

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF: Dr. Mark H. Curtis III

**CONSENT AGREEMENT**

Comes now Mark H. Curtis III D.V.M., (hereinafter "Dr. Curtis"), 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. Curtis by the Board, pursuant to West Virginia Code §30-10-19, and CSR 26-1-9.

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 §30-10-5.
2. Dr. Curtis 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 #8517.

## STATEMENT OF CHARGES

That Dr. Mark H. Curtis III, a licensed veterinarian, failed to exercise proper standards of conduct by:

- a) His failure to exercise a reasonable and legal degree of care in the acquisition over several years of controlled substances; namely Oxycodone, Hydrocodone and Alprazolam.
- b) His unauthorized and illegal self medication of Oxycodone, Hydrocodone and Alprazolam for several years preceding this Consent Agreement.
- c) Dr. Curtis' surrender of his DEA registrations and controlled substances to the DEA and the WV State Police Drug Diversion Unit on May 10, 2011 after an investigation by those federal and state law enforcement agencies.
- d) Conducting himself by the aforesaid acts separately and collectively, in an incompetent, grossly negligent manner in the practice of veterinary medicine under the provisions of W. Va. Code §30-10-1. *et. seq.*
- e) Practicing veterinary medicine while under the apparent influence of drugs.

## **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 §30-10-5.

2. The Board finds, as specified in the Statement of Charges that there is probable cause to believe that Dr. Curtis has violated the standards of the practice of veterinary medicine, and has committed acts of unprofessional conduct and gross negligence.

## **CONSENT**

Dr. Curtis, 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 and is an official discipline of his license to practice veterinary

medicine in the state of West Virginia, due to his unprofessional conduct and gross negligence.

- 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.

### **ORDER**

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

1. Dr. Curtis at his sole expense shall commit to an inpatient drug recovery and rehabilitation program within four weeks of this signed Consent Agreement.
2. Dr. Curtis is responsible for locating such a program and submitting the program information to the Board for review and determination of its approval.
3. The Board shall maintain sole authority for approval of such substance abuse rehabilitation program.
4. Dr. Curtis shall see that the Board is informed in writing by the Board approved inpatient treatment center no later than 24 hours after Dr. Curtis is admitted for treatment.
5. Upon completion of Dr. Curtis's substance abuse rehabilitation program, Dr. Curtis shall see that the facility providing such

program submits written reports to the Board of Dr. Curtis's progress during and at the conclusion of his inpatient treatment. The Board shall review such reports as well as any recommendations of the drug recovery program. It shall be determined by the Board if and when Dr. Curtis may be released from his emergency veterinary license suspension to again practice veterinary medicine in this state and under what restrictions or limitations, as well as determining the duration of his probationary status upon reinstatement of his authority to practice.

6. Dr. Curtis is aware of and accepts that he is solely responsible and liable for all expenses of any Board approved substance abuse recovery program as well as any and all pre and post program monitoring, testing or other requirements as deemed necessary by the recovery program or the Board.
7. Dr. Curtis acknowledges and agrees that the Board may at Dr. Curtis's expense randomly require him to submit to substance abuse testing as determined appropriate by the Board during the 36 months beginning at his completion of the inpatient treatment program.
8. Dr. Curtis is aware that any positive tests for substance abuse after he is released from inpatient treatment shall be immediate cause for the Board to again suspend his license and initiate

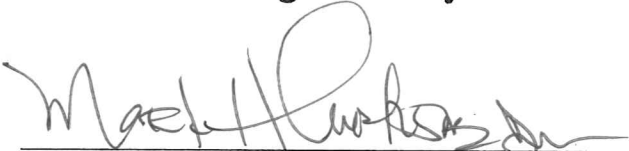
actions for a hearing to determine if his license to practice veterinary medicine shall be further suspended or revoked.

9. If and when Dr. Curtis's veterinary license is reactivated after his substance abuse treatment program is appropriately completed, it shall be in a probationary status with the Board for 36 months from such reactivation date. During such probationary period of licensure, Dr. Curtis acknowledges and agrees to the Board or its authorized representative randomly visiting and inspecting Dr. Curtis's practice to assure there are no violations of his requirements and restrictions regarding drugs or their record keeping, or any matter relevant to his discipline.
10. Dr. Curtis shall pay all investigatory expenses which have been incurred by the Board in this case. Such reimbursement of expense shall be paid in full no later than sixty (60) days from the date of invoicing by the Board.
11. Dr. Curtis shall pay \$1,000.00 in administrative fees to the Board which fee shall be received by the Board no later than thirty days from the effective date of this Consent Agreement.
12. Dr. Curtis shall sign and return this document to the Board, no later than August 30, 2011, or the Board will pursue what further action is appropriate.
13. Any violation or failure to comply with any requirements specified in this Order by Dr. Curtis shall cancel this agreement

and require the Board to proceed with a hearing to determine if Dr. Curtis' license should be further disciplined, suspended or revoked.

14. 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.

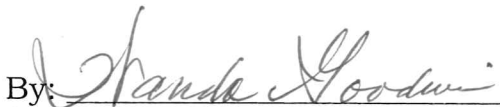
**Reviewed and agreed to by:**

 8-5-11  
Dr Mark H. Curtis III, Respondent Date

JEFF C. WOODS (LAW OFFICE OF JEFF C. WOODS)  
Name of Witness or Legal Counsel for Respondent

 8-5-2011  
Signature of Witness or Legal Counsel Date

**WEST VIRGINIA BOARD OF VETERINARY MEDICINE**

By:   
Wanda Goodwin: Executive Director

ENTERED this 15th day of August, 2011.