



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
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MINUTES
JULY 15, 2022 @ 9:00 AM
CHARLESTON, WV

Members Present: Dr. John Wilson; Dr. Keith Berkeley; Mrs. Monica R. Patton; Dr. Mark Ayers;
Dr. Shawn Sette
Members Present via Meet: Dr. Jesse Fallon; Mrs. Amy Meadows
Members Absent: Mrs. Jo Long
Non-Members Present: Brandi Legg, Secretary
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:07 am.
- II. Dr. Wilson went over the Mission Statement.

Dr. Ayers motioned to go into executive session to discuss disciplinary cases at 9:08 am; seconded by Dr. Sette. Motion carried.

Mrs. Patton motioned to go out of executive session at 11:10 am; seconded by Dr. Ayers. Motion carried.

- III. There was no Public Comment.

IV. Disciplinary Committee Report

EXECUTED OR CONSENT AGREEMENTS OFFERED:

- a) Case No.0121A Gary Brown (Original complaint received 1/20/21 18 months – 7/20/22)
 - 6-month letter dated July 13, 2021.
 - Consent Agreement effective January 13, 2022.
 - Within 3 months of Consent Agreement (April 13, 2022)
 - Reimbursed administrative cost March 21, 2022.
 - Completed 3 hours of Board-approved CE on the subject of medical record keeping March 28, 2022.
 - Within 90 days of completed 3 hours of Board-approved CE on the subject of medical recordkeeping, submit a total of 5 patient medical records. Received medical records April 19, 2022.
 - Board consideration of anesthesia monitoring sheet and instruction sheet for home care given for medical records for patients Beans and Dexter.
 - Dr. Berkeley motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by Mrs. Patton. Motion carried.
- b) Case No.0421B Todd Shockey
 - 6-month letter dated October 6, 2021.
 - Consent Agreement effective November 1, 2021.
 - Within 3 months of Consent Agreement (February 1, 2022)
 - Reimbursed administrative cost December 1, 2021.
 - Completed 3 hours of Board-approved CE on the subject of medical record keeping January 4, 2022.

- Within 90 days of completed 3 hours of Board-approved CE on the subject of medical recordkeeping, submit a total of 5 patient medical records.
 - Board consideration of surgical medical records to include presurgical exam, anesthesia log, anesthesia monitoring, and take-home instructions and to provide suggestions to clean up the assessment language in the medical records.
 - **Dr. Berkeley** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Patton**. Motion carried.
- c) Case No.0821A & 0821B Dr. Thomas McMahon
- Consent Agreement effective April 1, 2022.
 - Placed on Probation for a period of 12 months (March 31, 2023)
 - Submit 4 medical records every month.
 - If during the probationary period, the medical records submitted continue to be insufficient, or if the Board receives 1 more complaint in which determines that probable cause exists to charge with one or more violations, the Board will consider more severe action.
 - Visited by a Board member or a person approved by the Board at least once a month, to assist with compliance with the Board's regulations.
 - Attend the Board's CE seminar on the topic of medical record keeping held on September 23, 2022. Such hours may NOT be counted as part of the CE requirement for the year 2022.
 - Within 6 months (October 1, 2022)
 - Complete 3 hours of Board-approved CE on the subject of anesthesia. Such hours may NOT be counted as part of the CE requirement for the year 2022.
 - Reimbursement of administrative cost.
 - Dr. Wilson discussed the May and June on-site visits. The Board requested a letter to be sent to Dr. McMahon notifying him that on the next on-site visit random patient records will be pulled and reviewed.
- d) Case No.1021A & 1021B Dr. Timothy Knotts
- Consent Agreement effective March 22, 2022.
 - Attend the Board's CE seminar on the topic of medical record keeping held on September 23, 2022.
 - Within 3 months of Consent Agreement (September 22, 2022)
 - Reimbursed administrative cost June 14, 2022.
 - Within 90 days of attending the Board's CE seminar, submit a total of 5 patient medical records (November 23, 2022).
- e) Case No.1021F Dr. Laura Means
- Consent Agreement effective April 29, 2022.
 - Within 6 months of the Consent Agreement (October 29, 2022)
 - Complete 3 hours of Board approved CE on the subject of medical record keeping.
 - Complete 3 hours of Board approved CE on the subject of dental surgery/extraction.
 - Complete 3 hours of Board approved CE on the subject of anesthesia.
 - Such hours may NOT be counted as part of the CE requirement for the year 2022.
 - Within 3 months of Consent Agreement (July 29, 2022)
 - Reimbursement of administrative cost.
 - Within 3 months of completing the CE, submit a total of five 5 patient medical records.
- f) Case No.1121A Dr. Matthew Faulkner
- Consent Agreement effective April 20, 2022.
 - Within 6 months of the Consent Agreement (October 20, 2022)
 - Complete 3 hours of Board approved CE on the subject of medical record keeping. Such hours may NOT be counted as part of the CE requirement for the year 2022.
 - Within 3 months of Consent Agreement (July 20, 2022)
 - Reimbursed administrative cost June 7, 2022.
 - The Board reviewed the five patient medical records.
 - **Dr. Berkeley motioned** that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Patton**. Motion carried.

