

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

Complainant,

v.

Case No. 0507B

**BABETTE SIMMS,
Veterinarian License Number: 7011**

Respondent.

CONSENT AGREEMENT AND ORDER

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

Now, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number 0507B 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 Babette Simms is a licensee of the Board with license number 7011 and is subject to the license requirements of said Board.



2. That 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. That 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 §§ 30-1-7 and 30-10-11.

4. That on or about May 2, 2007, the Board received a written complaint from an individual complaining of the treatment that her animal had received while in the care of the Respondent.

5. That the written complaint alleged that a five month old puppy had eaten rat poison, and the complaining party took her puppy to the Respondent's office for treatment.

6. That after waiting approximately twenty minutes, the puppy was taken to a room for treatment by the Respondent's staff since the Respondent was currently not at the office. Subsequently, the Respondent arrived at the office and began to treat the puppy by preparing a medication to administer to the puppy to counter any adverse effects of the rat poisoning. After this initial injection, the puppy suffered a reaction for which the Respondent began to prepare another medication to counter this reaction.

7. That at this point by the Respondent's own admission as to what was said and a written statement by one of the Respondent's employees, the Respondent threw a medication bottle and syringe, and screamed, "Get your dog and get the hell out of here! I do not have time for your cry baby shit today!"



8. That the Respondent states in her response to the Complainant's allegations that she "finally had enough," from the Complainant and that her own behavior was "crude and rude" towards the Complainant. Moreover, the Respondent admits, "I snapped, and told her to get the hell out. I was so mad by then, it is hard to tell what all I said to her." The Respondent states that she does "not hesitate to throw out clients when I do not see any means of pleasing them, or they do not believe a thing I say."

9. That upon recommendation of the Complaint Committee, after reviewing the complaint and Respondent's response to said allegations the Board, by unanimous vote at its June 3, 2007 Board meeting, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Babette Simms.

10. That the Respondent's actions constitute violations of the standards of practice as promulgated at W. Va. Code R. § 26-4-3.9 and 3.10 pursuant to W. Va. Code § 30-10-11(n).

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 § 30-10-11.

3. That the Board has defined unprofessional conduct by adopting the standards of practice at W. Va. Code R. § 26-4-1 *et seq.* and violations of these standards of practice may be grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-10-11(n).

4. That the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.



CONSENT OF LICENSEE

I, Babette Simms, 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 unprofessional and unethical and a violation of the Rules of the Board.

The Respondent, Babette Simms, by affixing her 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 her actions and conduct towards the Complainant, and the treatment of the Complainant's five month old puppy. The Respondent's actions were unprofessional.
2. Respondent shall reimburse the Board for the costs of these proceedings, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation



and disposition of this case up to two thousand dollars (\$2,000.00). This reimbursement shall be paid within three (3) months from the entered date of this *Consent Agreement and Order*.

3. 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.

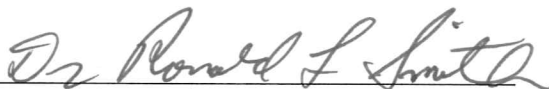
4. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

5. 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. Ronald L. Smith

President

Entered:

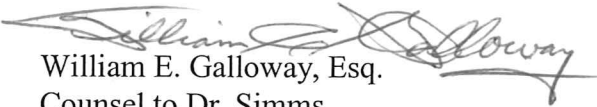
4/1/08

DATE

Reviewed and agreed to by:


Babette Simms, Respondent

4/28/08
DATE


William E. Galloway, Esq.
Counsel to Dr. Simms

APRIL 24, 2008
DATE