

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE No. 0520B

**JENNIFER STOUT, DVM,
VETERINARIAN LICENSE NO. 9935,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Jennifer Stout, DVM (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that she has violated certain provisions of W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in this matter.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT

1. Respondent is a licensee of the Board, holding License No. 9935, and at all times relevant, practiced veterinary medicine at Town & Country Animal Hospital (“Hospital”) in Wheeling, West Virginia.

2. On or about May 22, 2020, the Board received a written complaint and supporting documentation from Amy Heath (“Ms. Heath”) regarding the veterinary care that her dog “Dixie” received from Respondent at the Hospital.

3. Ms. Heath’s complaint states that “Dixie had begun to experience loose stool in 2018, diarrhea, eventually weight loss, blood in stool and ultimately was found to have a large penetrating mass in her retroperitoneum/peritoneum passing through the intestinal wall, septic abdomen and IMHA anemia resulting in the euthanasia of my precious baby at Pittsburgh Veterinary Specialty & Emergency Center in Washington, PA on 5/4/2020.” The complaint includes a detailed timeline of Dixie’s symptoms and Ms. Heath’s visits to and communications with the Hospital beginning April 9, 2018 and ending May 19, 2020.

4. By letter to Respondent dated May 22, 2020, the Board transmitted a copy of Ms. Heath’s complaint and requested that Respondent file a written response thereto within 30 days.

5. The Board received Respondent’s written response on or about June 22, 2020, which included Dixie’s medical records. In her response, Respondent detailed Dixie’s presentment and treatment at the Hospital dating back to October 6, 2016. Respondent reports that

she personally saw Dixie only on February 21, 2020 and April 22, 2020. Respondent states, “While I was sad to hear about Dixie’s passing, I firmly believe that I acted to the best of my abilities in the diagnosis and treatment of this patient within the limitations placed by the client. . . I recommended diagnostics on April 22 and Ms. Heath declined them.” Respondent denies Ms. Heath’s allegations that Dixie’s medical records were altered.

6. The Board’s Complaint Committee reviewed Ms. Heath’s complaint, Respondent’s response thereto, and the medical records and other documents submitted therewith, and found probable cause to believe that Respondent failed to maintain complete and consistent patient medical records, including lack of documentation of a thorough physical and diagnostic examination to include vitals and lack of patient medical history, 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.b, 26-4-5.1.c, and 26-4-5.2.a.

7. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaint, response, and accompanying documents, the Board, by majority vote at its meeting on July 31, 2020, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 9935, and is therefore subject to the license requirements and disciplinary rules 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. Respondent does not contest that the Board has probable cause to charge her with one or more violations of the Board's governing statutes and rules based upon its investigation and findings in this matter.

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

The Respondent, Jennifer Stout, 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. Within 90 days from the date of entry of this Order, Respondent shall complete three hours of Board-approved continuing education on the subject of medical recordkeeping and then submit to the Board a certificate of completion or other documentary proof of successful completion. These three credit hours of continuing education will not count toward the continuing education requirement for license renewal.

2. Within 90 days of completing the continuing education requirements set forth in the immediately preceding paragraph, Respondent shall submit to the Board for its review a total of five patient medical records completed and maintained by her in the course of her practice.

3. Within 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. 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.

5. This document is a public record as defined in W. Va. 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.

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: 10-2-2020
Date

REVIEWED AND AGREED TO BY:

Jennifer Stout DVM
Jennifer Stout, DVM
Respondent
9/29/20
Date

This day personally appeared before me, Jennifer Stout, 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 29th day of September, 2020.

My Commission expires: 3/10/2023

Michelle E. Ilovar
Notary Public

