



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
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MINUTES
APRIL 28, 2023 @ 9:00 AM
DANIELS, WV

Members Present: Dr. Keith Berkeley; Mrs. Monica R. Patton; Dr. Jesse Fallon; Dr. K.W. Gilpin; Mrs. Jo Long;
Mrs. Amy Meadows; Dr. Donna Piercy; Dr. Shawn Sette
Members Absent: Dr. Mark Ayers
Non-Members Present: Brandi Legg, Secretary, Dr. Barbara Meade, Investigator
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:04 am. Mrs. Meadows moved to adopt the agenda; seconded by Dr. Sette. 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. Dr. Beecher Watson spoke to the Board about his NBE test scores from 1982.

Mrs. Meadows moved to go into executive session to discuss disciplinary cases and employee evaluations at 9:04 am; seconded **Dr. Sette**. So moved.

Dr. Fallon moved to go out of executive session at 12:31 pm; seconded by **Dr. Sette**. So moved.

IV. Disciplinary Committee Report

EXECUTED OR CONSENT AGREEMENTS OFFERED:

- a) 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.
 - Attended 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)
 - Completed 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.

- Reimbursed administrative cost November 15, 2022.
 - **Mrs. Long** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Meadows**. So moved.
- b) Case No.1221B Dr. Mark Music
- Consent Agreement effective September 7, 2022.
 - Attended the Board's CE seminar on the topic of medical record keeping held on September 23, 2022.
 - Within 90 days of attending the Board's CE seminar, submit a total of 5 patient medical records for cases in surgery. (December 23, 2022).
 - Within 3 months of Consent Agreement (December 7, 2022)
 - Reimbursed administrative cost 10/21/22.
 - Board consideration of patient medical records.
 - **Dr. Piercy** moved to send a letter to Dr. Music with the Board's findings of the insufficient details of the patient records; seconded by **Mrs. Long**. So moved.
- c) Case No.0322C Dr. Hannah Combs
- Consent Agreement effective September 7, 2022.
 - Representative of the Board conduct an unannounced visit to Help for Animals Spay/Neuter Clinic.
 - Attended the Board's CE seminar on the topic of medical record keeping held on September 23, 2022.
 - Within 90 days of attending the Board's CE seminar, submit a total of 5 patient medical records for cases in surgery. (December 23, 2022).
 - Within 3 months of Consent Agreement (December 15, 2022)
 - Reimbursed administrative cost October 31, 2022.
 - Within 6 months of Consent Agreement (March 7, 2023)
 - Completed 3 hours of CE on the subject of cardiopulmonary resuscitation (CPR).
 - Dr. Meade went over the facility visit on 4/18/2023.
 - **Dr. Gilpin** moved that based on the facility visit and the submitted patient records, to send a letter to Dr. Combs with the Board's findings of the insufficient details of the patient records; seconded by **Dr. Fallon**. So moved.
- d) Case No.0622E Dr. Norman Wilt
- Consent Agreement effective November 28, 2022.
 - Within 6 months of Consent Agreement (May 28, 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.
 - 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 (February 28, 2023)
 - Reimbursed administrative cost March 2, 2023.
 - **Mrs. Meadows** moved to send a letter to Dr. Wilt with the Board's findings of the insufficient details of the patient records; seconded by **Dr. Piercy**. So moved.
- e) 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).
 - Reimbursement of administrative cost.

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 2022. Such hours may NOT be counted as part of the CE requirement for the year 2022.
 - Submit to a CE audit for calendar year 2023.
- f) Case No.BVMCE0522A Dr. Amy Chronister
- Consent Agreement and Order effective August 16, 2022.
 - Paid Fine 8/16/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- g) Case No.BVMCE0522C Dr. Sierra Guynn
- Consent Agreement and Order effective August 16, 2022.
 - Paid Fine 8/10/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- h) Case No.BVMCE0522D Dr. Rick Jenkins
- Consent Agreement and Order effective August 16, 2022.
 - Paid Fine 8/10/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- i) Case No.BVMCE0522E Dr. Thomas Overbay
- Consent Agreement and Order effective August 16, 2022.
 - Paid Fine 8/4/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- j) Case No.BVMCE0522F Dr. Justine Saville
- Consent Agreement and Order effective August 16, 2022.
 - Paid Fine 8/18/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- k) Case No.BVMCE0522G Dr. Alan Sharpton
- Consent Agreement and Order effective September 7, 2022.
 - Paid Fine 8/19/22.
 - Compliance to CE audit for calendar year 2023.