- g) Case No.1121B Dr. Kathryn Bucks
 - Consent Agreement effective April 20, 2022.
 - Within 6 months of the Consent Agreement (October 20, 2022)
 - Complete 3 hours of Board approved CE on the subject of medical record keeping. Such hours may NOT be counted as part of the CE requirement for the year 2022.
 - Within 3 months of Consent Agreement (July 20, 2022)
 - Reimbursed administrative cost June 7, 2022.
 - The Board reviewed the five patient medical records.
 - **Dr. Berkeley** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Patton**. Motion carried.
- h) Case No.1221B (Original complaint received 12/13/21 18 months – 6/13/23)
 - Pending Consent Agreement
- i) Case No.BVMCE0522A
 - Pending Consent Agreement
- j) Case No.BVMCE0522B
 - Pending Consent Agreement
- k) Case No.BVMCE0522C
 - Pending Consent Agreement
- l) Case No.BVMCE0522D
 - Pending Consent Agreement
- m) Case No.BVMCE0522E
 - Pending Consent Agreement
- n) Case No.BVMCE0522F
 - Pending Consent Agreement
- o) Case No.BVMCE0522G
 - Pending Consent Agreement
- p) Case No.BVMCE0522H
 - Pending Consent Agreement
- q) Case No.BVMCE0522I
 - Pending Consent Agreement
- r) Case No.BVMCE0522J
 - Pending Consent Agreement
- s) Case No.BVMCE0522K
 - Pending Consent Agreement
- t) Case No.BVMCE0522L
 - Pending Consent Agreement

BOARD CONSIDERATION:

- u) Case No.0222A (Original complaint received 2/18/22 18 months – 8/18/23)
 - **Dr. Berkeley** motioned to find probable cause and to offer a Consent Agreement; seconded by **Dr. Wilson**. Motion carried. Because Mrs. Patton is a coworker with the Respondent, she recused herself and left the meeting from the vote. The small animal complaint committee recused themselves and left the meeting from the vote.
- v) Case No.0322C (Original complaint received 3/17/22 18 months – 9/17/23)
 - **Dr. Berkeley** motioned to find probable cause and to offer a Consent Agreement; seconded by **Mrs. Patton**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- w) Case No.0322D (Original complaint received 3/17/22 18 months – 9/17/23)
 - **Dr. Berkeley** motioned to not find probable cause; seconded by **Mrs. Patton**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- x) Case No.0322E (Original complaint received 3/25/22 18 months – 9/25/23)
 - **Dr. Berkeley** motioned to not find probable cause; seconded by **Mrs. Patton**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.

- y) Case No.0522A (Original complaint received 5/3/22 18 months –11/3/23)
 - **Dr. Berkeley** motioned to not find probable cause; seconded by **Mrs. Patton**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- z) Case No.0522B (Original complaint received 5/11/22 18 months – 11/11/23)
 - **Dr. Berkeley** motioned to not find probable cause; seconded by **Dr. Wilson**. Motion carried. Because Mrs. Patton is a coworker with the Respondent, she recused himself and left the meeting from the vote. The small animal complaint committee recused themselves and left the meeting from the vote.
- aa) Case No.0622A (Original complaint received 6/3/22 18 months – 12/3/23)
 - **Dr. Berkeley** motioned to further investigate; seconded by **Dr. Wilson**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- bb) A Board initiated Complaint for Case No. 0622B is pending.
- cc) The Board discussed an anonymous complaint and requested to get Joanne’s, attorney, advice.

V. Approval of Minutes

- a) **Dr. Berkely** motioned to approve the April 29, 2022 minutes; seconded by **Mrs. Patton**. Motion carried.

VI. Reports

- a) The Board accepted and reviewed the treasurer’s report and itemized object codes which will be filed for auditing.
- b) **Dr. Berkely** motioned to approve the P-Card Charges May 17, 2021 –June 16, 2022; seconded by **Dr. Ayers**. Motion carried.
- c) The Complaint Committee met on July 13, 2022.
- d) Trish provided the total cost for the CAET Initial Certification in December 2021 and the CAET CE training in April 2022.
- e) The temporary suspension of §26-4-5.1.c.1. requiring an in-person physical examination has been lifted per the Board’s request because it is no longer needed since the telehealth law went into effect on June 8, 2022.
- f) Trish communicated to Thentia that there would be no payment unless there was more movement on the database. Since then, Thentia has been producing work and having regular meetings.
- g) There was no quarterly mobile clinics for the Board to review.
- h) Executive Director Report
 - The Board reviewed the facility inspection list from April 1 – June 30, 2022.
 - The Board reviewed the applications approved by Executive Director and statistics from April 1 – June 30, 2022.

