written complaint alleged that her female cat, Sunshine, had been taken to Countryside Animal Hospital for treatment wherein her cat was placed in the Respondent's care.

6. Based upon Sunshine's symptoms the Respondent believed that the cat may be suffering from either rabies or some type of poison. Complainant had stated that Sunshine had been vaccinated against rabies; however, it had not been long enough for the vaccine to be effective.

7. Respondent developed a treatment plan for Sunshine including hospitalization and lab work for the possible diagnoses of poisoning and quarantine to observe for neurological signs consistent with rabies which the Complainant agreed to at the time.

8. Respondent explained that should Sunshine have been poisoned then euthanasia would be the appropriate course of action; however, Respondent believed that premature euthanasia would yield false negative rabies test results.

9. Respondent's contention is that the cat must die due to natural causes in order to obtain an accurate diagnosis of whether the cat was positive for rabies. Moreover, in the Respondent's experience most cats infected with rabies die within two days.

10. During Sunshine's physical examination one of the Respondent's employees was scratched by Sunshine; although, the record seems to conflict with whether the Complainant or her spouse were also scratched by Sunshine at that time.

11. At some point the Complainant changed her mind in regards to accepting the course of treatment as suggested by the Respondent and requested that Sunshine be euthanized so that rabies testing could be done more quickly. When the Respondent refused to do so due to his concern that testing now could result in a false negative rabies test, the Complainant requested that the Respondent release the cat to her so she could take it for a second opinion. Again, the Respondent refused to release the cat due to the possible rabies infection.

12. Respondent made no report of the possible rabies infection to Jefferson County Animal Control.

13. The Complainant then spoke with the acting state Veterinarian in regards to this matter who referred her to Jefferson County Animal Control.

14. The acting state Veterinarian, Dr. Vanessa Harper, did speak with the Respondent and asked if he was aware of the current rabies compendium. The Respondent answered that he had not had time to review it. Moreover, Dr. Harper explained that these guidelines did not indicate that the animal needed to die from natural causes in order to obtain an accurate rabies diagnosis. Dr. Harper forwarded the Respondent that day via electronic mail the current rabies compendium.

15. Eventually the cat was taken by Jefferson County Animal Control for euthanasia and rabies testing. Sunshine tested negative for rabies.

16. Respondent did file a timely response to these allegations, and admits no wrongdoing.

17. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its September 16, 2016, Board meeting, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Dennis Dibbern.

### **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 served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.
4. That the Respondent's actions as outlined in the *Findings of Fact* constitute, practices or acts in violation of W. Va. Code § 30-10-19(g)(6).

### **CONSENT OF LICENSEE**

I, Dennis Dibbern, 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 in violation of the Board's governing statute.

The Respondent, Dennis Dibbern, by affixing his 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 his actions in this matter.
2. Respondent shall complete the following within three (3) months of the entered date of

*this Consent Agreement and Order:*

a. Respondent shall complete the following readings

1) Overview of rabies at:

[http://www.merckvetmanual.com/mvm/nervous\\_system/rabies/overview\\_of\\_rabies.html](http://www.merckvetmanual.com/mvm/nervous_system/rabies/overview_of_rabies.html)

2) Compendium on rabies at:

<https://www.avma.org/News/JAVMANews/Pages/160301a.aspx>

3) CDC-focus on transmission at:

<http://www.cdc.gov/rabies/transmission/body.html>

b. Respondent shall complete the following continuing education course on online at <http://phpa.dhmmh.maryland.gov/training/Pages/rabies.aspx>. Upon completion the Respondent shall submit to the Board the answered test questions.

c. Upon completion of all the required readings and continued education course the Respondent shall submit to the Board a minimum of a 5-page double-spaced typed review covering the following topics related to rabies. Reference citations shall be included for each topic.

- 1) Epidemiology of rabies in the US and WV in particular.
- 2) Pathophysiology of rabies including the path of virus replication throughout the body of an exposed animal from the site of exposure to the salivary glands.
- 3) Potential for human exposure- what constitutes potential exposure?
- 4) Recommendations for post exposure prophylaxis for animals including required quarantine procedures and times for each scenario.
- 5) Recommendations for post exposure prophylaxis for humans.
- 6) Reporting requirements following potential rabies exposure for animals and humans.
- 7) Included as an appendix any forms available for reporting related to rabies exposure.

3. Respondent shall reimburse the Board for the costs of these proceedings, including but not limited to, the administrative, investigative and legal expenses incurred by the Board in the investigation and disposition of this case. This reimbursement shall be paid within three (3) months from the entered date of this *Consent Agreement and Order*.

4. Any violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in further disciplinary action the Respondent.

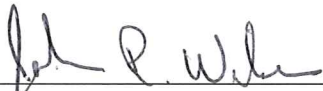
5. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

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.

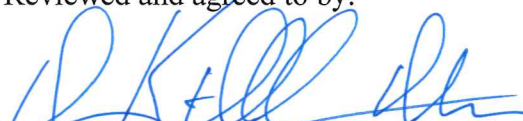
In recognition of this *Consent Agreement and Order* and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE


By:   
DR. JOHN R. WILSON  
BOARD CHAIR

Entered: 11-14-2016  
DATE

Reviewed and agreed to by:

  
Dennis Dibbern, D.V.M., Respondent

10/21/2016  
DATE

  
Albert Dunn, Jr., Esquire  
Counsel for Respondent

10/21/2016  
DATE