- **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- l) Case No.BVMCE0522H Dr. Laura Slack
 - Consent Agreement and Order effective August 16, 2022.
 - Paid Fine 8/4/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- m) Case No.BVMCE0522I Dr. Susan Smith
 - Consent Agreement and Order effective August 16, 2022.
 - Paid Fine 8/11/22.
 - Did not renew license.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- n) Case No.BVMCE0522K Olivia Nelson, RVT
 - Consent Agreement and Order effective September 7, 2022.
 - Paid Fine 9/1/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.
- o) Case No.BVMCE0522L Kristin Snider, RVT
 - Consent Agreement and Order effective September 15, 2022.
 - Paid Fine 9/9/22.
 - Compliance to CE audit for calendar year 2023.
 - **Dr. Gilpin** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. So moved.

BOARD CONSIDERATION:

- p) 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.
- q) 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.
- r) Case No.1122B (Original complaint received 11/21/22)
 - 6-month letter required 5/21/23
 - 18-month letter required 5/21/24
 - **Mrs. Long** moved to find probable cause and to offer a Consent Agreement; seconded by **Dr. Gilpin**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- s) Case No.1222A (Original complaint received 12/28/22)
 - 6-month letter required 6/28/23
 - 18-month letter required 6/28/24
 - **Dr. Fallon** moved to table this complaint since there is still a pending response; seconded by **Dr. Piercy**. So moved.
- t) Case No.1222B (Original complaint received 12/30/22)
 - 6-month letter required 6/30/23
 - 18-month letter required 6/30/24

- **Mrs. Patton** moved to not find probable cause; seconded by **Mrs. Long**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- u) Case No.0123A (Original complaint received 1/4/23)
 - 6-month letter required 7/4/23
 - 18-month letter required 7/4/24
 - **Mrs. Patton** moved to further investigate; seconded by **Dr. Fallon**. So moved.
- v) Case No.0123B (Original complaint received 1/10/23)
 - 6-month letter required 7/10/23
 - 18-month letter required 7/10/24
 - **Mrs. Long** moved to find probable cause and to offer a Consent Agreement; seconded by **Dr. Piercy**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- w) Case No.0323A (Original complaint received 3/9/23)
 - 6-month letter required 9/9/23
 - 18-month letter required 9/9/24
 - **Dr. Fallon** moved to not find probable cause; seconded by **Dr. Piercy**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- x) Case No.0323B (Original complaint received 3/17/23)
 - 6-month letter required 9/17/23
 - 18-month letter required 9/17/24
 - **Dr. Gilpin** moved to table this complaint since there are still pending responses; seconded by **Mrs. Long**. So moved.
- y) Case No.0323C (Original complaint received 3/24/23)
 - 6-month letter required 9/24/23
 - 18-month letter required 9/24/24
 - **Dr. Fallon** moved to find probable cause and to offer a Consent Agreement; seconded by **Dr. Piercy**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- z) The Board discussed veterinary renewals with adverse actions from another jurisdiction.
- aa) **Dr. Sette** moved to send a letter to the non-licensee accused of practicing equine dental; seconded by **Mrs. Meadows**. So moved.

V. Approval of Minutes

- a) **Mrs. Long** moved to approve the January 5, 2023 minutes; seconded by **Dr. Piercy**. 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) **Dr. Sette** moved to approve the P-Card Charges December 17, 2023–April 16, 2023; seconded by **Mrs. Long**. So moved.
- c) The Complaint Committee meeting was held April 28, 2023.
- d) Series 2 went into effect on March 1, 2023.
- e) Trish provided the 2023 legislation outcome.
- f) Trish discussed that Thentia is still not live; however, there has been some movement.
- g) The Board discussed the new Boardable system.
- h) Trish provided a summary of the FARB Conference.
- i) Dr. Piercy provided a summary of the Board Basics & Beyond Training.
- j) Trish provided a summary of the AAVSB Executive Director Meeting.
- k) Trish provided a summary of the Expo Conference.
- l) The CAET CE was held on April 20, 2023.

- m) The CAET Certification training will be held on October 6-8, 2023 in Morgantown.
- n) Wvbm.gov website has been approved but will not go live until the database providers are ready for the change.
- o) The Board reviewed the facility inspection list from December 1 – March 31, 2023. The Board ratifies the application and renewals approved by the staff. The Board reviewed the applications approved by the Executive Director and statistics from December 1 – March 31, 2023.

