



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
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MINUTES
SEPTEMBER 21, 2023 @ 9:00 AM
STONEWALL RESORT – GAULEY ROOM

Members Present: Dr. Keith Berkeley; Mrs. Monica R. Patton; Dr. Mark Ayers; Dr. Jesse Fallon;
Dr. K.W. Gilpin; Mrs. Jo Long (attended via Google Meeting); Mrs. Amy Meadows;
Dr. Donna Piercy
Members Absent: Dr. Shawn Sette
Non-Members Present: Brandi Legg, Secretary, Dr. Barbara Meade, Investigator; Kent Leonhart, Commissioner of
Agriculture; Joe Hatton, Deputy Commissioner of Agriculture; Matt Wilson, Professor WVU
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:07 am. **Mrs. Meadows** moved to adopt the agenda; seconded by **Dr. Piercy**. So moved.
- II. Dr. Berkeley went over the Mission Statement.
 - The West Virginia Board of Veterinary Medicine protects the health, safety and welfare of the general public and animals of West Virginia through public education, enforcing licensing standards for veterinarians, registered veterinary technicians, certified animal euthanasia technicians and veterinary and euthanasia facilities.
- III. Kent Leonhart, Commissioner of Agriculture; Joe Hatton, Deputy Commissioner of Agriculture; Matt Wilson, Professor WVU spoke about the shortage for large animal veterinarians and discussed RVTs working under veterinarian supervision. They would like to know where the Board stands for telemedicine and letting the RVT do the VCPR. They would like for the Board to consider sponsoring the SAHA on June 24, 2024.

Mrs. Patton moved to go into executive session to discuss disciplinary cases at 10:55 am; seconded by **Dr. Gilpin**. So moved. **Dr. Gilpin** moved to go out of executive session at 12:44 pm; seconded by **Dr. Ayers**. So moved.

Dr. Gilpin moved to go into executive session to discuss disciplinary cases at 3:16 pm; seconded by **Dr. Ayers**. So moved. **Mrs. Meadows** moved to go out of executive session at 3:41 pm; seconded by **Mrs. Long**. So moved.

IV. Disciplinary Committee Report

EXECUTED OR CONSENT AGREEMENTS OFFERED:

- a) Case No.0622E Dr. Norman Wilt
 - Consent Agreement effective December 1, 2022.
 - Within 6 months of Consent Agreement (June 1, 2023)
 - Completed 3 hours of Board approved CE on the subject of medical record keeping related to surgery.

- Within 3 months of completing the CE, submit a total of five 5 patient medical records for cases in which surgery was performed. (May 23, 2023)
 - Completed 3 hours of Board approved CE on the subject of radiology.
 - Completed 3 hours of Board approved CE on the subject of orthopedics.
 - Such hours may NOT be counted as part of the CE requirement for the year 2022 or 2023.
 - Within 3 months of Consent Agreement (March 1, 2023)
 - Reimbursed administrative cost March 2, 2023.
 - The Board facility visit by Dr. Sette.
 - **Mrs. Patton** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Piercy**. So moved.
- b) Case No.0622A Dr. Julia Thomas
- 6-month letter sent 11/21/22.
 - Consent Agreement effective March 23, 2023.
 - Within 3 months of Consent Agreement (June 23, 2023).
 - Complete 3 hours of Board approved CE on the topic of medical record keeping.
 - Within 3 months of completing the CE, submit a total of 5 patient medical records for cases in surgery.
 - Within 3 months of Consent Agreement (June 23, 2023).
 - Reimbursed administrative cost April 13, 2023.
 - Attend the Board's Continuing Education Conference on September 22, 2023.
- c) Case No.1122B
- 6-month letter sent 5/19/23.
 - **Dr. Gilpin** moved to request all medical records, especially anesthesia logs; seconded by **Mrs. Long**. So, moved.
 - **Mrs. Long** moved that because of further information the Board received on this case, to further investigate; seconded by **Dr. Fallon**. So moved.
- d) Case No.0123B Dr. Patrick Masters
- 6-month letter sent 7/17/23.
 - Consent Agreement effective August 1, 2023.
 - Within 3 months of Consent Agreement (November 1, 2023).
 - Complete 3 hours of Board approved CE on the topic of medical record keeping.
 - Within 3 months of completing the CE, submit a total of 5 patient medical records for cases in surgery.
 - Within 3 months of Consent Agreement (November 1, 2023).
 - Reimbursement of administrative cost
- e) Case No.0323C
- 6-month letter required 9/24/23.
 - **Mrs. Meadows** moved to consult with our attorney on a response to the Respondent's attorney letter; seconded by **Mrs. Patton**. So moved.
- f) Case No.1222A and Case 0323B Dr. Kevin Hennessy
- 6-month letter for case 1221A sent 6/21/23.
 - 6-month letter for case 0323B sent 9/17/23.
 - Consent Agreement effective September 6, 2023.
 - Placed on Probation for a period of 2 years (September 5, 2025).
 - During the probationary period, if the medical records continue to be insufficient, or if the Board receives one more complaint in which it determines that probable cause exists to charge with one or more violations of the Board's governing statutes and rules, the Board will consider more severe action.

- Professional behavior and conduct shall be observed by his office manager on a daily basis and be responsible for coordinating with the office manager to have a monthly report submitted to the Board.
- Visited by a Board member or an approved person by the Board at least once per month.
- Supervised by a Board approved supervising veterinarian and be responsible for coordinating with the supervising veterinarian to submit a report to the Board after each visit, including copies of patient records reviewed and verification of such review.
- Within 6 months (March 6, 2024)
 - Complete 6 hours of Board-approved CE on veterinary pharmacy.
 - Complete 3 hours of Board-approved CE on gastrointestinal surgery.
 - Reimbursement of administrative cost.
- **Dr. Piercy** moved to approve Dr. Ayers as the veterinary supervisor and Mrs. Patton as the approved Board member to visit; seconded by **Dr. Gilpin**. So moved.

