

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,

v.

Case No. 1007A

DR. JOHN S. GODFREY,
Veterinarian License Number: 716
Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine (hereinafter "Board") determined there was probable cause to believe that Dr. John S. Godfrey (hereinafter "Respondent") has exhibited unprofessional and unethical 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, 26 C.S.R. §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 a hearing, the parties have reached an agreement for the resolution of Case Number 1007A 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 Dr. John S. Godfrey is a licensee of the Board with license number 716 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 October 23, 2007, the Board received a written complaint from an individual regarding the treatment that his animal received while in the care of the Respondent.

5. That the written complaint alleged that a six month old English bulldog was taken to the Respondent's veterinary practice on the morning of October 12, 2007 to be spayed. At approximately 8:30a.m., the bulldog was administered an anesthetic by the Respondent with the assistance of the bulldog's owners. After the bulldog was administered the anesthetic, the Respondent questioned the owners about the bulldog's breathing pattern, specifically asking if she normally breathed that loud. The owners stated that she did "snore/snort" while sleeping sometimes "to a certain degree". The owners then left the room and returned home. The owners received a telephone call at home approximately one hour later and were told that their bulldog was dead. Upon arriving at the Respondent's practice to find out what happened, the Respondent stated only that this type of death occurs from time to time, and the bulldog just stopped breathing.

6. The owners stated the Respondent did not perform any pre-surgery laboratory work or any physical examination to the bulldog within the twelve (12) hours preceding Respondent's administration of the anesthetic on the morning of October 12, 2007. Moreover, the owners state that no equipment such as an oxygen tank or resuscitation bags were readily available in the room where the bulldog was placed for the procedure.

7. The Respondent did file a response to these allegations, and stated that the bulldog just suddenly stopped breathing within fifteen minutes of the anesthetic, Pentothal, being administered. The Respondent stated that he could not physically get her breathing nor did a 3ml injection of Doxapram. The Respondent denies making any comments about the bulldog's breathing pattern, and states that the oxygen tank, gas anesthesia machine, and other similar equipment are all kept in the surgery room. Respondent further states that any patients that require monitoring such as with a heart monitor are referred to another facility since the Respondent does not have such equipment. Respondent states that he mentions pre-surgery lab work to patients, but the majority decline such a lab work-up; however, the Respondent does not state what happened in the instant matter.

8. The records indicate that the bulldog was seen once before by the Respondent in June 2007 for a "new puppy check"; however, a physical examination was not performed on the bulldog prior to the administration of the Pentothal on October 12, 2007. The only notation in the records regarding the October 12, 2007, visit state as follows: "Spay. 6cc Pentothal drew up in syringe. 4cc Pentothal was administered died during surgery. 3ml doxapram".

9. That upon recommendation of the Complaint Committee, after reviewing the complaint and Respondent's answer to said allegations, the Board, by unanimous vote, at its March 12, 2008 Board meeting determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Dr. John S. Godfrey.

10. That the Respondent's actions constitute violations of the standards of practice as promulgated at 26 C.S.R. § 4-3.10, § 4-4.3A, § 4-4.6A-D, and § 4-10A pursuant to W. Va. Code § 30-10-11(n).

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 26 C.S.R. § 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, Dr. John S. Godfrey, by affixing my signature hereto, acknowledge the following:

1. That I had the opportunity to consult with counsel and I am executing 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 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, unethical and a violation of the Rules of the Board.

The Respondent, Dr. John S. Godfrey, 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's license is hereby suspended from the practice of veterinary medicine for a period of ninety (90) days effective upon the entered date of the agreement hereto.

2. During this ninety (90) day period of suspension, the Respondent must complete the following requirements prior to license reinstatement:

a. Respondent shall complete fifteen (15) classroom hours of Board approved continuing education which includes nine hours in anesthesia practices and six hours in record keeping practices. These fifteen (15) classroom hours are in addition to the standard requirement of eighteen (18) contact hours that a licensee must complete for license renewal.

b. Respondent shall observe surgery techniques and anesthesia practices for a total of sixty (60) hours at a multiple veterinarian small animal practice in West Virginia as approved for this purpose by Dr. K.W. Gilpin, Board member. Upon completion of the sixty (60) hours of observation, the Respondent shall have the veterinary practice send to the Board a notarized statement detailing the time periods and dates of the Respondent's practice observations.

c. Respondent shall pay the costs of this administrative proceeding, including but not limited to, any legal fees, expert fees, court reporting fees, and Board members expenses associated with the administrative proceeding, as determined by the Board.

3. After the Respondent has successfully completed his ninety (90) day suspension period, the Respondent shall be placed on probation for a period of one hundred eighty (180) days. During which time the Board President, Dr. Ronald Smith, will observe the Respondent's gas anesthetic technique along with his intubation technique during a surgery at the Respondent's place of practice. This observation will be arranged during the first thirty (30) days of the probationary period. Moreover, should the

Respondent have any further violations of the Boards' statutes or rules, the Board may suspend his license to practice veterinary medicine without a hearing. Nonetheless, a hearing shall be scheduled as soon as possible to hear the matter.

4. The Board shall report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

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

6. 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: 2/10/09
DATE

Reviewed and agreed to by:

Dr. John S. Godfrey
Dr. John S. Godfrey, Respondent

1/30/09
DATE

Gregory M. Courtright
Gregory M. Courtright, Esquire
Counsel for the Respondent

1-30-09
DATE