

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF VETERINARIAN MEDICINE, *Complainant,*

v.

ROBERT STEWART DVM, Licensed Veterinarian, *Respondent.*

Complaint No. BVM0611A

ORDER SUSPENDING RESPONDENT'S
VETERINARY MEDICINE LICENSE

Pursuant to West Virginia Code § 30-1-8(e)(1), the West Virginia Board of Veterinarian Medicine (hereinafter "Board") hereby immediately suspends the veterinary license of Robert D. Stewart D.V.M., (hereinafter "Respondent") on the basis that his continued practice constitutes an immediate danger to the public. This Order is based on the following:

1. The Board is a state agency created by West Virginia Code § 30-10-1, *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.
2. Respondent is a licensed veterinarian with the license number of #532, and is currently practicing in or about Morgantown, West Virginia.
3. Dr. Stewart had a complaint filed with the Board against him on April 19, 2011. Another complaint was filed against him by a different client on May 5, 2011.
4. The Board determined in reviewing both the April and May 2011 complaints that the actions of Dr. Stewart and/or his staff with his permission were inappropriate and compromising to the best interests of the patients in these cases. Furthermore, The Board finds that Dr. Stewart's actions in these cases constituted negligence and

unprofessional conduct.

5. In case 0411A, Dr. Stewart authorized a member of his staff to administer an anesthetic to the patient and this patient was under sedation from this anesthetic without the veterinarian being present.

6. Also, in case 0411A, Dr. Stewart failed to examine the animal prior to sedation as required in CSR§26-4-4.6.D of the W.Va. Code of State Regulations.

7. Case 0511A involved an animal presented with a diagnosis from a previous veterinarian of diabetes and kidney failure. To be compatible with current veterinary standards for veterinary practice, blood testing to evaluate the patient's renal function as well as blood glucose level should have been performed during treatment of the patient by Dr. Stewart.

8. The Board finds Dr. Stewart's actions and professional judgments are in violation of the minimum standards of practice as stated in CSR§26-4-4.1.

9. Following the two complaints that were filed in April and May, 2011, the Board has received information that Dr. Stewart has continued to practice veterinary medicine under conditions where his health status may be presently compromised. This has lead the Board to conclude that patients treated by Dr. Stewart may be at risk. Dr. Stewart's authorizing staff members that are not licensed veterinarians to perform services and procedures which constitute the practice of veterinary medicine on patient's places those patients also at risk.

10. The Board is authorized to suspend or revoke a license without prior hearing if "the person's continuation in practice constitutes an immediate danger to the public." See, W. Va. Code § 30-1-8(e)(1).

11. The seriousness of the allegations cannot be understated. The Board is charged by the Legislature with the responsibility to protect the health, safety and welfare of the public and animals through its regulation of the practice of veterinary medicine. The Board must weigh the competing principles of their duties to protect from the type of conduct alleged in this complaint with ensuring due process to its licensees. The seriousness of the allegations is cause for the Board to determine that it cannot bear the risk of allowing Respondent to practice veterinary medicine.

12. Dr. Stewart shall have 48 hours from the time of service of this Order to clear all current cases that he is presently treating either in hospital or as outpatients.

13. Dr. Stewart must supply some means for his clients to obtain medical records on their pets following this suspension. This may be through allowing staff to provide such records to the clients or other means, such as a recording instructing the clients on how they may acquire their records in a timely fashion.

14. Dr. Stewart may hire another veterinarian with a current and unrestricted license to practice veterinary medicine in West Virginia to provide veterinary care at Dr. Stewart's veterinary facility while Dr. Stewart does not have the authority to practice veterinary medicine in this state.

15. ACCORDINGLY, in this case, the Board finds that Respondent's continued practice of veterinary medicine constitutes an immediate danger, which warrants the immediate suspension of his license pursuant to West Virginia Code § 30-1-8(e)(1).

ORDER

Effective upon the entry of this Order, the Respondent's veterinary license shall be SUSPENDED until such time as the Board convenes an administrative hearing and renders a Final Administrative Order regarding its decision on the continuation of Dr. Stewart's license to practice veterinary medicine in West Virginia. Respondent is directed to surrender his veterinary license immediately upon receipt of this Order.

ENTERED this 9th day of June, 2011.

A handwritten signature in cursive script, reading "Wanda Goodwin". The signature is written in black ink and is positioned above a horizontal line.

WANDA GOODWIN
EXECUTIVE DIRECTOR
W. VA. BOARD OF VETERINARY MEDICINE