CE AUDIT DISCIPLINARY

- Within 90 days of Consent Agreement and Order
 - Fine of \$100.00.
 - Reimbursement of administrative cost.
 - Within 6 months of Consent Agreement and Order
 - Complete deficient CE during the calendar year 2023. Such hours may NOT be counted as part of the CE requirement for the year 2023.
 - Submit to a CE audit for calendar year 2024.
- g) Case No.BVMCE0523A Dr. Jessica Anderson
- Consent Agreement and Order effective July 26, 2023.
 - Paid Fine 7/13/23.
- h) Case No.BVMCE0523B Dr. Allison Dascoli
- Consent Agreement and Order effective May 17, 2023.
 - Paid Fine 5/16/23.
- i) Case No.BVMCE0523C Dr. Conrad McCoy
- Consent Agreement and Order effective May 30, 2023.
 - Paid Fine 5/26/23.
- j) Case No.BVMCE0523D Dr. Linda Richards
- Consent Agreement and Order effective June 1, 2023.
 - Paid Fine 6/2/23.
- k) Case No.BVMCE0523E Raschel Pecjak, RVT
- Consent Agreement and Order effective June 7, 2023.
 - Paid Fine 6/5/23.

BOARD CONSIDERATION:

- l) Case No.0622B (Chewy Case) (Original complaint received 8/2/22)
- 6-month letter sent 1/31/23.
 - 18-month letter required 2/2/24.
 - In a civil litigation and for the Board to continue monitoring.
- m) Case No.0622D (Chewy Case) (Original complaint received 8/2/22)
- 6-month letter sent 1/31/23.
 - 18-month letter required 2/2/24.
 - In a civil litigation and for the Board to continue monitoring.

- n) Case No.0423C (Original complaint received 4/26/23)
 - 6-month letter required 10/26/23
 - 18-month letter required 10/26/24
 - Consideration of Disciplinary
 - **Dr. Gilpin** moved that after deliberation, to find no probable cause; seconded by **Dr. Piercy**. So moved. **Dr. Ayers** abstained from the vote because the Respondent works at a facility that he is part owner. The small animal complaint committee recused themselves and left the meeting during the vote.
- o) Case No.0823A (Original complaint received 8/17/23)
 - 6-month letter required 2/17/24
 - 18-month letter required 2/17/25
 - **Dr. Gilpin** moved to find no probable cause; seconded by **Dr. Piercy**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- p) Case No.0823B (Original complaint received 8/17/23)
 - 6-month letter required 2/17/24
 - 18-month letter required 2/17/25
 - **Dr. Piercy** moved to find no probable cause; seconded by **Dr. Gilpin**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- q) Case No.0823C (Original complaint received 8/17/23)
 - 6-month letter required 2/17/24
 - 18-month letter required 2/17/25
 - **Dr. Gilpin** moved to find no probable cause; seconded by **Mrs. Patton**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- r) Case No.0823D (Original complaint received 8/24/23)
 - 6-month letter required 2/24/24
 - 18-month letter required 2/24/25
 - Pending Response from Respondent.
- s) Case No.0823E (Original complaint received 8/28/23)
 - 6-month letter required 2/28/24
 - 18-month letter required 2/28/25
 - Pending Response from Respondent.

V. Approval of Minutes

- a) **Dr. Piercy** moved to approve the July 31, 2023 minutes; seconded by **Mrs. Patton**. So moved.
- b) **Dr. Piercy** moved to approve the August 1, 2023 minutes; seconded by **Mrs. Patton**. So moved.

VI. Reports

- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
- b) P-Card Quarterly Charges
 - March – June 2023 provided at last Board Meeting
- c) A Complaint Committee meeting was held on September 21, 2023.
- d) Executive Director Quarterly Report
 - April 1 – June 30, 2023 provided at last Board Meeting

VII. The Board answered submitted questions from the CE Conference registrants.

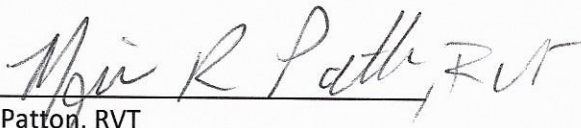
VIII. New Business

- a) The Board discussed the Practice Act changes and will further discuss at the next Board meeting.
- b) The Board discussed "tele-triage" and requested it be removed from the revised Practice Act.
- c) **Dr. Gilpin** moved that the VTNE students can test 8 months prior to graduation as long as they are attending an accredited VTNE school; seconded by **Dr. Ayers**. So moved.

- d) Trish discussed the inconsistency of the euthanasia reports and requested it be removed from the revised Practice Act.
- e) The Board tabled to approving the revised Disciplinary Procedures until they receive clarification from our attorney.
- f) Trish and Dr. Berkeley will be attending the Auditor's Conference on November 2, 2023. If any other Board member would like to attend, they will contact Trish.
- g) Trish discussed the per diem rate has increased to \$200; however, she is getting more clarification of the law.
- h) The Board discussed the strategy and goals for 2023 and requested to add the following:
 - Continue to explore a way to communicate and support the licensee for areas of improvement in their practice.
 - Explore the possibility of communicating for letters of improvements.
 - Consistent penalties for complaint cases.
 - Newsletter article discussing veterinary technician title protection.
- i) The Board discussed the Board's presentation for the CE Conference on September 22, 2023

IX. Next Board Meeting January 4, 2024 at the Greenbrier Resort.

X. The Meeting was Adjourned at 3:44 pm.



Monica R. Patton, RVT
Secretary-Treasurer