VII. The Board Responded to Public Questions.


VIII. New Business

- a) **Dr. Berkeley** motioned to adjust Dawn’s, Inspector, pay to accommodate with her social security benefits if she is not paid more than \$20,000 a year (because of social security limits); seconded by **Dr. Sette**. Motion carried. v
- b) The Board discussed Chapter 30 revisions suggested by the committee of Dr. Sette, Mrs. Patton, Dr. Harper, and Trish and will review additional revisions and decide for the revisions at the next board meeting.
- c) The Board discussed the Legislative Post Audit on Chapter 30 Boards. The Board wants to investigate getting the .gov domain and to change the code to accept an anonymous complaint. Trish will work on Series 2 to make these revisions and the Board will review at the next board meeting.
- d) The Board discussed that pursuant §30.10.24.b.5.c. an animal could be treated in an animal shelter for emergency conditions; such as parvovirus, upper respiratory infection, panleukopenia, etc. via telemedicine without an existing veterinarian-client patient relationship.
- e) The Board discussed that pursuant to §30.10.24.b.5., tele-triage service to a WV patient would need to be a WV Registered Veterinary Telehealth Practitioner and a veterinarian-client-patient relationship is required for providing veterinary care in the State of West Virginia via telehealth services.
- f) Registered Veterinary Telehealth Practitioner registration number will start with 01-2022 VTP.

- g) The Board discussed the AG's response that letters of concern are prohibited because the concern/advice given therein amounts to the Board making findings without providing the licensee due process. If the Board is concerned enough to comment on an aspect of the licensee's practice, the Board should address it in a complaint.
- h) The Board discussed the Record Keeping training being held September 23.
- Another conference room with a live feed has been added.
 - The WVVMA is still working on a presenter.
 - The Board approved purchasing folders for handouts.
 - The Board approved providing practice act booklets for all attendees.
- i) The Board agreed to ask for stakeholder's comments for the Board's Medical Recordkeeping Guidance document. The Board will have a Google Meet prior to the training to consider stakeholders comments.
- j) **Dr. Berkeley** motioned to no longer require mobile reports; seconded by **Mrs. Patton**. Motion carried.
- k) AAVSB Annual Meeting September 14-17, 2022
- Trish and Dr. Wilson will be attending, and the cost will be paid by AAVSB because they are on committees.
 - Dr. Fallon, Dr. Berkeley, and Mrs. Patton will get back with Trish if they are able to attend.
- l) The Board discussed the AAVSB Bylaw Resolutions.
- m) The Board approved Animalia Facility sink location for surgery room and exam room and the freezer location.
- n) **Dr. Berkeley** motioned to approve the AVMA Specialties; seconded by **Dr. Ayers**. Motion carried.
- o) The Board discussed Strategy and Goals for 2022.
- p) The Board discussed the Facility Inspection Requirements.
- Controlled substance registers need to have refills listed even if the facility doesn't dispense.
 - Controlled substances in a locked vehicle must also be in a locked container.
- q) The Board discussed that massage services to an animal by a person who is not a WV licensed veterinarian can be done under general supervision of a WV licensed veterinarian.
- r) **Dr. Berkeley** motioned to approve the purchase of additional Inspector shirts; seconded by **Dr. Ayers**. Motion carried.
- s) **Dr. Berkeley** motioned to allow veterinary candidates to retake the NAVLE as many times as needed; seconded by **Dr. Ayers**. Motion carried.
- t) **Dr. Berkeley** motioned to keep officers and committees the same; seconded by **Dr. Ayers**. Motioned carried.
- Dr. Wilson, Chairman
 - Dr. Berkeley, President Elect
 - Mrs. Patton, Secretary-Treasurer
 - Dr. Ayers, Dr. Sette, and Mrs. Meadows, Small Animal Complaint Committee
 - Dr. Berkeley, Large Animal Complaint Committee and CE Approval Committee.
 - Dr. Wilson, Dr. Berkeley, Dr. Sette, and Mrs. Patton, Rule Making Committee.
 - Dr. Fallon, CAET Educator

IX. The next Board Meeting will be at Stonewall on September 22, 2022.

X. The Meeting was Adjourned at 4:11 pm.



Monica R. Patton, RVT
Secretary-Treasurer