

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,**

v.

Case No. 0817A

**AMY KEITH, D.V.M.,
Veterinarian License Number: 9214
Respondent.**

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine ("Board") determined that there was probable cause to believe that Amy Keith ("Respondent") has exhibited unprofessional 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 at W. Va. Code R. § 26-1-1 *et seq.* The Respondent was provided with written notice of the allegations against him 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 0817A 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 Amy Keith is a licensee of the Board with license number 9214 and is subject to the license requirements of said Board. Moreover, that all times relevant to this Complaint that the Respondent held an active license issued by this Board.
2. 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. 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 §§ 30-10-5 and 30-10-19.
4. That on or about August 7, 2017, the Board received a written complaint from Anita Young, complaining about the care and treatment of her dog, JoJo, by the Respondent.
5. That the Respondent at all times relative to this Complaint practices veterinary medicine at Valley West Veterinary Hospital, in Charleston, West Virginia.
6. That the written complaint alleged that Ms. Young brought JoJo into Valley West and was seen by the Respondent on March 25, 2017. JoJo had been vomiting the day before and continued to vomit on March 25, 2017, along with having diarrhea. Ms. Young expressed a concern over JoJo eating dental treats and wanted the Respondent to take x-rays.
7. Respondent elected to perform subcutaneous injections of Ondansetron IV and Cerenia and Penicillin and did not take abdominal x-rays at that time.

8. Ms. Young was instructed to watch JoJo and if his condition worsen to take him to the Animal Emergency Clinic and a copy of the bloodwork was given to Ms. Young.

9. The Respondent called to check on JoJo's condition later on March 25, 2017, and Ms. Young indicated that the vomiting had stopped for the time being. Ms. Young was again instructed should JoJo's condition change to take him to the emergency clinic.

10. Ms. Young brought JoJo back to Valley West Veterinary Hospital on Monday, March 27, 2017, with diarrhea, but no vomiting; however, JoJo was not eating at that time.

11. The Respondent ran additional bloodwork and placed JoJo on supportive care during the day with IV fluids, nausea and pain medication along with antibiotics.

12. X-rays were taken by the Respondent on Monday, March 27, 2017, which indicated that object was found to be lodged in JoJo's abdomen. An ultrasound was also performed at the request of Ms. Young.

13. Surgery was scheduled the next day on Tuesday, March 28, 2017.

14. Respondent discovered upon performing the surgery that extensive damage had been done to the small intestine by the object. At that time, Respondent consulted with another veterinarian regarding the damage and options. Respondent then called Ms. Young and explained the extensive damage that the object had caused to the small intestine and offered a referral to Ohio State. After discussion, it was decided that euthanasia would be performed while JoJo was still under anesthesia.

15. Respondent did file a timely response to these allegations which included medical records for the dog.

16. Respondent stated that her immediate concern was gastroenteritis and as far as the dental treats causing an obstruction that was not a concern since they are edible. JoJo also responded well to the initial treatment.

17. However, the Respondent stated that JoJo's condition worsen over the next 48 hours and additional diagnostics were necessary.

18. Upon review of this matter by the Board's Complaint Committee, it was found that the Respondent violated the standard of care by failing to take x-rays upon initial presentation of a dog with a history of vomiting and diarrhea and the owner's concern for foreign body inspection and failing to perform surgery in a timely fashion.

19. That those acts described above, demonstrate that the Respondent violated the standard of care while treating JoJo. If these events are proven to be true, the actions would constitute conduct, practices or acts in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. § 26-1-9.1.e. and W. Va. Code R. § 26-4-4.1.

20. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its Board meeting on October 6, 2017, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Amy Keith.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional 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 § 30-10-19(g)(3).

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

5. The Respondent's actions as outlined in the *Findings of Fact* constitute conduct, practices or acts in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. § 26-1-9.1.e. and W. Va. Code R. § 26-4-4.1.

CONSENT OF LICENSEE

I, Amy Keith, 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 a violation of the Board's governing statute and rules.

The Respondent, Amy Keith, 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 his actions in this case matter.
2. Respondent shall complete and provide proof of successful completion of six (6) hours of Board approved continuing education hours in Internal Medicine, specifically gastroenterology and radiology no later than six months from entry of this *Consent Agreement and Order*. These six (6) hours are in addition to the required continuing education hours needed to maintain Respondent's veterinarian license.
3. 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 violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in further disciplinary action against the Respondent.
5. 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.
6. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).
7. 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: John P. Wilson
Dr. John Wilson
Chairman

Entered: 12-7-17
Date

Reviewed and agreed to by:

Amy Keith
Dr. Amy Keith, Respondent

12/4/17
Date

Albert Dunn, Jr.
Albert Dunn, Jr., Esquire
Counsel for Respondent

12/4/17
Date