

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE,  
Complainant,

v.

Case No. 1013A

JULIE COLE, DVM  
Veterinarian License Number: 2003-04  
Respondent.

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CONSENT AGREEMENT AND ORDER

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After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine (Board) determined that there was probable cause to believe that Julie Cole, DVM (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 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 1013A 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 Julie Cole, DVM is a licensee of the Board with license number 2003-04 and is subject to the license requirements of said Board. Moreover, Dr. Cole is an owner of Gateway Animal Hospital.
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 October 15, 2013, the Board received a written complaint from an individual complaining of the treatment that her animal had received while in the care of the Respondent.
5. The written complaint alleged that an approximately 11 year old dog had been taken to the Respondent's veterinary practice on May 2, 2013, for problems with arthritis. It was explained to the Respondent that the dog was having trouble getting up from a laying position.
6. The complaint alleged that the Respondent examined the dog and then took radiographs. Respondent determined that the dog needed to be confined for two weeks to immobilize him because of the findings on radiographs and that he needed to be given steroids. Complainant

was unable to restrict the dog at home and elected to have Respondent keep the dog and treat it at Gateway Animal Hospital.

7. The Complainant states that she picked the dog up at Gateway Animal Hospital after 17 days, her bill states that date as May 18, 2013. Complainant states that the dog was no better, he smelled very bad and was urine soaked with sores on his stomach and that the dog had lost a significant amount of weight. The Complaint alleged that the Respondent examined the dog and then took radiographs. Respondent stated that the dog needed to be confined for two weeks to immobilize him because of the findings on radiographs and that he needed to be given steroids. Complainant was unable to restrict the dog at home and elected to have Respondent keep the dog and treat it at Gateway Animal Hospital.

8. The Complainant took the dog to another veterinarian on May 20 where the blood test showed an ALT of over 1,000U/L. Notes on the records indicate "marked mass diminished" and "urine soaked skin".

9. Respondent did file a timely response to these allegations, and states that she did perform a physical examination of the dog. She took radiographs which showed extensive arthritic lesions as well as narrowed intervertebral disc spaces. The Respondent offered to refer the Complainant to another facility for evaluation or to keep the dog at the hospital for strict cage rest, anti-inflammatory doses of corticosteroids and a muscle relaxer. Complainant stated that she would not be able to confine the dog at home and she elected to have the dog stay at Gateway Animal Hospital for treatment.

10. Respondent stated that she treated the dog with prednisone, 1mg/kg BID initially to be gradually tapered. The most recent weight in the medical records which the Respondent provided the Board (39.3lbs.) was recorded on 7/13/11. This weight also appeared on the statement given to the owner at the time of discharge. Based upon this weight, the correct dosage of prednisone would be 1.1mg/kg. Even though there was no record of the weight of the dog during the course of the stay when the dog was presented to another veterinary hospital the day following discharge and the recorded weight at that time was 30 lbs. Based upon this weight, the correct dosage of prednisone would be 1.5mg/kg in the final days of treatment at the Respondent's facility.

11. That at the Board meeting on June 2, 2014, upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by unanimous vote, found probable cause to warrant further proceedings and voted to take disciplinary action against the licensee, Julie Cole.

12. That the Respondent's actions constitute conduct, practices or acts in violation of W. Va. Code §30-10-19(g)(3) and W.Va. Code R. §26-1-9.1.e, § 26- 4-4.2.B, §26- 4.4.1. and § 26-4.4.9A.

#### 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 §30-10-19.

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 §30-10-19(g)(3).

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

5. Respondent failed to provide the proper care and treatment of the patient by dosing a steroid at a level exceeding recommended dose for the indication including a failure to taper the dose administered over the 17 day period that the dog was treated, failure to monitor the dog for weight loss and general condition and failure to keep accurate records. Moreover, these actions constitute conduct, practices or acts in violation of W. Va. Code §30-10-19(g)(3) and W.Va. Code R. §26-1-9.1.e, § 26-4-4.2.B, §26- 4.4.1. and § 26- 4.4.9A.

#### CONSENT OF LICENSEE

I, Julie Cole, by affixing my signature here to, 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, Julie Cole, 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 actions in this matter.
2. Respondent's license is hereby placed on probation for a period of one year effective upon entry of this *Consent Agreement and Order*. During the probationary period, the Respondent shall be subjected to random, unannounced inspections of her veterinary facility to check the clinical status of animals staying at the facility.
3. Respondent shall pay a fine to the General Fund of West Virginia of \$1,000.00 within six (6) months of the date that this Consent agreement is signed.

4. Respondent shall complete nine (9) hours of Board approved continuing education which includes three hours in orthopedic medicine, three hours in pharmacology, and three hours in record keeping practices within twelve (12) months from the entered date of this *Consent Agreement and Order*. These nine (9) hours may be obtained either in person or on-line; however, these nine (9) hours are in addition to the standard requirement of eighteen (18) hours that a licensee must complete for license renewal.

5. Respondent shall reimburse the Board for the costs of these proceedings, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case. This reimbursement shall be paid within twelve (12) months from the entered date of this *Consent Agreement and Order*.

6. Any violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in the immediate suspension of the Respondent's license.

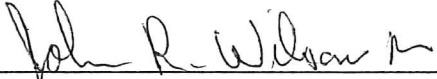
7. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

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

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:   
JOHN R. WILSON, DVM  
Chair

Entered: 8-4-2014  
DATE

Reviewed and agreed to by:

  
Julie Cole, DVM, Respondent

7/30/2014  
DATE