

**BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE  
IN THE MATTER OF: Dr. Lynne Frye    D.V.M. Case No. 0109A**

**CONSENT AGREEMENT AND ORDER**

After due investigation of a verified written complaint, the West Virginia Board of Veterinary Medicine (hereinafter Board) has determined there was probable cause to determine that Lynn Frye D.V.M., (hereinafter Respondent), has exhibited negligence and unprofessional conduct, in violation of W. Va. Code §30-10-1 *et seq.* and the Rules of the Board, 26 C.S.R. §1 *et seq.* The Respondent was provided written notice of the allegations against him pursuant to the rules of the Board and the laws of this State.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of Case #0109A, and the parties agree to the entry of the following Order in disposition of this case:

**FINDINGS OF FACT**

The Board adopts the following findings in this matter:

1. The Board is a state entity created by W. Va. Code §30-10-1, *et seq.*, and is empowered to regulate the practice of veterinary medicine, pursuant to W. Va. Code §30-10-1 *et seq.*
2. Dr. Frye holds a veterinary license issued by the Board, enabling him to practice veterinary medicine in the State of West Virginia, and

is subject to the licensing requirements of said Board. Dr. Frye's West Virginia veterinary license number is #8309.

3. That in carrying out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's license to practice veterinary medicine in this state by authority granted in W. Va. Code §§ 30-1-7 and 30-10-11.

4. That Dr. Lynn Frye, a veterinarian;

A) Is the owner and veterinarian in charge of Gateway Animal Hospital in St. Albans, WV.

B. That a client of Gateway Animal Hospital filed a written complaint against Respondent alleging that she brought her ailing dog to Gateway Animal Hospital on December 5, 2008 around six thirty p.m., with the dog exhibiting inactivity, depression and no appetite. According to the clients' complaint, she was told by the staff veterinarian that her dog had Parvo and she was given the options of euthanasia or hospitalization and treatment, with the client choosing hospitalization and treatment. The client stated that the veterinary facility was dirty and the waiting room cold. She said that each time she visited her dog, these conditions were the same. The client said she was told at each visit to wait for what she felt was a considerable period, until the staff at Gateway Animal Hospital cleaned her dog up. The client further expressed in her complaint that even though the staff was informed by her on several occasions that her dog was wet

and the IV was leaking, nothing was done about it. The client removed her ailing dog from Gateway Animal Hospital on December 9, 2008 and placed it in the care of another veterinary facility, where the dog died two and a half weeks later. The client asserted in her complaint that she felt her dog would likely have survived, had it received appropriate care early on while in the care of Gateway Animal Hospital.

C) Dr. Frye in his response to the charges supplied the medical records on this case as instructed by the Board. He stated that Gateway Animal Hospital is an older building, which makes it difficult to keep warm during cold weather. He said that the staff diligently cleans and disinfects the hospital, and that Gateway Animal Hospital has a good success record on treating Parvo, with this protocol being followed by all doctors and staff at that facility.

#### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction to take disciplinary action against Respondent.

2. That the Board has the power to place on probation, suspend, limit, restrict or revoke any license issued by the Board, or impose civil penalties pursuant to W. Va. Code § 30-10-11 and 26 C.S.R. § 1-9 *et. seq.*.

3. That the Board has defined unprofessional conduct by adopting the standards of practice of 26 C.S.R. § 4-1 *et seq.* and violations of these standards of practice constitute grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-10-11 (n).

4. That the Board has defined under General Professional Ethics in 26 C.S.R. § 4-3.10 that a veterinarian shall exercise the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by reasonable members of the veterinary medical profession.

### **CONSENT**

Dr. Lynn Frye, by affixing his signature hereon, agrees to the following:

1. He is aware of his right to pursue this matter through the appropriate administrative and/or court channels, but intelligently, knowingly and voluntarily waives the right to do so.

2. He has had the opportunity and right to consult with counsel and is exercising this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

3. That no person or entity has made any promise or given any inducement whatsoever to encourage him to sign this settlement other than as set forth herein.

4. He waives any defenses including, but not limited to laches, statute of limitations, and estoppel that he may have otherwise claimed as a condition of this agreement.

5. Respondent admits that his actions and/or the actions of his employees in this case were unprofessional as well as a deviation from the professional standards of humane treatment, and the medical records were insufficient constituting violations of the Rules of the Board.

6. The Respondent, Dr. Lynn Frye, by affixing his signature herein, agrees to the following:

**ORDER**

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent's license is hereby REPRIMANDED.
2. Dr. Lynn Frye shall have his veterinary license placed under one year's probation, effective on the entered date of this Consent Agreement, during which the medical records of Gateway Animal Hospital shall be subject to unannounced inspections by the Board. Any such inspections shall be charged to and paid by Dr. Frye within thirty (30) days of inspection.

3. Dr. Lynn Frye shall complete six (6) hours of classroom continuing education on medical record keeping and records management no later than December 31, 2009. Prior to enrolling in such continuing education course, he must apply to the Board for determination of the course meeting the Board's requirements. Such continuing education shall be in addition to the eighteen (18) hours of continuing education required for annual license renewal. Dr. Frye shall submit sworn confirmation of his attendance in such course to the Board following completion.

4. This Consent Agreement is non-negotiable. Should Respondent determine that he will not accept this settlement offer, the Board shall proceed to other legal remedies authorized by law.

5. Any violations of the conditions of this Consent Agreement shall constitute immediate cause for a hearing to determine if the license to practice veterinary medicine by Dr. Lynn Frye in West Virginia shall be further disciplined, suspended or revoked.

6. The Board shall report the results of all disciplinary actions, including the instant matter to the AAVSB Veterinary Practitioners Disciplinary Database

7. This document is a public record as defined in W. Va. Code §29B-1-2 (4)

8. Dr. Lynn Frye shall sign and return this document to the Board without modification, to be received in the office of the Board no later

than June 11, 2009, or the Board will pursue further action as is deemed appropriate.

9. 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: Ronald L. Smith  
DR. RONALD L. SMITH  
PRESIDENT

Entered: 6/11/09  
DATE

Reviewed and agreed to by:

Lynn Frye  
Dr. Lynn Frye; Respondent

6-9-09  
DATE

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Counsel for the Respondent

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DATE