

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,**

v.

Case No. 1016B

**JANE L. DOYLE,
Veterinarian License Number: 9113
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 Jane L. Doyle (“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 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 1016B 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 Jane L. Doyle is a licensee of the Board with license number 9113 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 October 27, 2016, the Board received a written complaint from Pamela Farnham, Board President of the Humane Society of Morgan County ("HSMC"), complaining about the care and treatment of one of the animals received from Morgan County Animal Control. The dog had recently been spayed by the Respondent.

5. That the Respondent at all times relative to this Complaint owns and practices veterinary medicine at her own practice, Animal Veterinary Care, in Berkeley Springs, West Virginia.

6. That the written complaint alleged that an otherwise healthy one year old dog was received at HSMC on September 21, 2016. It is further alleged that the staff at HSMC properly cared and attended to the incision post operatively.

7. That the dog was found on September 25, 2016, to have profuse bleeding at the surgical site. The dog was taken to an emergency clinic in Virginia for treatment, but due to the cost for further surgical intervention HSMC elected to euthanize the dog.

8. Respondent did file a timely response to these allegations which included medical records for the dog.

9. Respondent states that she learned of the dog's death from an Animal Control Officer on September 26, 2016, and that same day she called the HSMC to speak with them about the dog; however, HSMC is closed on Mondays. The Respondent states that she made two more attempts to reach the HSMC, but with no return telephone calls. Respondent states that she had no contact with the dog once it left her practice, and hence no post-operative care was administered by the Respondent.

10. Respondent in her response explained her surgical procedure with the spaying of this dog, and states that she is unsure why there were complications with the dog. Respondent further consulted with an internal medicine specialist to determine what may have caused the post-operative bleeding in this dog.

11. 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.

12. That those acts described in Paragraphs 1 through 10 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.

13. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its Board meeting on April 28, 2017, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Jane L. Doyle.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations as 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 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, Jane L. Doyle, 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 rules.

The Respondent, Jane L. Doyle, by affixing her signature hereon, agrees to the following:

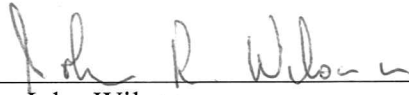
ORDER

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

1. Respondent is hereby REPRIMANDED for her actions in this case matter.
2. Respondent is hereby placed on probation for a period of six (6) months. During this period of probation the Respondent is required to perform the following:
 - a. Respondent shall complete and provide proof of successful completion of two (2) hours of Board approved continuing education hours in Medical Record keeping. These two (2) hours are in addition to the required continuing education hours needed to maintain Respondent's veterinarian license.
 - 1) After successful completion of the two (2) hour medical record keeping course, the Respondent shall provide copies of five (5) medical records to the Board office for review.
3. Any violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in further disciplinary action against the Respondent.
4. 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.
5. That 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.

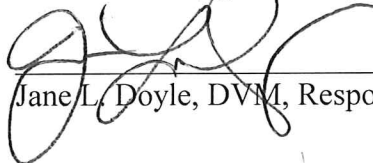
In recognition of this *Consent Agreement and Order* and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE


By: 
Dr. John Wilson
President

Entered: 8-26-2017
DATE

Reviewed and agreed to by:


Jane L. Doyle, DVM, Respondent

August 10, 2017
DATE


William B. Carey, Esquire
Counsel to Respondent

14 Aug '17
DATE