

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

V.

CASE NOS. 1222A, 0323B AND 1023B

**KEVIN HENNESSEY, DVM,
VETERINARIAN LICENSE NO. 8734,**

RESPONDENT.

**SUSPENSION ORDER
AND NOTICE OF HEARING**

The West Virginia Board of Veterinary Medicine (“Board”), a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, pursuant to the authority granted to it by W. Va. Code §§ 30-1-8(e)(1), 30-10-5 and 30-10-19, and by W. Va. Code R. § 26-2-6 to suspend, revoke, or otherwise discipline an individual’s veterinary license, hereby suspends Respondent’s, Kevin Hennessey’s (“Respondent”), license to practice veterinary medicine due to his failure to comply with all provisions of the Consent Agreement and Order executed in Case Nos. 1222A and 0323B.

Alternatively, the Board suspends Respondent’s license to practice veterinary medicine pending resolution of Case No. 1023B, pursuant to the authority granted to it by W. Va. Code §§ 30-1-8(e)(1), 30-10-5 and 30-10-19, and by W. Va. Code R. § 26-2-6, as the Board finds that Respondent’s continuation in the practice of veterinary medicine constitutes an immediate danger to the public.

The following reasons support the Board’s decision:

1. On or about September 6, 2023, the Board and Respondent executed a Consent Agreement and Order resolving Case Nos. 1222A and 0323B. The Consent Agreement and Order is incorporated by reference and attached hereto as Exhibit 1.

2. Paragraph 1 of the Consent Agreement and Order placed Respondent on probation for a period of two (2) years beginning on the date of entry of the Order and subjects Respondent to certain Board supervision requirements. (Ex. 1 at p. 9). In pertinent part, paragraph 1.b. of the Consent Agreement and Order provides: “[i]f during the probationary period, the medical records Respondent submits continue to be insufficient, or if the Board receives one (1) more complaint in which it determines that probable cause exists to charge Respondent with one or more violations of the Board’s governing statutes and rules, the Board will consider more severe action[.]” (*Id.*).

3. On October 31, 2023, the Board received a complaint via e-mail from Lonnie Clary about Respondent’s treatment of the Clary family’s six-month old puppy, “Duke.”¹ The complaint stated that on or about October 2, 2023, Duke appeared to be ill, weak and very lethargic, with his gums and eyelids white. Ms. Clary suspected that Duke had been exposed to the rat poison the family kept under their house and upon immediate consultation with their family veterinarian, Ms. Clary was advised to take Duke somewhere for Vitamin K treatment. Ms. Clary stated that she contacted Proctorville Animal Clinic and was informed that Duke would need to be seen at an emergency room “due to it being a poisoning situation.”

4. Ms. Clary’s husband took Duke to the Tri-State Animal ER where Respondent examined Duke. Ms. Clary stated that her husband informed Respondent what their veterinarian

¹ Although the complaint was submitted to the Board via Mr. Clary’s email address, it was drafted by his wife, Brittany Clary, on behalf of “The Clary Family.”

had suggested, but that Respondent did not provide Duke with Vitamin K. Ms. Clary asserted that Respondent performed a blood clotting test and advised that Duke's blood was within "NORMAL range." Ms. Clary maintained that Respondent also performed a fecal test, which yielded a positive result, and diagnosed Duke with worms, but not poisoning. Duke was prescribed medicine for worms, which the Clary family administered, but that Duke did not show any signs of improvement and ultimately died the next day.

5. On October 31, 2023, the Board sent Respondent correspondence wherein it provided him with the complaint and requested that he respond within thirty (30) days.

6. On November 29, 2023, the Board received Respondent's response to the complaint. Respondent acknowledged that he performed a blood clotting profile to determine if Duke had eaten Vitamin K1 responsive type rat poisoning, and that "[c]lotting times were found to be greater than (>) normal indicating the ingestion of the rat poison." Respondent added that the fecal sample obtained from Duke appeared normal and that he diagnosed Duke with hookworms. Respondent stated that he "posted a note on the chart prescribing a course of vitamin K1 and hook wormer," but maintained that the assistant failed to record this information in the chart. Respondent further stated that "[o]nce the chart is out of my hands and passed on I have to rely on an assistant to complete the details." Finally, the Respondent stated that "[t]here was no go home instruction sheet sent home."

7. Based upon documents and information obtained pursuant to the Consent Agreement and Order, it is believed that Respondent has failed to comply with paragraph 1.b. of the Consent Agreement and Order by not maintaining sufficient and complete medical records.

8. Because the Board found, on December 4, 2023, that probable cause existed to pursue disciplinary action, Respondent violated paragraph 1.b. of the Consent Agreement and

Order. The violations that resulted in the finding of probable cause include the following: failure to provide professional standard of care that resulted in a dog dying; failure to maintain adequate patient records, as the records misrepresented lab results; and failure to provide correct interpretation of lab results.

9. Pursuant to paragraph 5 of the Consent Agreement and Order, “[a]ny failure to comply with all provisions in this Consent Agreement and Order shall result in the immediate suspension of Respondent’s license for the remainder of the probationary period and may lead to additional disciplinary action, up to and including the further suspension or revocation of Respondent’s license to practice veterinary medicine in the State of West Virginia.” (Ex. 1 at pp. 10-11).

10. Accordingly, Respondent’s license to practice veterinary medicine is hereby **SUSPENDED** effective immediately for failure to comply with all provisions of the Consent Agreement and Order. Alternatively, Respondent’s license to practice veterinary medicine is hereby **SUSPENDED** effective immediately because his continuation in the practice constitutes an immediate danger to the public.

NOTICE OF HEARING

You are hereby notified that a hearing is scheduled for March 27, 2024 at 9:00 a.m., at the Offices of the West Virginia Attorney General located at 1900 Kanawha Boulevard, East, State Capitol Complex, Building 6, Suite 402, Conference Room B, Charleston, West Virginia, 25305. The hearing will be conducted in accordance with W. Va. Code §§ 29A-5-1 *et seq.* and 30-10-1 *et seq.*, and W. Va. Code R. §§ 26-1-1 *et seq.*

Respondent has the right to present testimony and evidence on his behalf. Respondent may testify as a witness and subpoena other witnesses and documents to present on his own

behalf. Respondent has the right to cross-examine any witnesses who may testify, and Respondent may be represented by an attorney at his own expense.

Dated this, the 4 day of January, 2024.

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: Keith B Berkeley, D.V.M.
Keith Berkeley, DVM