

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF: Dr. K. W. McCulloch

**CONSENT AGREEMENT**

Comes now Dr. K.W. McCulloch D.V.M., (hereinafter "Dr. McCulloch"), 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. McCulloch , by the Board, pursuant to West Virginia Code §30-10- 11.(d). 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 §30-10-3.
2. Dr. McCulloch holds a veterinary license issued by the Board, enabling him to practice veterinary medicine in the State of West Virginia. His West Virginia veterinary license number is #7812.
3. Dr. McCulloch allegedly violated the standards of proper conduct in authorizing his facilities use of written discharge instructions which were professionally questionable, as follows:

a) The client was supplied with written discharge instructions that stated "Occasionally, some pets, especially cats, may have undetected accessory ovaries which enlarge and become active after the main ovaries are removed." This statement has no professional justification.

### 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 of or otherwise discipline, for...

( d) The use of advertising or solicitation which is false, misleading or is otherwise deemed unprofessional under reasonable rules promulgated by the board.

3. The Board finds, as specified in the Findings of Fact 3(a), that Dr. McCulloch has violated the standards of care for providing the client with correct information in his facilities patient discharge instructions, in the case of Ms. Vikki Watson.

### CONSENT

Dr. McCulloch, by affixing his signature hereon, agrees to the following:

1) He is aware of his right to pursue this matter through the appropriate administrative and/or court channels, but

intelligently, knowingly and voluntarily waives his right to do so.

- 2) He consents to the entry of the following Order, affecting his license to practice veterinary medicine in the State of West Virginia.
- 3) He recognizes that this document is a reprimand, due to his professionally unjustifiable patient discharge instructions.
- 4) He recognizes that this document is a public record.
- 5) Should proper cause arise or laws require, federal and state authorities shall be notified of this settlement via consent Agreement.

The Board recognizes that this agreement is a compromise of a disputed claim, and is not an admission of liability or culpability.

### **ORDER**

Dr. McCulloch, by affixing his signature hereon, agrees to the following:

1. Dr. McCulloch shall remove the statement regarding accessory ovaries from his facilities discharge instructions.

2. Dr. McCulloch shall provide the Board with a copy of the amended discharge instructions, no later than thirty (30) days following the date of the signing by Dr. McCulloch of this Consent Agreement.
3. Dr. McCulloch shall sign and return this document to the Board, no later than December 31, 2000, or face the possibility of further disciplinary action.

ENTERED this 4 day of December, 2000

  
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Dr. K.W. McCulloch

  
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Witness

  
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WEST VIRGINIA BOARD OF VETERINARY MEDICINE