

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,

v.

Case No. 0908A

PAMELA HARROLD,
Veterinarian License Number: 9412
Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine (hereinafter "Board") determined that there was probable cause to believe that Pamela Harrold (hereinafter "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, W. Va. Code R. § 26-1 *et seq.* The Respondent was provided with written notice of the allegations against her 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 0908A 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 Pamela Harrold is a licensee of the Board with license number 9412 and is subject to the license requirements of said Board.

2. That 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. That 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 §§ 30-1-7 and 30-10-11.

4. That on or about September 3, 2008, the Board received a written complaint from an individual complaining that the Respondent failed to euthanize their animal having paid the required amount for the procedure.

5. That the written complaint alleged that a dog was left with the Respondent, who was in surgery at the time, for euthanasia, and that the Complainants had paid the required fee and completed the appropriate paperwork for the procedure.

6. That approximately two months later the Complainants received a telephone call telling them that their dog was still alive and living at the animal hospital where the Respondent worked and where the Complainants had left the dog to be euthanized.

7. That upon hearing this news the Complainants confronted the Respondent who apologized, but stated that she was unable to complete the euthanasia. The Complainants money was returned to them along with their dog.

8. That the Respondent admits in her Response to the Complaint that she "by not complying with the consent for euthanasia that I deviated from the standard of care."

9. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board at its October 9, 2008, meeting, by unanimous vote, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Pamela Harrold.

10. That the Respondent's actions constitute a violation of W. Va. Code § 30-10-11(n) and W. Va. Code R. § 26-4-3.13.

CONCLUSIONS OF LAW

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

2. That based upon the allegations of unprofessional or unethical 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 § 30-10-11(n).

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

CONSENT OF LICENSEE

I, Pamela Harrold, 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 unprofessional and a violation of the Rules of the Board.

The Respondent, Pamela Harrold, 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 her action of failing to euthanize an animal as agreed by her.

2. The Board is bound by agreement to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

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

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

5. This *Consent Decree and Order* shall be interpreted in accordance with the laws of the State of West Virginia, and venue of any lawsuit filed by any party arising in whole or in part out of this *Consent Decree and Order* shall be in the Circuit Court of Kanawha County, West Virginia, and further that in the event any part of this *Consent Decree and Order* is invalidated by order of a court of competent jurisdiction or by legislative action, the remainder of this *Consent Decree and Order* shall remain in binding effect.

In recognition of this *Consent Agreement and Order* and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

By: Dr. Ronald L. Smith
Dr. Ronald L. Smith
President

Entered: Dec. 7TH 2008
DATE

Reviewed and agreed to by:

Pamela Harrold, DVM.
Pamela Harrold, Respondent

12-1-08
DATE