

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

**WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE,**

**COMPLAINANT,**

**v.**

**CASE No. 0518A**

**CARRIE WEHR, DVM,  
VETERINARIAN LICENSE NO. 35-2012,**

**RESPONDENT.**

**CONSENT AGREEMENT AND ORDER**

After due investigation of allegations received in a written complaint, the West Virginia Board of Veterinary Medicine ("Board") determined there was probable cause to believe that Respondent, Carrie Wehr, DVM ("Dr. Wehr"), exhibited unprofessional conduct in the practice of veterinary medicine in violation of certain provisions of W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.* The Board gave Dr. Wehr written notice of the allegations against her and the opportunity to request an administrative hearing under the rules of the Board and the laws of this State. Rather than proceeding to an administrative hearing, the parties have agreed to the entry of this *Consent Agreement and Order* to resolve and dispose of this matter.

**FINDINGS OF FACT**

The Board adopts the following factual findings:

1. Dr. Wehr is a licensee of the Board, holding License No. 35-2012, and therefore is subject to the license requirements of the Board. At all times relevant, Dr. Wehr practiced veterinary medicine at the Tiffany Dlesk Spay-Neuter Clinic in Moundsville, West Virginia.

2. On or about May 2, 2018, the Board received a written complaint from Christine Shriver ("Ms. Shriver"), President of The Road Home Animal Project, regarding the veterinary care that a foster dog named Kit received from Dr. Wehr at the Tiffany Dlesk Spay-Neuter Clinic on March 15, 2018.

3. Ms. Shriver's complaint alleges that Kit was presented to the Tiffany Dlesk Spay-Neuter Clinic for a neuter procedure. Following the surgery, Dr. Wehr informed the volunteer who was picking up Kit that she "couldn't find the testicle on Kit and she thought she cut the spermatic cord but it was in fact the ureter instead. [Dr. Wehr] then decided to remove the kidney rather than try to repair it or contact us so that we could have the option of taking the dog somewhere for repair." Ms. Shriver further alleges that Dr. Wehr "said people can live with one kidney and so can dogs" and to "take [Kit] home, give a little food, water and a dark room to recover."

4. Kit was taken to his foster home and then to Town and Country Animal Hospital in Wheeling, West Virginia, for further treatment. Ms. Shriver alleges that Kit's discharge papers did not indicate which kidney was removed and what medications he was given, and that such information was needed during his treatment at Town and Country Animal Hospital. During a telephone call to obtain this information, a representative of the clinic questioned why Kit was taken to another facility and further stated that someone should have just returned to the clinic on the morning following surgery for additional pain medication, if necessary.

5. In addition to certain of Kit's medical records, Ms. Shriver attached to her complaint a letter from Town and Country Animal Hospital. It is reported in this letter that the hospital received Kit on the evening of March 15, 2018, at which time he was "shaking, pale, and depressed." Further, "Kit was not sent home with antibiotics or pain medication" and "[t]here

were no additional recommendations for anything pertaining to the nephrectomy” in the post op instructions. Kit was treated and monitored at Town and Country Animal Hospital and eventually discharged on March 17, 2018 with several medications. According to the letter, records related to Kit’s neuter procedure, dated March 16, 2018 and received at Town and Country Animal Hospital, were not provided to Kit’s caregivers.

6. Dr. Wehr responded to Ms. Shriver’s complaint by letter dated March 17, 2018, with certain of Kit’s medical records enclosed.<sup>1</sup> In her response, Dr. Wehr explains that Kit was examined prior to surgery, found to be cryptorchid, and the risks of surgery were discussed with his caregiver. Dr. Wehr also describes the surgery, including her consultation with a colleague regarding Kit’s kidney and the removal thereof. Dr. Wehr states in her response that she assumed Kit’s caregivers were informed of his surgery complications when they called to check on him and that the “go home instructions were made by my receptionist and were not complete with complications listed.” Dr. Wehr also outlines her post-surgery communications with Kit’s caregivers, including discussion of pain medication, and with persons at Town and Country Animal Hospital.

7. Denise Nally (“Ms. Nally”), Director of the Tiffany Dlesk Spay-Neuter Clinic, also responded to Ms. Shriver’s complaint by letter dated March 17, 2018. In her letter, Ms. Nally describes Kit’s surgery, with which she assisted, and her discussions with the person who picked up Kit. Ms. Nally states that she stressed to this person that Kit should be kept in his crate overnight, should not be bothered except for bathroom duties, and should only be given a very limited amount of food and water. Ms. Nally further states that Dr. Wehr spoke with Kit’s

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<sup>1</sup> This letter, which was not received by the Board until June 4, 2018, bears the notation “This document is being prepared at the direction of counsel in anticipation of possible litigation.”

caregiver by telephone and that she talked with the caregiver later that evening regarding the pain medication Kit received.

8. The Board's Complaint Committee reviewed Ms. Shriver's complaint, the responses of Dr. Wehr and Ms. Nally, and the medical records and other documents submitted therewith, and found probable cause to believe that Dr. Wehr failed to properly communicate with Kit's caregivers and failed to send Kit home with necessary medications and instructions regarding the same, in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.e, 26-4-3.10, 26-4-5.1.a, and 26-4-5.1.c.2.

9. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaint, responses, and accompanying documents, the Board, by majority vote at its Board meeting on October 15, 2018, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Dr. Wehr.

10. The Board issued a *Complaint and Statement of Charges* informing Dr. Wehr that it had found the existence of probable cause at its October 15, 2018 Board meeting.

#### CONCLUSIONS OF LAW

1. Dr. Wehr is a licensee of the Board, holding License No. 35-2012, and is therefore 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. Dr. Wehr was notified of the allegations against her pursuant to the rules of the Board and the laws of this State.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-10-19 and W. Va. Code R. §§ 26-1-8, 26-4-3, and 26-4-5. Such conduct is therefore grounds for disciplinary action.

#### CONSENT OF LICENSEE

I, Carrie Wehr, by signing this *Consent Agreement and Order*, 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 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, Carrie Wehr, by affixing her signature hereto, agrees to the following Order.

**ORDER**

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

1. Dr. Wehr is hereby REPRIMANDED for her actions in this matter.
2. Within six months from the date of entry of this order, Dr. Wehr shall complete one hour of Board-approved continuing education on the subject of pain control and three hours of Board-approved continuing education on the subject of communication, and then submit to the Board a certificate of completion or other documentary proof of successful completion. These four credit hours of continuing education will NOT count toward the continuing education requirements for license renewal.
3. Within six months from the date of entry of this order, Dr. Wehr 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. 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 of Dr. Wehr's license to practice veterinary medicine in the State of West Virginia.
5. This document is a public record as defined in West Virginia Code § 29B-1-2(4). 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.
6. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

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: 12-13-18  
Date

REVIEWED AND AGREED TO BY:

Carrie Wehr  
Carrie Wehr, DVM  
Respondent

12-8-18  
Date

This day personally appeared before me, Carrie Wehr, 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 8<sup>th</sup> day of December, 2018.

My Commission expires: October 30, 2020

Melanie Sue Carpenter - Notary Public  
Notary Public



MELANIE SUE CARPENTER  
Notary Public  
In and for the State of Ohio  
My Commission Expires October 30, 2020 Page 7 of 7