

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

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

v.

CASE NO. 0817B

**TINA M. KEPLINGER,
VETERINARIAN LICENSE NO. 2003-18,
RESPONDENT.**

CONSENT AGREEMENT AND ORDER

After due investigation of allegations received in a written complaint, the West Virginia Board of Veterinary Medicine ("Board") has determined the existence of probable cause to believe that Licensee Tina M. Keplinger ("Dr. Keplinger") exhibited unprofessional conduct in the practice of veterinary medicine in violation of *West Virginia Code* §§ 30-10-1 to 30-10-23 and *West Virginia Code of State Rules* §§ 26-4-1 to 26-4-11. The Board gave Dr. Keplinger 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 the following *Consent Agreement and Order* to resolve and dispose of this matter.

FINDINGS OF FACT

The Board adopts the following factual findings:

1. Dr. Keplinger is a licensee of the Board, holding License No. 2003-18, and is therefore subject to the license requirements of the Board.

2. The Board received a written complaint dated August 20, 2017, from Raymond and Sarah Stark (“Mr. and Mrs. Stark”) complaining about the veterinary care their seven-year-old male Whippet Finn received from Dr. Keplinger after Finn had suffered a traumatic brain injury. The complaint alleged that on July 15, 2017, Finn was chasing a deer and suffered a bad fall while running downhill. Mr. and Mrs. Stark took Finn to the Lost River Animal Hospital, Dr. Keplinger examined Finn, took four x-rays, assessed Finn’s injuries, and treated Finn with fluids for shock and corticosteroids for inflammation. After Finn’s condition stabilized, Mr. and Mrs. Stark took Finn to the Life Center in Leesburg VA for neurological and further emergency care. The veterinarians at the Life Center expressed concern that Dr. Keplinger had administered corticosteroids. After conducting a neurological assessment on Monday, July 17, 2017, the Life Center released Finn. Finn began suffering gastrointestinal distress the next day, on Tuesday, July 18, 2017. The Life Center treated Finn for “corticosteroid administration/overdose,” but his condition deteriorated and he ultimately needed euthanasia.
3. In response to the complaint, Dr. Keplinger reported that she had chosen to use the old steroid protocol rather than the current recommended steroid protocol to treat Finn because of Finn’s severity when he presented. Dr. Keplinger reported that she has “used this protocol countless times prior to the change in recommendation, and several times since the change in recommendation with no ill side effects.” Dr. Keplinger said she thought the old protocol was warranted because of Finn’s dire condition.
4. The Board obtained an expert opinion from Dr. Page E. Yaxley of the Ohio State College of Veterinary Medicine. Dr. Yaxley concluded that the dose of the corticosteroid dexamethasone could have triggered the gastrointestinal effects that Finn suffered after his traumatic injury. The lack of information in Dr. Keplinger’s records of physical/neurologic examination and the care Dr. Keplinger provided “make it impossible to determine if the patient was treated appropriately.” Dr.

Yaxley “would not consider the use of dexamethasone, especially at this dose, to be standard of care for a patient with traumatic injury and hypovolemic shock.”

5. The Board’s Complaint Committee reviewed the complaint, Dr. Keplinger’s response, the medical records and supporting documents, and Dr. Yaxley’s expert opinion, and found that probable cause exists to recommend disciplinary action against Dr. Keplinger. At the January 4, 2018 Board Meeting, the Complaint Committee recommended that the Board make a finding of probable cause. Based on the recommendation of the Complaint Committee, the Board found the existence of probable cause that by administering corticosteroid dexamethasone in the dosage Dr. Keplinger chose, Dr. Keplinger had violated *West Virginia Code* § 30-10-19 and *West Virginia Code of State Rules* §§ 26-1-9 and 26-4-5.1.b.
6. The Board issued a *Complaint and Statement of Charges* informing Dr. Keplinger that it had found the existence of probable cause at its January 2018 Board Meeting.

CONCLUSIONS OF LAW

1. The Board is a state entity governed by *West Virginia Code* §§ 30-10-1 to 30-10-23. It is a regulatory board created for regulating the practice of veterinary medicine under *West Virginia Code* § 30-10-4. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke, impose probationary conditions, or otherwise discipline an individual’s veterinary medicine license under *West Virginia Code* §§ 30-10-5 and 30-10-19 and *West Virginia Code of State Rules* §§ 26-1-9, and 26-2-1 to 26-2-6.
2. Dr. Keplinger is a licensee of the Board, holding License No. 2003-18, and is therefore subject to the license requirements of the Board. The Board has jurisdiction to take disciplinary action against Dr. Keplinger’s license pursuant to the *West Virginia Code* and *West Virginia Code of State Rules* set out in the preceding paragraph.

3. The conduct described above in the *Findings of Fact* section would, if proven, constitute violations of *West Virginia Code* § 30-10-19 and *West Virginia Code of State Rules* §§ 26-1-9 and 26-4-5.1.b. Such conduct is therefore grounds for disciplinary action.
4. After reviewing the complaint, the response, and the supporting documents, and based on the recommendation of the Complaint Committee, the Board found the existence of probable cause that by administering dexamethasone in the dosage Dr. Keplinger chose, Dr. Keplinger had violated *West Virginia Code* § 30-10-19 and *West Virginia Code of State Rules* §§ 26-1-9 and 26-4-5.1.b.

CONSENT OF LICENSEE

I, Tina M. Keplinger, 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. It is therefore considered to be public information, and information regarding this matter is available to any employer, prospective employer, or any other individual who may inquire about the license status.

Tina M. Keplinger, by signing this *Consent Agreement and Order*, agrees to the following:

ORDER

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

1. Dr. Keplinger is hereby REPRIMANDED for her actions in this matter.
2. Within six months after the date of entry of this *Consent Agreement and Order*, Dr. Keplinger will complete three credit hours of Board-approved continuing education on the subject of pharmaceutical or medication administration. These three credit hours of continuing education will NOT count toward the continuing education requirements for license renewal. Dr. Keplinger will submit to the Board a certificate of completion or other documentary proof that she successfully completed the three credit hours of continuing education on the subject of pharmaceutical or medication administration.
3. Within six months of the date of entry of this *Consent Agreement and Order*, Dr. Keplinger will reimburse the Board for all administrative costs it incurred in the investigation and disposition of this case, which will include costs of the investigation, legal fees, and all other reasonable and necessary costs incurred by the Board.
4. 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.
5. Dr. Keplinger understands and acknowledges that the 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 her license to practice veterinary medicine in the State of West Virginia.

6. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: John R. Wilson DVM
Dr. John R. Wilson, Chairman

Entered: 5-16-18
Date

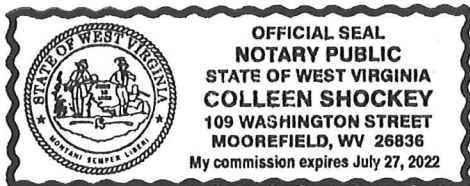
Agreed to by: Tina M. Keplinger DVM
Dr. Tina M. Keplinger, Respondent

5-6-18
Date

This day personally appeared before me, the undersigned authority, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Tina M. Keplinger, whose name is signed to the foregoing document and who is known to me, acknowledged before me on this date that, having reviewed the contents of this document, she executed the document voluntarily on the date shown above. The Affiant verified that the statements in the foregoing instrument are complete, true and correct, to the best of his knowledge, information, and belief.

Given under my hand and seal on this the 6th day of May 2018.

My Commission expires: July 27, 2022



Colleen Shockey
Notary Public