

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE No. BVMCE0419B

**PEGGY WILLIAMS, DVM,
VETERINARIAN LICENSE NO. 7814,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

After conducting an audit of the continuing education hours reported by Respondent, Peggy Williams, DVM (“Respondent”), for the calendar year 2018, the West Virginia Board of Veterinary Medicine (“Board”) determined there was probable cause to believe that Respondent had violated W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. § 26-1-7.5.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of this matter and hereby agree to entry of this Order based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Board hereby adopts the following factual findings:

1. Respondent is a licensee of the Board, holding License No. 7814, and therefore is subject to the license requirements of the Board.
2. The Board is a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.
3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual’s license to practice veterinary medicine under the authority

granted to it by W. Va. Code §§ 30-10-5 and 30-10-19 and W. Va. Code R. §§ 26-1-9 and 26-2-1 to 26-2-6.

4. Licensees of the Board are required to complete at least eighteen 50-minute hours of continuing education (“CE”) in the field of veterinary medicine during each calendar year. W. Va. Code R. § 26-1-7.5. Fourteen of these hours must be related to the practice of veterinary medicine, to include scientific, laboratory, regulatory, and medical recordkeeping, and no more than four hours may be related to practice management. *Id.*

5. Licensees of the Board are further required to maintain original documents verifying the date and subject matter of completed CE, the number of CE hours obtained, and certification of attendance from an approved CE provider. W. Va. Code R. § 26-1-7.5.b; *see also* W. Va. Code R. § 26-1-7.11. A list of approved CE providers is contained within the Board’s legislative rules. *See* W. Va. Code R. § 26-1-7.5.a.

6. If a licensee fails to comply with CE requirements, the Board may initiate a complaint against the licensee and audit the licensee again the following year. W. Va. Code R. § 26-1-7.5.b.1.

7. By correspondence dated February 11, 2019, the Board informed Respondent that she had been selected at random for an audit of CE hours completed during the calendar year 2018. Respondent was instructed to provide the Board with certificates of attendance and a completed CE tracking form.

8. By email dated March 2, 2019, Respondent submitted to the Board a copy of her AAVSB Continuing Education Report, but did not provide any certificates of attendance.

9. In several subsequent email communications, the Board requested that Respondent provide certificates of attendance for the courses listed in the AAVSB Continuing Education Report.

10. By correspondence dated March 30, 2019, Respondent provided “attendance [sign-in] sheets for most of the meetings [she] attended as well as an email confirming [her] registration at the Midwest Veterinary Conference in February 2018.”

11. Respondent did not supply certificates of attendance for any of the CE courses that she claims to have completed in the year 2018.

12. Upon review of the materials supplied by Respondent, the Board determined that only 9.5 hours of the CE reported by Respondent for the year 2018 was Board-approved¹ and that Respondent failed to supply the necessary proof of attendance for those courses (and for non-approved courses), as she provided only a sign-in sheet or other insufficient documentation.

13. Respondent did not request that the Board review and approve the other CE programs² she completed in the year 2018 and has not paid the mandated fee of \$50.00 per course for the Board to undertake such review. *See* W. Va. Code R. §§ 26-1-7.5.a.6, 26-6-2.17.

14. The Board, at its meeting on July 10, 2019, voted to initiate disciplinary proceedings against Respondent based upon the CE deficiencies described herein.

15. The Board issued a *Complaint and Statement of Charges*, dated July 22, 2019, and requested that Respondent file a written response thereto within 30 days.

16. By correspondence dated September 3, 2019, Respondent responded to the Board’s *Complaint and Statement of Charges*. Respondent did not provide any certificates of attendance

¹ Approved courses were offered by Bayer, the Ohio State University Veterinary Medical Center, and the Midwest Veterinary Conference.

² Non-approved courses were offered by the Central Ohio Veterinary Medical Association and the Columbus Academy of Veterinary Medicine.

with her response, nor did she request that the Board approve the above-described non-approved courses or provide the requisite fee for such approval.

17. Upon review of all available information, including Respondent's response, the Board, by majority vote at its meeting on October 21, 2019, determined there was probable cause to believe that Respondent had violated certain of the Board's governing statutes and rules and that further action should be taken against Respondent.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to take disciplinary action against Respondent.
2. Based upon the facts and matters set forth in the above Findings of Fact, the Board is authorized to suspend, revoke, or otherwise discipline the license of Respondent pursuant to W. Va. Code §§ 30-10-5 and 30-10-19.
3. Respondent was notified of the allegations against her pursuant to the rules of the Board and the laws of this State.
4. Respondent's failure to obtain 18 hours of approved continuing education within the calendar year 2018 and to submit certificates of attendance violates W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. § 26-1-7.5. As such, Respondent is subject to disciplinary action.

CONSENT OF LICENSEE

I, Peggy Williams, by affixing my signature hereto, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this *Consent Agreement and Order* voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.
2. 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 in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. 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. I admit that my actions violated the statutes and rules of the West Virginia Board of Veterinary Medicine.

6. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Peggy Williams, by affixing her signature hereto, agrees to the following:

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Respondent shall be assessed a monetary fine of One Hundred Dollars (\$100.00), to be made payable to the West Virginia Board of Veterinary Medicine not later than ninety (90) days from the date of entry of this Order.
3. Within ninety (90) days from the date of entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including but not limited to the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.
4. Within six (6) months from the date of entry of this Order, Respondent shall submit certificates of attendance showing to the satisfaction of the Board that she has completed the required 18 hours of Board-approved continuing education to be counted towards the year 2018. The Board will accept any approved CE hours completed by Respondent in 2019 in lieu of her

deficient continuing education for the calendar year 2018; however, such hours may NOT be counted as part of Respondent's CE requirement for the year 2019.

5. Respondent shall submit to an audit of her CE hours completed during the calendar year 2019.

6. Any failure to comply with all provisions in this *Consent Agreement and Order* may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice veterinary medicine in the State of West Virginia.

7. This document is a public record as defined in West Virginia Code § 29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database and for posting on the Board's website.

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

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

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: John R. Wilson
Dr. John R. Wilson, Board Chairman

Entered: 1-29-2020
Date

REVIEWED AND AGREED TO BY:

Peggy Williams DVM
Peggy Williams, DVM
Respondent

1/24/2020
Date

This day personally appeared before me, Peggy Williams, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 24 day of January, 2020.

My Commission expires: 2-23-21

Darcy Durst Grossett
Notary Public



DARCY DURST GROSSETT
Notary Public, State of Ohio
My Commission Expires
February 23, 2021