VII. The Board Responded to the Public Questions.

VIII. New Business

- a) **Mrs. Long** moved to give a \$1.00 raise and the Governor raise to Brandi, give the Governor raise to Trish, and to give Dawn, Inspector, a raise of \$1,240.00 (maximum amount for her social security); seconded by **Dr. Gilpin**. So moved.
- b) **Mrs. Long** moved to approve the laptops purchase; seconded by **Mrs. Patton**. So moved.
- c) **Mrs. Meadows** moved to offer Consent Agreements to the veterinarians and RVTs that were in non-compliance of the CE Audit; seconded by **Mrs. Patton**. So moved.
- d) **Mrs. Long** moved to accept the proposed Roberts Rules changes for future board meetings; seconded by **Mrs. Patton**. So moved.
- e) **Dr. Piercy** moved to accept the revised Election of Officers Procedures; seconded by **Dr. Fallon**. So moved.
- f) Pursuant to §26-1-4.9, Dr. Watson was only required to pass the NBE because he graduated from veterinary school before 1993. The Board agreed that Dr. Watson's national test scores are approved.
- g) The Board discussed the Chapter 30 Revisions. Trish will add reciprocity and provisional language for the Board to review at the next Board meeting.
- h) The Board responded to the Series 2 public comment received after the comment period that the prior notary on the complaint form was only to provide proof of the actual person signing the complaint and not an oath of truth and another reason is to remove barriers for disabled individuals to access to a notary.
- i) The Board discussed Series 4 Immunization Clinic language.
- j) **Mrs. Patton** moved that an RVT or an assistant, under general veterinarian supervision, may do boosters if the animal is healthy enough to receive the vaccine and there is a VCPR; seconded by **Dr. Fallon**. So moved. Regarding the 2nd case where veterinary facilities are not providing VCPR prior to vaccine, **Dr. Gilpin** moved to request if the veterinarian would like to make a formal complaint for the information provided to the Board. If they do not want to make a formal complaint, then the Board will initiate a complaint; seconded by **Mrs. Long**. So moved.
- k) **Mrs. Meadows** moved to send a letter to the groomer that's accused of dental cleaning and dental extractions; seconded by **Dr. Piercy**. So moved.
- l) **Mrs. Long** moved to have a September 21, 2023 Board meeting at Stonewall Resort since it's the day before the Board's CE training; seconded by **Dr. Gilpin**. So moved.
- m) The Board agreed to include virtual attendance for the CE training on September 22, 2023; however, anyone that attends virtually, will not receive CE credits. Dr. Piercy will be contacting an instructor that may be able to provide an anesthesia monitoring presentation. The Board also requested Law versus Rules presentation.
- n) **Monica** moved approve to the revised Inspection Requirements for new ownership facilities; seconded by **Sette**. So moved.
- o) **Mrs. Long** moved to approve the revised Record Keeping Guidance; seconded by **Dr. Sette**. So moved.
- p) The Board approved the reception area for VIP Petcare in Martinsburg.
- q) The Board discussed that veterinary facilities with peeling paint in the kennels must be repainted or covered by an impervious material.
- r) **Dr. Piercy** moved that best practice is that CAETs shall use sedation drugs prior to euthanizing; seconded by **Mrs. Long**. So moved.
- s) The Board agreed to include the use of Naloxone for humans in next newsletter.
- t) **Mrs. Long** moved to allow the Executive Director to sign Consent Agreements for CE Audit deficiencies;

seconded by **Dr. Piercy**. So moved. **Mrs. Meadows** moved to approve the revised Disciplinary Processing; seconded by **Mrs. Patton**. So moved.

- u) The Board discussed strategy and goals for 2023.
- v) The Board discussed the option of having a Facebook Posting Policy.
- w) Mrs. Patton will keep working on Complaint Case Disciplinary Points. Once completed, she will provide the point system to the Complaint Committee to apply to current complaint cases.
- x) **Mrs. Meadows** moved to approve the Rental Agreement for \$800 a month; seconded by **Dr. Sette**. So moved.
- y) **Mrs. Patton** moved to approve the FY 2024 Budget; seconded by **Dr. Gilpin**. So moved.
- z) **Mrs. Long** moved to keep officers and committees the same and for Dr. Piercy to be Vice Chair; seconded by **Mrs. Patton**. So moved.
 - Dr. Berkeley, Chair
 - Dr. Piercy, Vice Chair
 - Mrs. Patton, Secretary-Treasurer
 - Dr. Ayers, Dr. Sette, and Mrs. Meadows, Small Animal Complaint Committee
 - Dr. Berkeley, Dr. Sette, Mrs. Meadows Large Animal Complaint Committee and CE Approval Committee
 - Dr. Berkeley, Dr. Sette, and Mrs. Patton, Rule Making Committee
 - Dr. Fallon, CAET Educator

aa) The Board agreed that the CAET euthanasia intake totals for returned animals should not be included in the total and to add a section for a total of returned animals.

IX. The next Board meeting will be July 18, 2023, at Stonewall Resort and there will be a meeting, for the ones who can attend, the day before the Board meeting to discuss spay/neuter clinic and rabies physical exam requirements.

X. The Meeting was Adjourned at 3:50 pm.



Monica R. Patton, RVT
Secretary-Treasurer