

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,

v.

Case No. 0916A

RYAN HAGAN,
Veterinarian License Number: 27-2016
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 Ryan Hagan (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 0916A 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 Ryan Hagan is a licensee of the Board with license number 27-2016 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 September 29, 2016, the Board received a written complaint from Terrie L. White, owner of Integrity Racing Stables, complaining about the lack of treatment that one of her horses received while under the care of the Respondent.

5. That the Respondent at all times relative to this Complaint was employed by Wales Veterinary Practice and working at Mountaineer Race Track.

6. That the written complaint alleged that an otherwise healthy two year old thoroughbred filly had been received at Mountaineer Race Track on the evening of September 1, 2015. After a seventeen (17) hour trailer trip, the filly arrived at the Mountaineer Race Track and was walked by its trainer, and it was made sure that the filly was drinking water.

7. On the morning of September 3, 2016, the Respondent, during his rounds examined the filly for the first time after being asked to do so by the horse's trainer. In this examination, the Respondent performed a physical examination of the filly and determined that she appeared somewhat subdued and moved stiffly on her hind end; although, the filly's temperature, pulse rate and respiration were normal and her lungs and heart appeared to be clear. It further appeared that she

was eating and drinking normally. The Respondent believed that the filly was sore from the trailer ride the day before and he gave the filly 10cc of Banamine IV.

8. The Respondent was not contacted by the trainer of the filly, but saw the filly on his morning rounds on September 5, 2016. At this time, he asked how the filly was doing and was told that the filly appeared to still be sore and was not eating. After a physical examination, the Respondent recommend further testing and a referral to a veterinarian clinic that was able to perform an ultrasound; however, the trainer denied the recommendation due to costs restraints. The Respondent then placed the filly on a broad spectrum antibiotics and continued with the Banamine. In the evening of September 5, 2016, the Respondent again examined the filly and determined that her condition had deteriorated as lung sounds could be auscultated on both sides. It was concluded that the filly likely had a respiratory infection. These factual statements, recommendations, and diagnoses are not contained within the Respondent's medical records.

9. On September 6, 2016, the Respondent examined the filly in the morning during his rounds and he determined that the filly's condition had decreased as the filly had a fever, increased respiratory effort and harsh lung sounds in all quadrants. The Respondent again recommended that the filly be referred to an outside veterinary clinic which was again refused by the client. At that time, the Respondent recommended euthanasia. Moreover, the Respondent consulted with another veterinarian at Mountaineer Race Track who provided a second opinion that also included a referral to an outside clinic. The trainer agreed with this recommendation, and the filly was transported to the Equine Specialty Hospital in Burton, Ohio. These factual statements, recommendations, and diagnoses are not contained within the Respondent's medical records.

10. Ultimately, the filly was euthanized after being treated at the Equine Specialty Hospital without success. A diagnosis of pleuropneumonia and shipping fever was made; the filly showed signs of laminitis. Due to the costs of the treatment and unknown prognosis for the filly's return to racing, the decision was made to euthanize the filly.

11. Much of the Respondent's care to the filly was not documented in his medical records including, but not limited to, the filly's medical history, immunization records, and all diagnostic procedures performed.

12. Upon review of this matter by the Board's Complaint Committee, it was found that there were deficiencies in the medical record keeping by the Respondent.

13. That those acts described in Paragraphs 1 through 12 above, demonstrate that the Respondent failed to maintain proper medical records. If these events are proven to be true, the actions would constitute conduct, practices or acts in violation of W. Va. Code R. § 26-4-4.9.a.

14. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its Board meeting on January 9, 2017, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Ryan Hagan.

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 R. § 26-4-4.9.a.

CONSENT OF LICENSEE

I, Ryan Hagan, 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, Ryan Hagan, by affixing his 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 three (3) hours of Board approved continuing education hours in Medical Record keeping and three (3) hours of Board approved continuing education hours in Internal Medicine no later than six months from entry of this *Consent Agreement and Order*.
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. Payment shall be made no later than six months from entry of this *Consent Agreement and Order*.
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 R. Wilson - MVM
DR. JOHN WILSON
PRESIDENT

Entered: 5-23-2017
DATE

Reviewed and agreed to by:

[Signature]
Ryan Hagan, Respondent

5/20/17
DATE

[Signature]
Albert C. Dunn, Counsel to Respondent

5/23/17
DATE